



# Public Document Pack

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3 October 2019

## PLANNING POLICY SUB-COMMITTEE

A meeting of the Planning Policy Sub-Committee will be held in **at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Tuesday 15 October 2019 at 6.00 pm** and you are requested to attend.

Members: Councillors Mrs Yeates (Chairman), Jones (Vice-Chair), Bower, Charles, Mrs Daniells, Dixon, Elkins, Huntley, Lury, Northeast, Oppler, Mrs Pendleton, Ms Thurston and Mrs Worne

## A G E N D A

### 1. APOLOGIES FOR ABSENCE

### 2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating :

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

### 3. MINUTES

(Pages 1 - 8)

To agree as a correct record the Minutes of the meeting held on 18 June 2019 (attached).

4. **ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES**
5. **PLANNING POLICY & CLIMATE CHANGE EMERGENCY** (Pages 9 - 20)

This report provides members with the number of options to developing planning policy guidance and Supplementary Planning Documents (SPD) aimed at improving the sustainability of developments compared to the current position. This follows from the Motion agreed at Full Council on 20 July 2019.
6. **PROVISION OF ACCOMMODATION SUITABLE FOR OLDER PEOPLE AND PEOPLE WITH DISABILITIES** (Pages 21 - 72)

Following a four-week consultation (23 May- 20 June 2019) on draft guidance for the provision of 'Accommodation for Older People and People with Disability', this report considers the representation made and proposes the following recommendations in order to adopt the guidance as a material consideration for Development Management purposes.
7. **OPEN SPACE PLAYING PITCHES AND BUILT SPORTS FACILITIES SPD** (Pages 73 - 166)

Following a four-week consultation (2 July to 30 July 2019) on a draft Supplementary Planning Document for Open Space, Playing Pitches and Built Sports Facilities, this report advises members on the representation made and the proposed response. The report makes the following recommendations in order to adopt the guidance as a material consideration for Development Management purposes.
8. **PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT** (Pages 167 - 214)

Following a four-week consultation (2 July to 30 July 2019) on a draft Supplementary Planning Document for Parking Standards, this report advises members on the representation made and the proposed response. The report makes the following recommendations in order to adopt the guidance as SPD to provide a material consideration for Development Management purposes.
9. **HOUSING DELIVERY TEST - ACTION PLAN** (Pages 215 - 240)

In February 2019 the Government published the November 2018 Housing Delivery Test result for Arun. The HDT result was 91% which meant that Arun District Council should

prepare an Action Plan aimed at boosting housing delivery. A draft Action Plan is attached for consideration, and once approved needs to be published on the authority's web site.

Note : Reports are attached for all Members of the Sub-Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

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## PLANNING POLICY SUB-COMMITTEE

18 June 2019 at 6.00 pm

Present: Councillors Mrs Yeates (Chairman), Jones (Vice-Chair), Bower, Charles, Dixon, Elkins, Hughes, Huntley, Lury, Oppler, Mrs Pendleton, Ms Thurston, Dr Walsh and Mrs Worne

Councillors Dendle and Gunner were also in attendance for all or part of the meeting.

### 1. DECLARATIONS OF INTEREST

Agenda Item 5, Adoption of a Policy in Relation to Surface Water in New Development - Councillor Mrs Yeates declared a personal interest as a member of the West Sussex Flood Action Group Forum (WSFAGF). Councillors Dr Walsh, Mrs Pendleton, Oppler and Elkins also declared a personal interest as Members of West Sussex County Council, the lead flood authority.

Agenda Item 6, CIL Draft Charging Schedule Consultation Responses – During the course of discussion on this item, Councillor Elkins declared a personal interest as a Parish Councillor and in his non-pecuniary role on a local Housing Association.

Agenda Item 9, Parking Standard Supplementary Planning Document – Councillor Elkins declared a personal interest as a Member of West Sussex County Council.

### 2. MINUTES

The Minutes of the meeting held on 27 February 2019 were approved by the Subcommittee and signed by the Chairman as a correct record.

### 3. START TIMES

The Subcommittee

RESOLVED

That the start times for meetings for the remainder of the year 2019/20 be 6.00 p.m.

### 4. ADOPTION OF A POLICY IN RELATION TO SURFACE WATER IN NEW DEVELOPMENT

The Engineering Services Manager presented this report which explained the rationale as to why agreement was being sought to adopt the County Council's Policy for the Management of Surface Water. It was felt that, although various guidance

existed on the Arun District Council's website regarding standards, codes of practice, government documents, etc, a single policy document was required to enable the Council to apply a consistent set of standards for dealing with existing systems and new development.

At the present time there was little compulsion upon developers to adopt best practice in respect of surface water management, other than discharging conditions applied to planning approvals. Conditioning was seen as potentially being too late in the process as it was felt that drainage should be considered at the inception of a development proposal, rather than as an afterthought.

The Subcommittee participated in a full debate on the matter and questions were asked and responded to by the Engineering Services Manager, particularly as some Members were not convinced that SuDS (Sustainable Drainage Systems) was the answer to the flooding issues the District was and had been subject to. Advice was given that SuDS was a tool that could be used to address the water drainage issues and that a hierarchy was in place to ensure that the best approach was taken in particular circumstances.

The Planning Policy Team Leader emphasised that there were various policies in the adopted Local Plan, including design, and that a sustainable design guide was in the process of being produced that would cover more detail relating to surface water drainage. What was on the table would be part of a comprehensive package of measures that would also encompass elements in the Local Plan.

Following further discussion, the Subcommittee

#### RECOMMEND TO FULL COUNCIL

That the West Sussex LLFA (Local Lead Flood Authority) Policy for the Management of Surface Water (November 2018 and as updated from time to time) be adopted, particularly but not exclusively in relation to all new development within the Arun District.

#### 5. CIL DRAFT CHARGING SCHEDULE CONSULTATION RESPONSES

As the membership of the Subcommittee had significantly changed since the election of the new administration, the Planning Policy Team Leader gave a brief presentation to introduce Members to the process and advised that the preparation of a CIL (Community Infrastructure Levy) Charging Schedule was justified due to the infrastructure funding gap which had been identified to support the delivery of the Arun Local Plan.

It was explained that the Arun CIL Draft Charging Schedule had been subject to public consultation from 21 March 2019 to 2 May 2019 and the report before Members set out a summary of the representations received to that consultation, together with a schedule of modifications that were required and the reasons. Agreement was being sought to submit the Draft Charging Schedule to the independent Examiner in

accordance with Regulation 19 of the CIL Regulations 2010 (as amended). In addition, the Director of Place had suggested that, for the purpose of clarification, the following amendment be made to the Proposed Statement of Modifications – Modification No. 21 (page 65 of the Agenda, page 7 of the Statement of Modifications) as follows:-

[1] Residential does not include residential institutions, including purpose built student accommodation. **[ADD] Neither does it include development which is covered by a condition that limits it to holiday use only. Where this condition is not applied to static caravans or holiday rental units, these should be considered to be in residential use, or have the potential to be used for residential use.**

In the course of a full debate, within which it was acknowledged that this was an extremely complex subject, Members sought clarification on a number of issues, which included:-

- Payment of a proportion of CIL receipts levied within Towns and Parishes for use in that Town and Parish area – confirmation was given that the CIL Regulations explained that ‘local councils’ with a ‘made’ Neighbourhood Plan would receive 25% of the CIL receipts levied within the local council area. Local councils without a ‘made’ neighbourhood plan would receive 15% of the CIL receipts levied in the area (capped at £100 per house within the local council area). Regulations 59A to 60 of the CIL Regulations 2010 (as amended) provided full details setting out the criteria on what the money could be spent on and when the CIL receipts should be passed to the relevant local councils.
- The difference between the use of S106 and CIL to improve infrastructure in the District was explained and, simply put, would result in CIL having a much wider scope than S106. CIL would replace those infrastructure contributions for off site improvement (except in the case of the strategic housing allocations) whilst S106 itself would continue to be required to deliver on site mitigation measures. Members were advised that CIL would be charged on even the smallest development (including for a development of one dwelling) whereas S106 would not apply to such small developments.
- The impact of CIL on those home owners who wished to alter or extend their properties was discussed. Officers advised that CIL was only charged on extensions where it measured more than 100sqm (net additional floorspace); where an extension was more than 100sqm or a residential annexe was built, the homeowner could apply for a ‘self build’ exemption from paying CIL.
- Whether the viability threshold could be increased – officer advice was given that the figure had been taken from the consultants recommendations which had been based on very in depth calculations. This had been looked at over a number of years and it was felt that the right figure had been set as CIL guidance was clear that CIL should not be set at the limits of viability.

In turning to the additional recommendation put forward at the meeting, Members supported the principle of being able to charge CIL on static caravans or holiday rental units should these be considered to be in residential use or have the potential to be used for residential use. A request was made for further clarification around mobile home and residential use and what was not classed as a building for CIL purposes.

However, it was picked up by Members that purpose built student accommodation was not included in the residential definition and concerns were expressed that should that use change in the future to a residential use, CIL would not be able to then be charged. The Principal Planning Officer gave a response that she would look back at the details within the CIL Regulations 2010 regarding the calculation of chargeable amounts on a change of use to check. Members felt that clarification of the issue would be helpful.

It was acknowledged that a delay to the CIL Charging Schedule process at this stage would significantly delay the likely implementation date of CIL. This would mean that the Council's predicted CIL income might not be achieved and the passing of CIL to Town and Parish Councils would also be delayed. It was therefore requested and agreed that the Chairman would be briefed with further information on these matters for when the item was referred to at the meeting at Full Council on 17 July 2019 to enable Members to come to an informed decision.

#### The Subcommittee

RECOMMEND TO FULL COUNCIL – That, subject to further guidance relating to student accommodation and the status of residential accommodation in a holiday environment,

(1) the Draft Charging Schedule (Submission Version) (the DCS Submission Version) (provided as Background Paper 3 to this report) along with all required supporting documentation, as required, are submitted to the appointed independent Examiner in accordance with Regulation 19 of the CIL Regulations (as amended) ON 31 July, or as close as to that date as possible.

(2) residential does not include residential institutions, including purpose built student accommodation. Neither does it include development which is covered by a condition that limits it to holiday use only. Where this condition is not applied to static caravans or holiday rental units, these should be considered to be in residential use, or have the potential to be used for residential use.

#### 6. OPEN SPACE SUPPLEMENTARY PLANNING GUIDANCE

The Planning Policy Team Leader presented this report which provided the detail for a draft Supplementary Planning Document for Open Space, Playing Pitches, Indoor and Built Sports Facilities. Approval was being sought to the proposed approach and timetable to enable public consultation on the document to be undertaken for 4 weeks from 4 July to 1 August 2019. An additional recommendation was tabled at the meeting for Members consideration as follows:-

“Following consultation, any responses be reported back to the Subcommittee to agree any changes prior to recommending adoption of the OS SPD (Open



Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document) to Full Council.”

The OS SPD would be used to enable developers and Development Management officers to calculate the needs for on-site or off-site forms of provision, according to the demand generated by the scale and type of proposed development, and to negotiate the associated land provision, financial contributions and maintenance costs. It would also include best practice design for open space, playing pitches and indoor sports provision.

In considering the item, discussion centred around how provision was calculated, its siting and how it would be funded, i.e. developer contributions via S106/CIL. The Planning Policy Team Leader responded that the playing pitch calculator for Arun reflected national costs and values indicators consistent with the approach to Sport England’s New Development calculator which was used nationally. Further, the requirements for strategic allocations were already set out in the evidence base for the Local Plan (Infrastructure Capacity Delivery Study) and Open Space, Playing Pitch and Built Facilities strategies. Any additional requirement from the Fields in Trust Standard would be negotiable and would be more relevant to non-strategic sites and windfall, which could build in requirements within the viability of the scheme in relation to CIL. Member comment was also made that, in practice, those matters would be addressed at the planning application stage and the SPD methodology would provide a starting point for negotiation.

The Subcommittee

RESOLVED – That

- (1) the proposed approach and timetable for the public consultation on the draft Open Space, Playing Pitches and Built Sport Facilities Supplementary Planning Document be agreed;
- (2) subject to any further minor changes agreed by the Group Head of Planning, in consultation with the Chairman and Portfolio Holder for Planning, the draft Open space Playing Pitches and Built Sports Facilities Supplementary Planning Document be published for 4 weeks public consultation from 4 July to 1 August 2019.
- (3) following consultation, any responses be reported back to the Subcommittee to agree any changes prior to recommending adoption of the OS SPD (Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document) to Full Council.

## 7. AUTHORITY MONITORING REPORT

In presenting the Authority Monitoring Report (AMR) 2017/18, the Planning Policy Team Leader reiterated that publication of the document had been delayed due to the Government introducing changes to the definition of deliverable sites which was

Planning Policy Sub-Committee - 18.06.19

important for determining the authority's 5 year housing land supply (HSL). The AMR had now been updated to reflect those changes. The AMR was largely consistent with those changes, although additional evidence was now required and would be addressed in the next AMR.

A key element that was highlighted to the Subcommittee was that, with the adoption of the Arun Local Plan (July 2018) the District had a 5.3 year housing land supply (HSL) but that had now reduced to 4.7 as delivery rates and housing trajectories for sites had not progressed as anticipated. The consequence was that policy and decision making would be impacted as, under national policy, there had to be a presumption in favour of sustainable development whereby applications would have to be positively determined provided that they did not conflict with the policies of the NPPF or that adverse impacts significantly and demonstrably outweighed the benefits assessed against the NPPF as a whole in respect of planning applications until a 5 year HSL was achieved.

The Action Plan, to be produced by the end of August 2019, would detail the evidence as to why the HSL was not being met and put forward solutions to improve supply and housing completion projection rates. The solutions found as part of the Action plan should help improve the 5 year HLS as well as the Housing Delivery Test Score. Officers would engage with developers to see whether there were known barriers to development and possible options to overcome them and accelerate planning applications.

In discussing the matter, Members expressed their concern around the housing numbers for the District and the application of a lack of a 5 year HLS to trigger a "presumption" in favour of sustainable development. It was felt that it must be emphasised that the Housing Employment Land Availability Assessment (HELAA) sites detailed in the report as part of the HLS should not automatically be presumed to be able to be granted planning permission, and that non-acceptance of the strategic sites in the Local Plan would put that at risk. Members urged that progress be made on the next AMR and asked officers to consider whether it was possible, or sensible, to bring forward the next reporting date. The Planning Policy Team Leader stated that could be looked into and also confirmed that work was underway and that, whilst there were some signs of improvement in the HLS, that would only be determined on completion of the AMR

The Subcommittee

RESOLVED

That the Authority Monitoring Report 2017/18 be noted.

8. DRAFT ARUN PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT

The Subcommittee received this report from the Group Head of Planning that outlined the proposed policy approach to Parking Standards based on technical

evidence provided by West Sussex County Council and adapted for Arun's circumstances to be subject to public consultation and adoption as Council policy. This Planning Authority wished to achieve clear and more ambitious targets with regard to parking that would be presented in a more user friendly document.

Members engaged in some discussion on the item and comments were made with regard to provision for electric vehicles; parking for disabled users; secure cycle storage; visitor parking on development sites; size of garages; and elimination of garages altogether as it was felt that people did not use them to put their cars in. Clarification was sought on the application of Table 3 and whether number of bedrooms or number of habitable rooms should be simplified to one set of criteria. The Head of Planning Policy agreed to consider that.

Following consideration, the Subcommittee

**RESOLVED – That**

- (1) the proposed timetable and consultation for the preparation of an Arun District Parking Standards Supplementary Planning Document be agreed; and
- (2) subject to any further minor changes (including those signalled in the report) made in consultation with the Chairman, Portfolio Holder for Planning and the Group Head of Planning, the draft Arun District Parking Standards be published for 4 weeks public consultation in the Summer 2019.

(The meeting concluded at 8.30 pm)

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 15 OCTOBER 2019

#### PART A : REPORT

<b>SUBJECT: PLANNING POLICY AND CLIMATE CHANGE EMERGENCY</b>
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<b>REPORT AUTHOR:</b> Kevin Owen, Planning Policy Team Leader
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<b>DATE:</b> September 2019
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<b>EXTN:</b> x 37853
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<b>PORTFOLIO AREA:</b> Planning
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#### EXECUTIVE SUMMARY:

This report provides members with the number of options to developing planning policy guidance and Supplementary Planning Documents (SPD) aimed at improving the sustainability of developments compared to the current position. This follows from the Motion agreed at Full Council on 20 July 2019.

#### RECOMMENDATIONS:

That Planning Policy Sub-Committee recommend to Full Council that: -

1. The Sub-Committee agrees there is a 'climate emergency' and recommends that this is agreed by the Environment and Leisure Working Group and declared by Full Council;
2. Should a Climate Emergency be declared, officers to investigate the scope of evidence necessary to test the feasibility and viability of achieving higher standards of sustainable design and adopting a zero-carbon target by 2030 where achievable;
3. Following consideration of this evidence and testing, officers to prepare a review of the development management policies in the Local Plan or a Supplementary Planning Document.

#### 1. BACKGROUND:

1. On 20 July 2019 Full Council agreed a Motion which asked Planning Policy Sub-committee (PPSC) to make recommendations on the feasibility of developing planning policy guidance (e.g. SPD) to improve the sustainability of developments in Arun compared to the current position. There are 6 specific areas of sustainable design to be considered (see Appendix 1 to this report).

2. The Motion included a further paragraph asking PPSC to make recommendations on the scope for the Council to; declare a climate change emergency; develop a framework and consultancy resources to achieve a carbon neutral district. This could consider providing advice to the community on retrofitting sustainable energy technologies (including scope for retrofitting passive solar energy technology on Council property).
3. A separate complementary report is also to be prepared by the Director of Services via the Environment and Leisure Working Group on 7 November 2019. This will: -
  - scope out the feasibility of, and make recommendations on, setting an appropriate zero-carbon target for Arun District by 2030;
  - identify the corporate service and other joint stakeholder initiatives and actions needed outside of but complementary to the planning system supported by a consultancy budget;

### **The Role of the Planning System**

4. Planning has a positive role to play in helping to address climate change. There is an existing legal duty under various Acts which require planning authorities to address climate change and greenhouse gas reduction through development plan policies. The most significant legislation includes: -
  - Planning & Compulsory Purchase Act 2004 – section 19 (1A) requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”. This will be a consideration when a Local Plan is examined
  - Planning & Energy Act 2008 – permits Local Authorities to impose reasonable requirements on developments to use a proportion of renewable energy, low carbon and decentralised sources of energy, application of energy efficiency standards.
  - Climate Change Act 2008 introduced the Governments stepped 5-year carbon budget targets to achieve 80% on 1990 levels by 2050 and established the Committee on Climate Change to advise on delivery, monitor the targets and also advise the Government on building a low carbon economy and preparing for climate change.

### **Arun Local Plan 2018 – what we are doing already**

5. The Arun Local Plan (2011-2031) was adopted in July 2018 (ALP 2018). This sets out policies which aim to address greenhouse gas emissions, mitigation and adaptation to climate change. In particular,

**Policy D SP1 Design** covers efficient use of land, sustainable design, adaptability, climate change mitigation.

**Policy D DM1 Aspects of Form and Design Quality** covers design, construction technologies new and existing tree planting as integral to development.

**Policy E CC SP1 Adapting to Climate Change** covers location, layout, design to adapt to climate change, increased flooding, extreme temperatures, biodiversity, water stress/efficiency, shading/cooling, solar gain, Green Infrastructure, resilience to extreme weather, capacity of drainage systems and SUDS.

**Policy E CC SP2 Energy and Climate Change Mitigation** covers energy efficiency standards (i.e. those applicable at time of permission), decentralised, renewable and low carbon energy supply and 10% of total predicted energy requirement from low carbon or renewable sources– or allowable solutions where on site not viable/feasible.

**Policy ECC DM1 Renewable Energy** covers economic/social/regen objectives, integration with existing development; appropriate connectivity to distribution system or storage subject to landscape/amenity and heritage impact.

**Policy W DM1 Water Supply and Quality** covers water supply efficiency measure of 110 litre per person per day (optional technical standard (i.e. above Building Regulations standard of 125 l/p/d).

**Policy W DM2 Flood Risk** covers criteria for locating development in areas at risk of flooding defined in the Environment Agencies flood maps and the Arun Strategic Flood Risk Assessment, by applying the sequential and exceptions test (compliant with the NPPF 2012) taking into account climate change, site specific flood risk assessment, Surface Water Management Plans and Catchment Flood Management Plans.

**Policy W DM3 Sustainable Urban Drainage Systems** covers opportunities for SUDS for all sized developments, including private areas source control features, Green roofs, permeability, soakaways, water harvesting (e.g. water butts), achieving same or lesser surface water run off (as before development) and relevant standards (Building Regulations, SUDs manual (CIRIA), BRE etc).

**Policy WM DM1 Waste Management** covers identifying waste arisings from development and opportunities for onsite recovery and reuse and minimising off-site disposal and residential provision for kerb side collection and communal recycling and bin storage and protection of water recycling infrastructure.

6. There are many other interrelated policies within the ALP 2018 which together help to address climate change including the spatial development strategy, sustainable transport and environment and bio-diversity policies etc.
7. Local Plan policies have been evidenced based (including looking at viability impact on development), subject to sustainability appraisal, public examination and found to be sound with Main Modifications. In addition, the policies were found to be consistent with national policy and guidance (e.g. the then National Planning Policy Framework 2012 – NPPF and Planning Policy Guidance - PPG).
8. Further – in order to provides more detailed guidance to developers and householders on the principles of applying these policies and standards, officers recently commissioned the production of a Design Guide Supplementary Planning

Document (SPD) using existing budget provision. The SPD will set out in more detail the principles of applying the sustainable design, energy and climate change policy requirements and best practice. It will outline possible sustainability measures to assist in achieving carbon reduction but it will not set minimum standards above those already contained in the Local Plan.

### **National Planning Policy & Guidance – recent changes**

9. Since the ALP 2018 was adopted, the updated NPPF 2019 has been published alongside several PPG updates. The NPPF 2019 changes have significantly strengthened the requirements for the development plan to tackle emissions, energy and climate change - although viability and feasibility through the plan lead process are still key requirements: -
- Para 148 “...*The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience....and support renewable and low carbon energy and associated infrastructure.*”
  - Para 149 “...*Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should .... ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.*”
  - Para 151 “*To help increase the use and supply of renewable and low carbon energy and heat, plans should: provide a positive strategy for energy from these sources, that maximises the potential for suitable development....and identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*”
  - Para 153 in relation to determining applications states “...a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

### **The Current Challenge**

10. Recently at the national level, in May 2019, MP's endorsed the need to declare a formal climate and environment emergency (without a vote). Other devolved parliaments (e.g. Wales and Scotland) and more than half of local authorities (e.g. Greater London Authority, Manchester, Leeds, Stroud, and more locally - Adur & Worthing, Chichester, Portsmouth, and Brighton and Hove) including the Local Government Association, have declared a climate change emergency. In some instances, outlining an intention to achieve a carbon neutral position within their authority areas by 2030.



11. In June 2019 the Government announced that it will introduce into law a net zero greenhouse gases target to be achieved by 2050 (amending the Climate Change Act 2008) in order to meet obligations, set out in the UN Paris Climate agreement 2016. This means: that emissions from homes, transport, farming and industry will have to be avoided completely or – where particularly difficult, offset by planting trees or removing CO2 out of the atmosphere.
12. Other Government recent initiatives include: -
- ‘The Road to Zero’ (setting out measures to reduce the climate impact of transport through zero emission road vehicles - achieving zero emissions by 2040)
  - Industrial Strategy Grand Challenge (to halve energy use in new buildings by 2030)
  - Future Homes Standard 2025 (make all new build homes energy efficient with low carbon heating and requiring new build beyond 2025 without fossil fuel powered heating)
  - UK Clean Growth Strategy (setting out an intention to deliver growth using clean energy that is low carbon, resilient and smart - reducing emissions from homes and business and reaping benefits in terms of air quality, reduced energy bills, productivity and innovation generating investment, green business and jobs)
13. A Design Guide SPD itself cannot set new policy and standards beyond the scope of the adopted Local Plan policies which are supported by evidence on viability (para 34 and 57, NPPF 2019). However, new policies and standards can be introduced following testing through the plan making process and based on viability evidence (see also PPG Paragraph: 009 Reference ID: 6-009-20150327 2015).
14. Therefore, in order to move beyond the currently adopted Local Plan 2018 policies and standards, the following measures will need to be put in place: -
- a) Government to revise the Building Regulations, for energy efficiency and water efficiency standards to achieve the zero carbon reduction targets and introduction of other associated regulatory and statutory measures;
  - b) Arun will need to prepare a Local Plan Review (and associated SPD) to implement these new sustainable design standards when they are established as evidenced by viability and feasibility studies;
  - c) Arun District Council should commission a study to scope the feasibility and viability of setting a zero-carbon target by 2030 for all new development in Arun District looking at decentralised energy and zero carbon energy opportunities.
15. The approach in 14 c) would require significant additional budget provision. Scoping this may need supplementary work and be procured separately as a development typology study – circa £100k and follow procurement cycles of circa 12-18 months. It is important to note that this work will provide the evidence for a change in policy but cannot change the policy itself. The policies will emanate from this evidence. This work would commence in 2020/21 as there is currently no budget agreed to do this.

16. Whilst the process of commissioning evidence for the purpose of developing planning policy within an SPD or an update to the Development Management policies in the Local Plan. is a stand-alone piece of work, this would sit alongside the proposed work that is set out in the report to the Environment and Leisure Working Group on 7 November 2019, which seeks to create a 'Climate Change Manager' post.
17. Implementing section 14 c) above would therefore, seem prudent in the interim to allow Arun to respond readily and quickly when the legislation and regulation is introduced. It would allow Arun to champion and advocate action by all stakeholders, including through engagement on the evidence preparation in order to encourage early implementation of sustainable design best practice.
18. Examples of the approaches of other authorities reviewing and scoping targets and delivery: -
- Chichester are commissioning work to scope the feasibility of delivering zero carbon targets which could then be applied as evidence though future development plan review and associated SPD.
  - Adur and Worthing have adopted a Design Guide SPD which seeks to deliver standards set within the currently adopted Local Plan and the Harbour Management Plan. The authorities are similarly, commissioning work to scope the feasibility of delivering zero carbon targets to achieve zero carbon by 2030.
  - Brighton & Hove: declared a motion in December 2018 on a Climate Emergency and the need for resources to scope corporate policy and governance delivering a city carbon neutral 2030 target, including measure to enhance biodiversity and seeking Government funding.
  - Portsmouth City Council: considered a motion to declare a climate emergency in March 2019 and seeking to reduce the city's carbon footprint by to zero by 2030 reviewing existing progress, initiatives and the role of Council and other stakeholders (business and community) through setting up a city wide strategy, and a Portsmouth Climate Change Board' and to write to the Government seeking powers and resources.
  - Merton: declared a climate emergency in July 2019 and set an ambitious target to make Merton Carbon Neutral by 2050 with a corporate target of decarbonising Council buildings by 2030. These measures are to be set out in a 'Climate Change Action Plan' on how the targets are to be achieved;
  - The Greater London Authority - Mayor of London: declared a climate change emergency in December 2018 to look at moving beyond the City target of being carbon zero by 2050 (based on a published Environment Strategy), and how this should be delivered by 2030.
  - Manchester City Council: declared a climate change emergency – an existing city climate change action plan ('A Certain Future') with a 10 year target reduction of emissions 41% by 2020 is being overseen by an independent

steering group and is aimed at all stakeholders (existing communities, agencies and public bodies).

### **Options to deliver higher standards**

19. Having regard to the above, the section below outlines the potential options for this committee for each of the points 1-6 in the Motion agreed by Full Council:-

#### **1. Guidance on renewable energy (both passive & active) for individual homes.**

- Passive heating/cooling measures are supported by adopted ALP 2018 policies DM1; ECC SP1 and ECC SP2. However, compliance with standards is determined in relation to the current Building Regulations (policy ECC SP2);
- Active heating/cooling measures (i.e. solar conversion to heat or electrical energy, fans or pumped mechanical heat distribution) are supported by adopted policy ECC SP2 and ECC DM1. A 10% renewable energy target is specified for major development (i.e. residential development of 10 or more dwellings or 0.5 ha and other development of 1,000 sqm or 1 ha).

### **Options to delivery higher standards**

- i. Under section 14 c) above, commissioning a development typology feasibility and viability study, based on major developments set out within the Local Plan but testing delivery of zero carbon by 2030.

#### **2. Improved standards for insulation, heat recovery and water usage.**

- This consideration is addressed through passive measures and policy/standards - the higher optional technical standard for water efficiency is currently applied - compliance is determined in relation to the current building regulations (policy ECC SP2).

### **Options to delivery higher standards**

- ii. Under section 14 c) above, scope the feasibility and viability to achieve greater water efficiency through best practice looking at zero carbon by 2030.

#### **3. Guidance for community renewable energy schemes**

- The ALP 2018 already states (supporting text 13.5.2) that the Council will support community and businesses to respond to climate change via 'Climate-Local' – a local commitment to action looking at carbon reduction/energy efficiency measures.
- The commissioned Design Guide will be able to encourage best practice aimed at all stakeholders.

### **Options to delivery higher standards**

- iii. The report to be prepared by the Director of Services via the Environment and Leisure Working Group seeks to obtain agreement for a Climate Change Manager post to be created. This post will look at preparing an Action Plan for Council activities in order for them to be carbon neutral by 2030.

#### **4. Guidance on designs for waste/recycling storage facilities**

- Policy WM DM1 Waste Management makes provision for waste/recycling arising from development, domestic storage facilities and protection of

waste/recycling infrastructure.

- There are no external space standards in the ALP 2018 – but guidance is to be provided within the commissioned Design Guide SPD on the location and early integration within development.
- Waste planning is undertaken by West Sussex County Council (WSSCC) – the West Sussex Waste Local Plan was adopted April 2014 and includes an aspiration to achieve zero waste to landfill by 2031.

#### **Options to delivery higher standards**

- iv. Under section 14 c) above, commissioning a development typology feasibility and viability study, based on major developments set out within the Local Plan but testing delivery of zero carbon by 2030.

#### **5. Guidance on the planting of woodland which can be both a mitigating and resilience action in terms of carbon sequestration and reducing the rate of surface water run - off and thereby reducing the flooding impact of severe rainfall.**

- The ALP 2018 policies D SP1, D DM1 and ECC SP1 support tree planting as integral to development and the requirement to consider flooding, drainage and SUDS, biodiversity, including extreme temperatures and shading for example, as part of climate change mitigation and sustainable design.
- The commissioned Design Guide will provide guidance on principles of using existing natural resources and features, landscape structure and trees and how these become integral parts of schemes and guidance on how they can protect and enhance biodiversity within developments. There are no standards for tree planting – as each development will need to be considered according to circumstances, feasibility and viability.

#### **Options to delivery higher standards**

- v. If one of the Council's initiatives through the Action Plan being proposed by the report to the Environment and Leisure Working Group would be the creation of woodland areas, the Climate Change Manager would consider this through their work for the Council as a whole as it is very unlikely that such a measure would be required through the planning process. There could be net biodiversity gain secured through tree planting in accordance with policy ENV DM5.

#### **6. Improved and more rigorous standards for the prevention of flooding**

- The ALP 2018 policies W DM2 and W DM3 address flooding, sequential and exceptions tests, Strategic Flood Risk Assessment, SUDs design and mitigation of climate change.

#### **Options to delivery higher standards**

- vi. Sequential, and exceptions test are set via national policy. However, under 14 c) above - it is open for the authority to commission further research on the risks of climate change in terms of fluvial and coastal flooding with which to inform future spatial planning policy.
- vii. Currently, the Council has evidence of the 100-year climate change model for flood risk plus and allowance of 40%. This is exceptionally robust, and this evidence has supported the preparation of the current Local Plan. The Motion agreed at Full Council in September 2019 refers to this issue. However, it is not

yet clear what is considered to be inadequate about the current evidence. This work will be updated through any Local Plan review in the next few years and the Council can consider standards as a result of this evidence.

### **Risks, Costs, Preferred Approach and Timescales**

20. The preferred approach is set out in section 14 a) to c) above. This work could then build the evidence base for a Local Plan review. Evidencing the viability and feasibility of development delivery will be key.

21. In the interim, Arun should set and enforce the necessary current standards set out in the development plan via the Design Guide SPD as a minimum.

22. This work could be done as part of a collaborative exercise with neighbouring authorities and the County to refresh existing strategic studies for decentralised energy and for waste reduction and recycling and so costs could be reduced – but similar procurement cycles would be needed.

23. National policy (and guidance) is in some instances stronger than Local Plan (which remains the starting point for decision making) and is a material consideration in so far as determining how much weight local planning policies may be given in determining applications. Further changes to Building Regulations may also set higher standards at a national level.

### **2. PROPOSAL(S):**

To agree that the Council should declare a climate change emergency as the basis for commissioning studies and evidence to deliver zero carbon targets to 2030 via sustainable design best practice and as evidence for a Local Plan review pending introduction of government regulations.

### **3. OPTIONS:**

To maintain the current approach to development standards within Supplementary Planning Document or seek to adopt higher standards.

### **4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal	x	
Human Rights/Equality Impact Assessment		x

Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability	x	
Asset Management/Property/Land		x
Technology	x	
Other (please explain)		
<b>6. IMPLICATIONS:</b>		
Financial in the short term to commission evidence that may support future planning policies.		

**7. REASON FOR THE DECISION:**

In order to ensure that Arun has a strong evidence base in order to encourage best practice by all stakeholders in development and energy use and to prepare a Local Plan review and future SPD, which will help to achieve zero carbon targets consistent with declaring a climate change emergency.

**8. BACKGROUND PAPERS:**

None

## **Appendix 1: Motion to Full Council July 2019**

That this Council supports the principle of developing supplementary planning guidance to improve the level of sustainability of all developments in comparison to the current position.

Officers are asked to prepare a report for the consideration of the Planning Policy Sub Committee on how this might be achieved including reference to the following, and the likely costs and benefits thereof.

- 1) Guidance on renewable energy (both passive & active) for individual homes.
- 2) Improved standards for insulation, heat recovery and water usage.
- 3) Guidance for community renewable energy schemes
- 4) Guidance on designs for waste/recycling storage facilities
- 5) Guidance on the planting of woodland which can be both a mitigating and resilience action in terms of carbon sequestration and reducing the rate of surface water run - off and thereby reducing the flooding impact of severe rainfall.
- 6) Improved and more rigorous standards for the prevention of flooding

The Sub Committee is also asked to make recommendations as to whether Arun DC should declare a Climate Change Emergency and the implications of creating a framework for moving towards a Carbon Neutral District and whether the Council should consider engaging the services of an energy agency to provide community retrofit advice and support, and explore the potential retro-fitting of solar panels on all appropriate Council asset.





## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 15 OCTOBER 2019

#### PART A : REPORT

<b>SUBJECT: PROVISION OF ACCOMMODATION SUITABLE FOR OLDER PEOPLE AND PEOPLE WITH DISABILITIES</b>
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<b>REPORT AUTHOR:</b>	Kevin Owen, Team Leader Local Plans
<b>DATE:</b>	16 September 2019
<b>EXTN:</b>	37853
<b>PORTFOLIO AREA:</b>	Planning

#### EXECUTIVE SUMMARY:

Following a four-week consultation (23 May- 20 June 2019) on draft guidance for the provision of 'Accommodation for Older People and People with Disability', this report considers the representation made and proposes the following recommendations in order to adopt the guidance as a material consideration for Development Management purposes.

#### RECOMMENDATIONS:

That the Planning Policy Sub Committee agrees the following:

- i. That the proposed guidance for the provision of accommodation suitable for older persons and people with disabilities is treated as a guide (i.e. not as an SPD) to provide a material consideration in respect of the determination of all relevant planning applications.
- ii. That the proposed guidance is clearly set out as a starting point to inform development management negotiations, does not impose ridged requirements and is subject to viability.

#### 1. BACKGROUND:

- 1.1 Planning Policy Sub-Committee (PPSC) approved draft proposals for public consultation on design guidance for the provision for accommodation for older people and people with disabilities on 27 February 2019. Consequently, a four-week public consultation (23 May- 20 June 2019) was undertaken. The report to PPSC on 27 February is included as a background document 1. – which sets out the need and methodology for such guidance.
- 1.2 The proposed guidance which is being used as a material consideration and subject to the public consultation are set out in Appendix 1 to this report.

- 1.3 The consultation was sent to developers and agents and other key stakeholders and was advertised on the Councils web site and on the consultation portal and documents deposited in the libraries and office receptions at the Civic Centre and at Bognor Regis.
- 1.4 Representations were received from 4 consultees: -
- The Home Builders Federation (HBF) - objection
  - Barton Wilmore – on behalf of developer/landowners – objection/comment
  - Littlehampton Town Council - commenting
  - Aldwick Parish council – commenting/reserving position
- 1.5 The detailed representations can be accessed in Appendix 3 to this report.
- 1.6 The main issues raised are summarised in Appendix 2 to this report. The representations from Barton Wilmore and the HBF mainly relate to the status of the guidance. In particular, that the Council intends the guidance as a Supplementary Planning Document (SPD) and that the content and expected contribution towards levels of accessible housing provision within the SPD creates requirements that will have the result of regulating development at application stage and will have viability implications impacting on development.
- 1.7 It is stated that such an SPD is contrary to national guidance and legislation. Introduction of standards that regulate development must be considered and scrutinised through a Development Plan Document (DPD) process which includes an examination. In terms of viability, the representations are explicit that viability is an issue that should be considered at policy and plan making stage - as well application stage. Further, there is a lack of robust evidence to support the specific needs and consequent standards, that the SPD is aiming to meet.
- 1.8 Littlehampton Town Council's response can be summarised as concern at the omission from guidance on the need to protect existing accessible housing (e.g. bungalows) from redevelopment into less accessible forms of housing.
- 1.9 The Council's proposed response is set out in Appendix 2 against the matters raised.
- 1.10 The key issue raised by the development industry and HBF represents a confusion on the intended status of the guidance once adopted by the Council.
- 1.11 The Council's intent is to consult on this document to provide guidance on the appropriate levels of contribution to be negotiated at planning application stage, for provision towards accessible forms of housing. Following consultation and adoption, the guidance would be given more weight as a material consideration. This guidance is supported by the evidence on the likely need for provision towards special housing needs which forms a significant component of the Objectively Assessed Housing Need (OAN) for the Local Plan housing target.
- 1.12 The policy approach to D DM1 'Aspects of form and design quality' (part 5) and D DM2: 'Internal Space Standards' clearly signal that the Council will have regard to such considerations as internal space, flexibility and adaptability towards meeting

changing future needs including of aging users. Policy H DM1 Housing Mix similarly, signals that the tenure and mix of housing shall be negotiated on a case by case basis taking viability into account and that a proportion of the housing to be provided should meet the needs of the elderly population as identified in the Strategic Housing Market Assessment (SHMA).

1.13 These policies were examined and found to be sound with Main Modifications in the adopted Arun Local Plan 2018. The starting point for determining applications is the statutory development plan and then any material circumstances that apply. The ALP 2018 was prepared under the NPPF 2012 and earlier PPG. The NPPF 2019 is now national policy and also a material consideration on the weight to be given to development plan policies alongside updated PPG (e.g. paragraph 64 b) of the NPPF 2019 and Annex 2 Glossary provides definitions of older people and people with disabilities for planning purposes, which recognise the diverse range of needs that exist; PPG Paragraph: 003 Reference ID: 63-003-20190626 considers the range of needs and Paragraph: 009 Reference ID: 63-009-20190626 indicates that plan policies should use optional technical standards on accessible housing).

1.14 The Council is therefore, proposing the guidance not as an SPD or DPD but as a guide based on the local plan evidence on need and taking into account the Government's recent emphasis on meeting special needs of the growing elderly population. To insist on the proposed levels of contrition towards the types of accessible housing would require these to be formulated and tested via a DPD and examination. The Council should therefore, clarify for DM purposes and for viability reasons that the proposed guidance is negotiable and is a starting point for agreeing the types of housing and accessibility that should be considered to meet the needs of the elderly population (in accordance with the D DM1, D DM2 and H DM1 policies – just as the mix and tenure of housing will be negotiated on a case by case basis, taking into account viability.

## **2. PROPOSAL(S):**

The guidance below is recommended to be a starting point for negotiations at Development Management stage when applications are being determined.

## **3. OPTIONS:**

At this time the proposal is to adopt the guidance as material considerations to provide a basis for negotiated provision or not to adopt the guidance.

## **4. CONSULTATION:**

This will follow if the recommendations as set out above are agreed.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>

Financial		x
Legal		x
Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

#### **6. IMPLICATIONS:**

The 'protected characteristics' defined in the Equality Act 2010 include both Age and Disability. The intended outcomes of this report are considered to have a positive impact upon these protected characteristics and are not considered to have a negative impact upon the remaining 'protected characteristics. There are no proposed significant changes to the guidance following consultation and therefore, the Equality Impact Assessment considered at the meeting on 27 February (Background paper 1.) remains extant.

#### **7. REASON FOR THE DECISION:**

The recommendations are intended to ensure that a reasonable proportion of new dwellings constructed in Arun, based on the needs of the area, are accessible to older people and those with disabilities and that an additional proportion are also accessible by those that need to use a wheelchair. This accords with the aims and intentions of the Local Plan and recent government advice.

#### **8. BACKGROUND PAPERS:**

1. Item 13: Provision of Accommodation Suitable for Older People and People with Disabilities - Planning Policy Sub-committee 27 February 2019:

<https://democracy.arun.gov.uk/Data/Planning%20Policy%20Sub-Committee/20190227/Agenda/Agenda.pdf>

## Appendix 1: Proposed Guidance

### Proposed Guidance

1. For schemes of less than 10 units – no requirement
2. For schemes of between 11 and 50 units inclusive – a minimum of 30% of units to be designed to m4(2) standard - Access and adaptable dwellings , plus two additional units to be designed to m4(3) wheelchair accessible, where the number of units proposed is greater than 21.
3. For Schemes greater than 51 units inclusive – 50% of units to be designed to m4(2) standard- Access and adaptable dwellings, plus two additional units to be designed to m4(3) wheelchair accessible, for every 50 units proposed thereafter.
4. The provision of these units should both be in the open market and affordable sectors
5. Schemes larger than 100 units should make some provision for bungalows.

**NB.** To illustrate the above the table below indicates the application of the standard to a range of developments

<b>Size of Development</b>	<b>M4(2) Accessible Homes</b>	<b>M4 (3) Wheelchair Accessible Homes</b>
<b>10</b>	<b>None</b>	<b>None</b>
<b>20</b>	<b>7</b>	<b>none</b>
<b>30</b>	<b>10</b>	<b>2</b>
<b>40</b>	<b>13</b>	<b>2</b>
<b>50</b>	<b>15</b>	<b>2</b>
<b>60</b>	<b>30</b>	<b>4</b>
<b>70</b>	<b>35</b>	<b>4</b>
<b>80</b>	<b>40</b>	<b>4</b>
<b>90</b>	<b>45</b>	<b>4</b>
<b>100</b>	<b>50</b>	<b>4</b>
<b>110</b>	<b>55</b>	<b>6</b>

## Appendix 2: Summary Table of Representation responses

Representor	Representation Summary	Proposed Response
Littlehampton Town Council	<p>The document fails to cover the protection of existing properties that have already been adapted for this purpose for the needs of older people and people with a disability e.g. bungalows secured for wheelchaired and single floor access – nothing protects these dwellings from being made inaccessible in future.</p> <p>The Policy would be enhanced if it made provision for the prevention of the loss of such accessible dwellings as a consideration given weight in determining planning applications (e.g. the conversion of a bungalow into a two-storey chalet)</p>	<p>There are a range of policies within the Local Plan that require good quality design for a range of needs. Development Management decisions may be able to take such issues into account in terms of the material considerations that apply in each case.</p> <p>There may also be good reasons for redevelopments and loss of such accommodation including the changing needs of occupiers and owners. Any policy provision on this basis would require evidence on the issues and for the policy to be tested via the plan making process.</p>
Aldwick Parish Council	The Parish Council signalled that individuals may submit comments and that an item would be considered at their next planning agenda outside of the consultation period.	Noted. No comments have been received subsequent to the closure of the consultation period.
Barton Wilmore on behalf of Redrow Homes Southern Counties; and Wates Developments	Client developers and landowner interests are progressing the Strategy Allocation at Ford (H2 SP2c (SD8)) in the Adopted Arun Local Plan 2018. This site is also within the made Ford Neighbourhood Plan (policy SA1). Technical work has progressed including consultation with all stakeholders in order to prepare a	The guidance is not a DPD or SPD. It is intended as a material consideration to reflect a) the emerging national recognition on the need for standards

<p>Limited</p>	<p>Planning Application.</p> <p>Significant reservations as to the appropriateness and legality of the document - do not consider it is in accordance with the Town &amp; County Planning (Local Planning) (England) Regulations 2012 [2012 Regulations]</p> <p>The policy document includes the word 'guidance' and has been consulted on for four weeks but its status is unclear i.e. whether it is a Supplementary Planning Document or a Development Plan Document. It is therefore, contrary to the 2012 Regulations because it sets out a single policy which sets out standards for the proportion of accessible homes M4(3) and M4(2) relative to the size of a development that would be used to determine an application (i.e. regulating development). The provisions of Reg 5(1) (a)(i)(iv), Regulation 6 of the 2012 Regulations would require such policy to be appropriately contained within a DPD and not within an SPD. Even if falling within Reg 5 (1) (a) (iii) case law (e.g. Skipton Properties Ltd v Craven District Council [2017] EWHC 534) would not negate Reg 5(1)(i) or(iv). This policy should therefore be contained within a local plan subject to an appropriate level of scrutiny and debate. It would be an error in law to adopt the policy as an SPD.</p> <p>The policy documents quoted references to the Second Report of Session 2017-2019 of the HCLG Select committee and the National Planning Policy Framework 2019 (i.e. para 61 NPPF 2019) which also support this position that planning policies are the appropriate location for standards relating to size, types and tenures of house for different need groups.</p>	<p>to address the needs of an increasingly elderly population with associated special needs including work published on the viability implications of accessible homes standards and b) local evidence supported by the Arun Local Plan OAN evidence base).</p> <p>However, because the policy contributions are not set out and viability tested specifically through the adopted Arun Local Plan policies (although the need for appropriate forms of provision for elderly households is set out in DM1 'Aspects of form and design quality' (part 5) and D DM2: 'Internal Space Standards' and Policy H DM1 Housing Mix), the guidance is intended to be used in order for the decision maker and the developer to have an appropriate starting point under the material circumstances of each case which will include need, scale of development and viability alongside tenure and mix.</p>
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	<p>The wording of the policy is unclear on implementing the requirement e.g., the 110 dwellings requiring 6 M4(3) dwellings – wording suggests this would not be required until 121 units threshold.</p> <p>The policy would introduce onerous impact on viability of development (e.g. for a development of 1,500 homes at Ford circa £1.93m) which has not been considered or scrutinised at examination. This should not be left to application stage – case law (Gilbart J [2017] EWHC 3006 but is important at policy formation stage and application stage.</p> <p>The required standards are too high e.g. developments over 51 dwelling require 50% of units to achieve Part M4(2) of Building regulations. And similarly, 30 of 1,200 dwellings at Part M4(3). The latter would require a 10-15% increase in dwelling footprint there is limited demand for this segment and no understanding of need, and such development would not be attractive to the wider private sale market. It would be more appropriate to provide a proportion of dwellings that can be adapted should need arise in future.</p> <p>The Council has not properly assessed viability or the accessibility, adaptability of existing stock and different needs across each tenure and Part M4 (3) should expressly not be applied to market homes (PPG para ID:56-007-20150327 and ID:56-009-20150327)</p> <p>Fundamental objection the policy seeks to regulate development and guide the determine applications and would be a DPD not an SPD. The policy should be reconsidered and progressed through a DPD.</p>	<p>The negotiating point is for developments of over 51 units</p> <p>The guidance is intended as a material consideration and is negotiable taking into account viability.</p> <p>The guidance is intended as a material consideration and is negotiable.</p> <p>The guidance is intended as a material consideration and is negotiable</p>
--	---	---



		<p>The guidance is intended as a material consideration and is negotiable and consistent with recently adopted local plan policies which have been found to be sound.</p>
Homes Building Federation	<p>The decision to adopt optional technical standards (i.e. Part M4(2) and M4(3)) though an SPD is not consistent with or complaint with national policy or legislation – if adopted it would be open to legal challenge.</p> <p>To avoid this (and associated legal costs to the industry and the Council) it should not be adopted but introduced via a focussed review of the local plan.</p> <p>The authority's approach to optional technical standards must consider the need to gather evidence on need for additional standards in their area and justify setting appropriate standards within their local plan including stating clearly what proportion of new dwellings should comply: -</p> <p>PPG para 65-002-20160519 and para ID: 56-008-2016519</p> <p>SPDs are not part of the development plan (Ref NPPF Glossary). Optional technical standards for accessibility cannot be introduced by SPD. Neither Policies DM1 or DM2 provide necessary hooks or suggest the intention to introduce these standards.</p> <p>A focussed review of the local plan is the only compliant and sound approach open to the council.</p> <p>Legal compliance ref 2012 Regulations that application of Section 2 and 5</p>	<p>The guidance is not a DPD or SPD. It is intended as a material consideration to reflect a) the emerging national recognition on the need for standards to address the needs of an increasingly elderly population with associated special needs including work published on the viability implications of accessible homes standards and b) local evidence supported by the Arun Local Plan OAN evidence base).</p> <p>The guidance is intended as a material consideration and is negotiable and consistent with recently adopted local plan policies which have been found to be sound.</p>

	<p>paragraphs determines that SPD are not local plans and that in particular optional technical standards fall under Part 5(1)(a)(iv) and are development management policies and not appropriate for adoption as SPD. Ref case law (J Gilbert - William Davis Ltd, Bloor Homes Ltd. Jelson homes Ltd, Davidson Homes Ltd &amp; Barwood Homes Ltd and Charnwood Borough Council)</p> <p>Disagree with the Councils assertion in para 34 of the draft guidance that now is the right time to set out the council's expectations as a starting point for negotiation. The correct time was at local plan examination. The government has placed greater emphasis on considering viability at the plan making stage (para 34 and 57 NPPF 2019 and para ID:10-002 of the PPG) and not site by site negotiations and conflicts by placing an additional cost on development outside of plan making and also creating a need for site by site negotiation.</p> <p>Should the Government have intended for optional technical standards to have been adopted via SPD without examination - it would have said so. This approach is contrary to national planning policy and legislation the council should reconsider and not adopt this SPD.</p>	<p>The guidance is intended as a material consideration and is negotiable and consistent with recently adopted local plan policies which have been found to be sound.</p> <p>As above.</p>



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## Comment

Consultee	Consultee (613341)
Email Address	[REDACTED]
Company / Organisation	Aldwick Parish Council
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Accommodation for Older People and People with Disabilities
Comment by	Aldwick Parish Council ( Consultee - 613341)
Comment ID	AOP1
Response Date	17/06/19 14:18
Consultation Point	Accommodation for Older People ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Which part of the document does your comment relate to?	. Paragraph no.
Are you?	. Commenting
Do you have any evidence to support you comment?	. N/A
Are there any other factors that should influence the application of the standards?	. N/A

**Please detail your response in the box below:**

Dear

I read this out to Members at our last Planning Committee meeting. If they wish to comment as individuals they can do so. A proposal could be placed on the next planning agenda but that would be outside the period of the consultation.

Kind regards

## Comment

<b>Agent</b>	Mr Robin Shepherd (873610)
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Barton Willmore
<b>Address</b>	The Blade Abbey Square Reading RG1 3BE
<b>Consultee</b>	Ford landowners (1154346)
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Wates Development Ltd and Redrow Homes Ltd
<b>Address</b>	c/o Agent * *
<b>Event Name</b>	Accommodation for Older People and People with Disabilities
<b>Comment by</b>	Wates Development Ltd and Redrow Homes Ltd ( Ford landowners - 1154346)
<b>Comment ID</b>	AOP2
<b>Response Date</b>	17/06/19 14:50
<b>Consultation Point</b>	Accommodation for Older People ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.8
<b>Files</b>	23885 A3 JEH 19 06 17 SPD reps FINAL_Redacted.pdf
<b>Which part of the document does your comment relate to?</b>	. Paragraph no.
<b>Are you?</b>	. Commenting
<b>Do you have any evidence to support you comment?</b>	. Yes

**Are there any other factors that should influence the application of the standards?** . N/A

**Please detail your response in the box below:**

Please see attached letter in comments.

Accommodation for Older People and Disabilities  
Standards Consultation,  
Planning Policy,  
First Floor, Civic Centre,  
Maltravers Road,  
Littlehampton  
BN17 5LF

23885/A3/JEH

**BY EMAIL: [localplan@arun.gov.uk](mailto:localplan@arun.gov.uk)**

17<sup>th</sup> June, 2019

## **ACCOMMODATION FOR OLDER PEOPLE AND DISABILITIES STANDARDS CONSULTATION**

Dear Sir/Madam,

These representations have been prepared by Barton Willmore on behalf of Redrow Homes Southern Counties and Wates Developments Limited in response to Arun District Council's (ADC's) Accommodation for Older People and People with Disabilities Guidance Consultation (May 23<sup>rd</sup> – 20<sup>th</sup> June 2019).

### **Background**

Redrow and Wates control land that is allocated for development in Ford via Policy H SP2c (SD8) of the Arun Local Plan 2011-2031, which was formally adopted by ADC in July 2018. The site is also allocated through Policy SA1 of the made Ford Parish Council Neighbourhood Development Plan 2017-2031. The Ford Neighbourhood Plan went to Full Council on 9 January 2019 after a majority vote in favour of its adoption was secured at referendum on 8 November 2018. It is now part of ADC's adopted development plan.

The site is allocated in both Plans for a residential-led mixed-use development involving up to 1,500 new homes, employment, commercial / retail, community and education uses, alongside associated development.

Technical work and engagement with the local community, local planning authority, local highway / education authority and key consultees has been ongoing as part of the promotion of the site through the Local and Neighbourhood Plans. A planning application is currently being prepared to bring forward the site for development.

Overall, in response to the consultation document, we have significant reservations as to the appropriateness and legality of the document and do not consider it to be in accordance with the *The Town and Country Planning (Local Planning) (England) Regulations 2012 (LP regs 2012)*. Our concerns are detailed below.





## Representations

The following representations are in four sections, first, we have considered the consultation document against relevant legislation (*LP Regs 2012*), we have then considered relevant case law before considering relevant parts of the Planning Practice Guidance and National Planning Policy Framework. Finally, we have considered the proposed standards themselves.

### *The Town and Country Planning (Local Planning) (England) Regulations 2012 (LP Regs 2012)*

Part 4, Regulation 8 (1) of *LP Regs 2012* states the following:

**“A local plan or supplementary planning document must... (b) indicate whether the document is a local plan or supplementary planning document”**

Whilst we infer that the document is a supplementary planning document due to the document title including the word “guidance” (albeit not on the front title page but on the inside page) and its location on the Council’s Supplementary Planning Guidance / Documents webpage, the document itself does not explicitly state whether it is a supplementary document or local plan. The length of consultation (4 weeks) is also consistent with the minimum period for which a Supplementary Planning Document (SPD) must be subject to public consultation.

Whilst this may appear a minor issue, it is highly significant in terms of the nature of the policies which can be appropriately contained within the document and procedural requirements for adoption and approval. In particular, a local plan or development plan document is subject to public consultation and independent examination (Part 6 of the *LP Regs 2012* and *s 20(1) of the Planning and Compulsory Purchase Act 2004*) whereas SPDs do not require independent examination.

The *LP Regs 2012*, Part 3 states the following:

#### **“Local development documents**

**5. (1) For the purposes of section 17(7)(za)(g) of the Act the documents which are to be prepared as local development documents are—**

**(a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—**

- (i) the development and use of land which the local planning authority wish to encourage during any specified period;**
- (ii) the allocation of sites for a particular type of development or use;**
- (iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and**
- (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;**

**(b) where a document mentioned in sub-paragraph (a) contains policies applying to sites or areas by reference to an Ordnance Survey map, any map which accompanies that document and which shows how the adopted policies map would be amended by the document, if it were adopted.**

**(2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are—**

**(a) any document which—**

- (i) relates only to part of the area of the local planning authority;**
- (ii) identifies that area as an area of significant change or special conservation; and**
- (iii) contains the local planning authority's policies in relation to the area; and**

**(b) any other document which includes a site allocation policy.**

### **Local plans**

**6. Any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b) is a local plan."**

The single policy contained within the document sets out standards as to the proportion of M4(2) and M4(3) accessible homes required as part new residential developments. The percentage of M4(2) dwellings increases relative to the size of development such that for developments greater than 51 units, 50% of units are required to be designed to M4(2) accessible homes standards, whereas for developments between 11 and 50 units, 30% of dwellings are required to be designed to M4(2) standards. For M4(3) wheelchair accessible homes, two M4(3) units are required for developments greater than 21 homes with two additional M4(3) homes for every 50 additional units thereafter. The wording for this requirement is unclear as the table suggest a development of 110 dwellings should provide 6 M4(3) dwellings whereas the wording would suggest that 6 dwellings would not be required until the proposed development exceeds 121 dwellings. For developments larger than 100 units, bungalow provision is expected (proportion/number not defined). Footnote 3 of the consultation document states "The standard will be applied at the time any application is determined".

On the basis of the above, the policy would be applied at the time of application determination to regulate residential development by establishing the proportion of units expected to be delivered to meet prescribed accessibility standards. Therefore, the policy relates to "the development [...] which the local planning authority wish to encourage during any specified period" (*LP Regs 2012* Reg 5(1)(a)(i) as quoted in full above). The proposed policy also relates to "development management [...] policies which are intended to guide the determination of planning applications" (*LP Regs 2012* Reg 5(1)(a)(iv) as quoted in full above). On the basis that the proposed policy relates to sections 5(1)(a)(i) and 5(1)(a)(iv) of the *LP Regs 2012* and, in accordance with Reg 6 of the *LP Regs 2012*, the document would appear to contain policy which would appropriately be contained within a local plan and not within an SPD. Whilst we acknowledge that the policy also falls within 5(1)(a)(iii), which does not represent a development plan, case law (*Skipton Properties Ltd v Craven District Council* [2017] EWHC 534) shows that this does not negate the effect of falling within (i) or (iv). Therefore, the proposed standards should not be contained within an SPD. Instead, the standards which seek to regulate development should appropriately be contained within a local plan (or a development plan document) such that they are subject to the appropriate level of scrutiny and debate in the Local Plan context.

### **Case Law**

The above interpretation of the *LP Regs 2012* is supported by relevant case law *William David Ltd and others V Charnwood BC* [2017] EWHC 3006 (appended to this letter for ease of reference). This judgement related to an application for the judicial review of Charnwood Borough Council's Housing SPD by five housing developers on the basis that the policy contained within the document relating to housing mix should have been in the form of a development plan document (DPD) rather than an SPD. The judgement was to allow the claim and quash the policy relating to housing mix. Whilst in this case the policy related to housing mix in relation to dwelling sizes and market and

affordable splits, the key principles in terms of setting of standards for residential development which impacts the characteristics of the development and viability are essentially consistent with the Arun Accommodation For Older People And Disabilities Standards Consultation.

In relation to the consideration of policy against regulations 5 and 6 *LP Regs 2012* (as quoted above) in order to ascertain whether policy can appropriately be considered an SPD or should be a DPD, the judgement of Mr Justice Gilbert in *William David Ltd and others V Charnwood BC* [2017] EWHC 3006 stated the following at paragraph 62:

**"The mix of housing proposed in an application could lead to a refusal on the grounds that it is unacceptable, or on an outline application could lead to the imposition of a condition applying a particular mix. In either case, the way in which that land would be developed is affected. A housing mix policy is thus "a statement regarding... the development of land" and falls within sub-paragraph (i). It also falls within the scope of development management and probably within the scope of site allocation. It will undoubtedly be used "in the determination of planning applications." Thus it falls within sub-paragraph (iv) as well."**

As demonstrated by this quote, the approach we have taken in the preceding section in interpreting the *LP Regs 2012* is fully consistent with the judgement of Mr Justice Gilbert. On this basis, we are confident in our contention that it would be an error in planning law to adopt the consultation document as an SPD.

Also relevant is the following at paragraph 61 of the Gilbert J judgment:

**"... my judgement reflects the basic underlying policy of the legislation the development plan is the place in which to address policies regulating development"**

As shown above, the policy contained within the Accommodation for Older People and Disabilities Standards Consultation sets standards which seek to regulate development and, as such, should be contained within the development plan and not a supplementary planning document.

Further, at paragraph 63, the judgement states the following:

**"... I refer to the concept of the Planning Code, and within it to the role of the development plan and to the importance given by the code to proposed examination of the development plan, and to the fair consideration by an independent person of objections and representations made. From the point of view of all types of participant in the planning process, the process of development plan approval and adoption is important. Individual planning applications, appeals and inquiries will, save in unusual cases, be focussed on the effects of developing the site in question. Development plan processes, including the independent examination, also look at issues relating the wider pattern of development, and at policies which apply across the Local Plan Area, as well as the site specific issues relating to sites where there is objection to their inclusion or omission. The Code, including that in its current format, maintains that principle."**

This above is the crux of our objection to this SPD. Namely, in seeking to adopt these standards via an SPD, the council remove the opportunity for proper debate, discussion and scrutiny of the proposed standards via the Local Plan examination process.

We understand the importance and significance of the proposed policy itself in ensuring that housing delivery meets identified needs within the District for older people and those with disabilities. However, to ensure that this is effectively achieved without prejudice to development, this needs to be formally examined and adopted as part of the development plan.

#### Planning Practice Guidance and National Planning Policy Framework

Our contention that an SPD is not the appropriate forum for this information is further supported by the Planning Practice Guidance which states the following in relation to Supplementary Planning Documents (PPG Reference ID: 61-008-20190315):

**“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.**

Whilst at paragraph 3.4 of the consultation draft of the SPD states that the document established the “Council’s expectations as a starting point in negotiations on individual schemes” the remainder of the document is clear that these are “standards”. Indeed, paragraph 4.1 of the consultation draft SPD states “the weight that should be accorded to this policy increasing following consideration of any responses to this consultation”. As per the above, the role of an SPD is to provide information and guidance to supplement planning policies within the development plan, they expressly cannot introduce new planning policies into the development plan.

We also note the final sentence of the above which makes clear that SPDs “should not add unnecessarily to the financial burdens on development”. The consultation document relies on cost estimates from the ‘Centre for Ageing Better’ which estimates an additional total cost of £1,387 per M4(2) accessible home and £29,722 per M4(3) wheelchair accessible home. This is undoubtedly a financial burden, in particular for larger housing development proposals where 50% of homes are required to be delivered to M4(2) accessible homes standards and 2 homes at M4(3) accessibility per 50 units. Redrow and Wates are not able to agree these figures. In addition, the expectation for bunaglows to be delivered on larger sites has also not been considered in sufficient detail in terms of impact upon development densities. Paragraph 122 (b) of the NPPF is clear that planning policies and decisions should take account of “local market conditions and viability”. It is important that viability is considered at the time of local plan preparation to ensure that policies relating to requirements for the delivery (i.e. accessibility standards) would not frustrate the ability of the housebuilding industry to provide housing to meet targets/allocations established within the local plan.

Within the consultation document itself, we note that paragraph 61 of the NPPF is quoted in full. This paragraph states that “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...” (our emphasis added). This wording is important as it supports the above argument that planning policies are the appropriate location for standards relating to size, types and tenures of house for different need groups. An SPD cannot introduce planning policies into the development plan as it is not a development plan document.

The consultation document also contains quotes taken from the Government’s report to the Second Report of Session 2017-2019 of the Housing, Communities and Local Government Select Committee inquiry into Housing for Older People. Again, there are consistent references to “policies for addressing the housing needs of older and disabled people” which makes clear that planning policy contained within the development plan, as opposed to a supplementary planning document, should be the location for such policies.

### The Proposed Standards

Notwithstanding the above concerns relating to the appropriateness of an SPD format to establish the proposed policy, we would also like to raise concern in relation to the requirements themselves. We consider that the standards are overly onerous and the impact on the viability of development has not been properly considered or subject to the appropriate level of scrutiny.

In relation to our client's allocation for the development of 1,500 homes at Ford Airfield, the additional cost to development of meeting the standards based on the Council's own figures would be c. £1.93 million. This is an undoubtedly an onerous requirement and could impact upon the viability of this strategic allocation, the appropriate consideration of which should take place through an independent examination. Whilst the council may seek to argue that this consideration of viability could take place at application stage, we would again refer the council to the judgement of *Gilbart J [2017] EWHC 3006*, in particular paragraph 66 as follows:

**"... The economic arguments are important both at the stage of policy formation and application stage. If an overall policy sets a particular percentage contribution then it must assume some role within determination of an application, and of any arguments (including viability) advanced in support of their application."**

The policy, as drafted, requires all residential developments (over 51 dwellings inclusive) to deliver 50% of units to requirement Part M4(2) of the Building Regulations. Our clients acknowledge that it may be appropriate to deliver a proportion of dwellings to M4(2) standard to allow for the changing circumstances of occupiers in future, but the requirement for 50% of housing within the development to meet Part M4(2) standard is onerous for large scale developments.

Similarly, the requirement for 30 of the 1,200 dwellings to achieve Part M4(3) requirements is too high. This is particularly apparent in the context of a large site such as Ford where this equates to a significant number of dwellings that have been designed as specially adapted homes that may not sell if the demand does not exist.

Building to Part M4(3) standard would significantly alter the design of these particular dwellings and require the building footprint to be 10-15% larger than standard Building Regulation compliant units. Demand in the private sale market for Part M4(3) compliant dwelling is very limited and we are concerned with the requirement to provide a proportion of the development in this form upfront without understanding the level of need. These dwellings would be specifically designed to suit the needs of Wheelchair Users and are therefore not attractive to the wider private sale market. It is more appropriate to provide a proportion of dwellings within the development that can be adapted in future should the need arise.

Planning Practice Guidance (PPG) (Reference ID: 56-007-20150327) advises that Local Planning Authorities should consider and take into account the following matters when demonstrating a need to set higher accessibility, adaptability and wheelchair housing standards:

- **the likely future need for housing for older and disabled people (including wheelchair user dwellings).**
- **size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).**
- **the accessibility and adaptability of existing housing stock.**
- **how needs vary across different housing tenures.**
- **the overall impact on viability."**



As per the above, we do not consider that the council has properly assessed the impact of this requirement on viability or the accessibility and adaptability of existing stock and the different needs across each tenure. The consultation document also fails to consider the Council's existing housing stock and whether this has been improved or adapted.

Insufficient evidence therefore exists to justify 50% of new homes being built to Part M4(2). Moreover, the requirement for 2 of every 50 dwellings to be built to M4(3) is inconsistent with national policy. The PPG (Reference ID: 56-009-20150327) states:

**"Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."**

On that basis, the Part M4(3) requirement should expressly not be applied to market homes.

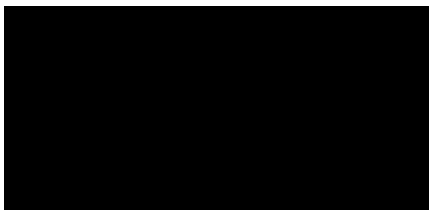
### Summary

We fundamentally object to the Accommodation for Older People and Disabilities Standards Consultation document. The policy within the consultation document seek to regulate development and would guide the determination of planning applications, therefore, in accordance with Part 3 of The Town and Country Planning (Local Planning) (England) Regulations 2012, the document is a development plan document and not a supplementary planning document. As such, the document should be subject to appropriate scrutiny, debate and independent examination including the detailed consideration of viability. On this basis, we respectfully request that the Council re-considers this document and, should it wish to introduce standards relating to accommodation for older people and disabilities, this is pursued via a development plan document.

We would be grateful if you acknowledge receipt of our submission to the Accommodation for Older People and Disabilities Standards Consultation document. Our Client wishes to be kept informed on future progress on this SPD.

We trust this submission is clear and helpful but, should there be any queries in relation to the above, please do not hesitate to contact Robin Shepherd, Luke Vallins or myself.

Yours faithfully,



**JANE HARRISON**  
Senior Planner

**Appendix 1**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Birmingham Civil Justice Centre  
Priory Courts  
33 Bull Street  
Birmingham  
B4 6DS

Date: 23/11/2017

Before :

**MR JUSTICE GILBART**

Between :

**WILLIAM DAVIS LTD**  
**BLOOR HOMES LTD**  
**JELSON HOMES LTD**  
**DAVIDSONS HOMES LTD**  
**BARWOOD HOMES LTD**

**Claimants**

- and -

**CHARNWOOD BOROUGH COUNCIL**

**Defendant**

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**Gwion Lewis** and **Matthew Fraser** (instructed by **Bird, Wilford and Sale,**  
**Loughborough**) for the **Claimants**  
**Paul Stinchombe QC** (instructed by **Kathryn Harrison, Legal Services, Charnwood**  
**Borough Council**) for the **Defendant**

Hearing dates: 25<sup>th</sup> October 2017  
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**Judgment Approved**

**GILBART J :**

1. I shall refer to a number of statutes, regulations, documents and policies in this judgement, by the following acronyms

**Statutes and Regulations**

<i>TCPA 1990</i>	Town and Country Planning Act 1990
<i>PCPA 2004</i>	Planning and Compulsory Purchase Act 2004
<i>LP Regs 2012</i>	Town and Country Planning (Local Planning) (England) Regulations 2012

**Types of statutory document (defined in *PCPA 2004* and *LP Regs 2012*)**

LDD                      Local Development Document



DPD	Development Plan Document
SPD	Supplementary Planning Document

Secretary of State's Guidance and Policy

NPPF	National Planning Policy Framework (2012)
NPPG	National Planning Practice Guidance (policy advice of the SSCLG, published on the internet and revised from time to time)

Charnwood Borough Council Documents

CLPCS	Charnwood Local Plan 2011-2028 Core Strategy
HSPD	Housing Supplementary Planning Document

Other

CBC	Charnwood Borough Council
LPA	Local Planning Authority
SSCLG	Secretary of State for Communities and Local Government

2. This application for judicial review, made by five housing developers active in the East Midlands, relates to the publication by CBC of a policy document entitled "Housing Supplementary Planning Document" (HSPD) in May 2017. Permission to make the application was granted by Singh J on 25<sup>th</sup> July 2017.
3. The Claimants argue that policy HSPD 9 within the document should have been issued in the form of a DPD and not in the form of an SPD. As I shall come to, those descriptions are precisely defined in the *Planning and Compulsory Purchase Act 2004* and related Regulations. DPDs must, if objection is taken to them, be subject to independent examination by the Secretary of State for Communities and Local Government, whereas SPDs are not.
4. I shall address the issues as follows:
  - i) the terms of the CLPCS and HSPD;
  - ii) the development plan in the context of the Planning Code;
  - iii) identifying the development plan;
  - iv) procedures for adoption/approval;
  - v) cases for the Claimants and Defendant;
  - vi) discussion and conclusions.

(i) *The terms of the CLPCS and HSPD*

5. CBC adopted its CLPCS in November 2015. It is part of the development plan for the purposes of the Planning Acts, and contains the strategic policies for the period 2011-2028. The document contains policies, which are set out in bold text in boxes, and supporting text, which appears in numbered paragraphs. That distinction is of importance- see the observations of Richards LJ in *R (Cherkley Campaign Ltd) v Mole Valley District Council & Anor* [2014] EWCA Civ 567 at [21]- [23]. The CLPCS was the subject of the procedures defined in *PCPA 2004* and Part 6 of the *LP Regs 2012*.
6. Policy CS1 of the Development Strategy Chapter stated that CBC would make provision for at least 13,940 new homes between 2011 and 2028. The priority location for growth was the Leicester Principal Urban Area, where housing provision would be made for at least 5500 new homes. The majority of the remaining growth was to be at Loughborough and Shepshed, where there were to be at least 5000 new homes, with 3000 homes west of Loughborough, of which 2440 were to be delivered by 2028, and approximately 1200 homes within and adjoining Shepshed. Another 3000 homes were to be provided in 7 “Service Centres” (in fact small towns and larger villages), and at least 500 homes on sites within other settlements.
7. The Housing Chapter contained both policies and supporting text. One of the matters addressed was that of the types and sizes of homes needed. The text [5.3] referred to the growing need for small households, due to greater longevity, and to the fact that more couples bore children when older. It anticipated increases in the numbers of people over 56 years in age, and particularly so of those aged over 85 [5.4]. It then assessed the profile of the housing stock in the Borough, and considered that the current numbers of 2 bedroom homes should be increased, which required that 30-35% of the housing as delivered should consist of smaller homes of two bedrooms [5.6]. But there was also a need to increase the number of smaller and medium sized homes, preferably provided in houses rather than flats or apartments [5.7]. However, some medium and large family homes would also be required.
8. At [5.8] the document stated

“We expect new housing development to take account of local housing needs and the current mix of homes available in the local area. We will work with our partners to identify the mix of homes required from new developments. This will be done through masterplanning on strategic sites, Neighbourhood Plans for our existing communities and by using evidence from the Strategic Housing Market Assessment, local housing needs surveys and household projections when considering planning applications.”
9. The document then turned to the question of affordable housing, and then at [5.13] stated that the evidence it had obtained showed that 180 houses per annum were required to meet outstanding and newly arising needs. It wanted to see an increase in the amount of affordable homes being delivered [5.14], and stated that it would make sure that new developments should fund an element of

housing without comprising the viability of the housing scheme in question. It stated that CBC had considered the types of housing development to be expected, and the impact which land values would have on viability [5.14]. It went on to say that Policy CS3 identified the size of development where CBC would require the inclusion of affordable housing, and the proportion of affordable homes which CBC would seek [5.14]. At [5.15] it did not want the level of affordable housing it sought to be such as prevent sustainable development from happening, and stated that if a developer considered that the requirement for affordable housing would deprive the scheme of viability financially, then a viability appraisal would be required [5.15].

10. Policy CS 3 reads as follows

“Strategic Housing Needs

We will manage the delivery of at least 13,940 new homes between 2011 and 2028 to balance our housing stock and meet our community’s housing needs

We will do this by:

- Seeking the following targets for affordable homes within housing developments, having regard to market conditions, economic viability and other infrastructure requirements:
  - 30% affordable housing within the sustainable urban extensions north east of Leicester and west of Loughborough and the direction of growth north of Birstall;
  - On sites of 10 dwellings or more in the following urban areas and service centres

Location	Target
Thurmaston Shepshed	25%
Birstall Loughborough Anstey Barrow upon Soar Mountsorrel Silsby Syston	30%
Quorn Rothley	30%

- On sites of 5 dwellings or more in the following rural locations

East Goscote Thurcaston	30%
(list of 26 settlements)	40%

- Seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area;
- .....
- Securing the delivery of affordable homes on-site and integrated with market housing unless there are exceptional circumstances which contribute to the creation of mixed communities
- .....
- Monitoring the delivery of affordable homes through our Annual Monitoring Report.”

11. The policies were the subject of the Examination of the Core Strategy by an inspector of the SSCLG, and found to be sound (for the procedure see s 20 *PCPA 2004* and Part 6 “Local Plans” of the *LP Regs 2012*, both considered *below*.)
12. In January 2017 CBC issued a draft HSPD for consultation. It contained policies and supporting text on the topics of, inter alia, “Affordable Housing” and “Housing Mix.” The Housing Mix text again explored the topic of sizes, types and tenures of housing. It included reference to a 2017 “Housing and Economic Development Needs Assessment.” At [3.7] of the final version, it stated that that needs assessment had assessed the optimum mix of property sizes to meet housing needs over the next 25 years. At HSPD 9 it included a policy entitled “Housing Mix,” which read

“in accordance with Core Strategy Policy CS3 the following broad proportions will be used in order to deliver an appropriate mix of sizes of homes:

Size	Affordable	Market
1 bed	60-70%	0-10%
2 bed		30-35%
3 bed	25-30%	45-55%
4+ bed	5-10%	10-20%

Where development proposes (sic) a significantly different mix to that identified in the table it must be justified through evidence of identified housing needs and character of the area in accordance with Policy CS3 taking into account;

- evidence of housing need including reference to the housing register;
- existing mix and turnover of properties;
- nature of the development site;
- character of the wider area the site is located within;
- detailed design considerations; and
- economic viability.”

13. CBC has stated in its pre-action response that no viability assessment was carried out in respect of policy HSPD 9. It contended that it would be assessed on a case by case basis.
  14. The HSPD was the subject of procedures under Part 5 of the *LP Regs 2012* (of which more below). The housebuilders objected to the proposed policy. As well as pursuing objections based on matters of planning judgement and the merits, arguing that the policies were too prescriptive, specific arguments were made that this was not an appropriate topic for an SPD, and that such a policy could not be made via an SPD, but could only be made within a DPD.
- (ii) *The Development Plan in the context of the Planning Code*
15. *TCPA 1990* (the principal Act) and related legislation comprise the Planning Acts. This is not an area which readily admits the application of precepts from private law. I refer to the well known words of Lord Scarman in *Pioneer*

*Aggregates (UK) Ltd v The Secretary of State for the Environment* [1985] 1 AC 132 HL at 140. As he made clear, it is a comprehensive code. The issue before the House of Lords was whether it was possible for a planning permission to be abandoned by conduct. Lord Scarman (with whom the other members of the Appellate Committee agreed) held that there was no such general principle of abandonment in planning law, but in doing so he addressed the wider question of how one treats issues dealt with by the Planning Code. At page 140 Lord Scarman said this:

"Planning control is the creature of statute. It is an imposition in the public interest of restrictions upon private rights of ownership of land. The public character of the law relating to planning control has been recognised by the House in *Newbury District Council v. Secretary of State for the Environment* [1981] AC 578. It is a field of law in which the courts should not introduce principles or rules derived from private law unless it be expressly authorised by Parliament or necessary in order to give effect to the purpose of the legislation. The planning law, though a comprehensive code imposed in the public interest, is, of course, based on the land law. Where the code is silent or ambiguous, resort to the principles of the private law (especially property and contract law) may be necessary so that the courts may resolve difficulties by application of common law or equitable principles. But such cases will be exceptional. And, if the statute law covers the situation, it will be an impermissible exercise of the judicial function to go beyond the statutory provision by applying such principles merely because they may appear to achieve a fairer solution to the problem being considered. As ever in the field of statute law it is the duty of the courts to give effect to the intention of Parliament as evinced by the statute, or statutory code, considered as a whole."

16. A central feature of the Planning Code is the development plan; see s 70(2) *TCPA 1990* and s 38(6) *PCPA 2004*. By s 70(2) *TCPA 2004*, which deals with the consideration of applications for planning permission, regard must be had to the development plan, and by s 38(6) *PCPA 2004*

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

17. The effect of those provisions is important; the existence of a policy in a properly adopted development plan is not a mere material consideration. An up to date development plan policy will, in the normal course of events, attract significant weight, as s 38 *PCPA 2004* shows. While the weight it attracts in any given case is for the decision maker, it cannot be disregarded. That decision maker will be the local planning authority at first instance, and then the SSCLG, on a called in application under s 77 *TCPA 1990* or by him or one of his Inspectors on appeal under s 78 *TCPA 1990*.

18. The law on decision making in the Planning Code is now well settled (perhaps save only whether there is a duty to give reasons for the grant of a planning permission. This matter does not raise that issue). The significance of the

development plan is readily apparent from the relevant principles. In determining a planning application, the LPA or SSCLG must act as follows. (In the case of LPAs, while reasons to grant permission are generally not given, the principles also apply to the deliberations by which it reached its conclusion; typically, the reasoning will be in the officer's report, and/or in the Minutes of the relevant committee). The decision maker must

- i) have regard to the statutory development plan (see s 70(2) *TCPA 1990*);
- ii) have regard to material considerations (s 70(2) *TCPA 1990*);
- iii) determine the proposal in accordance with the development plan unless material considerations indicate otherwise (s 38(6) *PCPA 2004*);
- iv) apply national policy unless he gives reasons for not doing so- see Nolan LJ in *Horsham District Council v Secretary of State for the Environment and Margram Plc* [1993] 1 PLR 81 following Woolf J in *E. C. Gransden & Co. Ltd. v. Secretary of State for the Environment* [1987] 54 P & CR 86 and see Lindblom J in *Cala Homes (South) Ltd v Secretary of State for Communities & Local Government* [2011] EWHC 97 (Admin), [2011] JPL 887 at [50];
- v) consider the nature and extent of any conflict with the development plan: *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13 at [22] per Lord Reed;
- vi) consider whether the development accords with the development plan, looking at it as a whole- see *R(Milne) v Rochdale MBC (No 2)* [2000] EWHC 650 (Admin), [2001] JPL 470, [2001] Env LR 22, (2001) 81 P & CR 27 per Sullivan J at [46]- [48]. There may be some points in the plan which support the proposal but there may be some considerations pointing in the opposite direction. It must assess all of these and then decide whether in the light of the whole plan the proposal does or does not accord with it; per Lord Clyde in *City of Edinburgh Council v. the Secretary of State for Scotland* [1997] UKHL 38, [1997] 1 WLR 1447, 1998 SC (HL) 33 cited by Sullivan J in *R(Milne) v Rochdale MBC (No 2)* at [48].

19. The interpretation of policy is for the Court, but its application to the context of a particular proposal is for the decision maker.
20. It has always been the case since the original *TCPA 1947* that the policies of a proposed development plan should be the subject of consultation, and where objection is made, independent examination. *PCPA 2004* and the related *LP Regs 2012* made considerable changes to the mechanics of the system for bringing forward policies, whether those which have the status of development plan policies for the purposes of the legislative code, or have a less significant role.
21. Albeit that the procedures for the adoption of a development plan have altered over the years, it is still a fundamental feature of the system that policies which form part of the development plan must be subjected to proper scrutiny, including independent scrutiny.

22. As will be apparent from the above, the SSCLG sits at the apex of the system of planning control. As well as determining appeals and called in applications, he also has the role of issuing policy, and of exercising general supervision. The *PCPA 2004* includes, for example, default powers for him to intervene if an LPA fail or omit to do anything necessary for it to do in connection with the preparation of a DPD (s 27) or, if he considers that a LDD is unsatisfactory (s 21), or of direction with regard to the revision of LDDs (s 26).
23. In drawing up DPDs or LPDs, LPAs must have regard to national policies and advice issued by the SSCLG (s 19(2)) and such other matters as he prescribes (s 19(2)(j)). Every DPD must be submitted to the SSCLG for independent examination (s 20(1)) by a person appointed by the SSCLG (s 20(4)) to whom he may issue directions to take or not take any step, or to require that person to consider any specified matters, or to give an opportunity (or further opportunity) to be heard, or to take any specified procedural step (s 20(6A)). There is also a specific statutory requirement that anyone exercising a function in relation to LDDs must do so with the objective of contributing to sustainable development (s 39(2)) and must have regard to national policies and advice issued by the SSCLG (s 39(3)).
24. National policy for the purposes of s 19 (2) and s 39(3) includes that given in NPPF (National Planning Policy Framework) and in NPPG, which resides on the Department of Communities and Local Government website. The effect of the provisions relating to the SSCLG and national policy is to seek to ensure that policies in DPDs reflect national policy, albeit as applied to local circumstances. In that context, it is relevant to note what national policy (in the form of NPPF) says about the preparation of local plans, and issue of the mix and type of housing.
25. Before turning to later passages in NPPF it is to be noted that it emphasises the importance of what it calls “Achieving Sustainable Development” at paragraphs [5]-[17]. Paragraph [14], which is of critical importance within NPPF, tells LPAs that the presumption in favour of sustainable development means in the case of plan making that;
- i) LPAs should positively seek opportunities to meet the development needs of their area;
  - ii) Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless
    - a) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF as a whole, or
    - b) specific NPPF policies indicate that development should be restricted.
26. NPPF [150]- [182] deal with the making of Local Plans. Housing is addressed at [159], whereby LPAs should have a clear understanding of housing needs in their area, and should prepare a Strategic Housing Market Assessment, which should identify the scale and mix of housing and the range of tenures likely to be needed

by the local population over the plan period, which among other matters addresses the need for all types of housing, including affordable housing and the needs of different groups in the community, and caters for housing demand and the scale of housing supply necessary to meet it. The examination of Local Plans is dealt with at [182]. It sets out policy that the plan should be “positively prepared”— i.e. that it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, and that it is consistent with national policy, which is said to require that the plan should enable sustainable development in accordance with policies in NPPF.

27. The policies on housing appear at section 6 of the NPPF at [47]-[55]. It is important in the context of this matter to note the words of [47], whereby in order to “boost significantly the supply of housing” LPAs should

“use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market areas, as far as is consistent with the policies set out in (NPPF).....”

28. Paragraph [50] states that, with the purpose of delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities, LPAs should

- i) plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community,
- ii) identify the size type, tenure and range of housing that is required in particular locations, reflecting local demand, and
- iii) where they have identified that affordable housing is needed, “set policies for meeting this need on site..... Such policies should be sufficiently flexible to take account of changing market conditions over time.”

29. I have spent a few paragraphs on the terms of NPPF, because of the relevance of national policy to plan making by the LPA. Is it the case that the effect of NPPF is that issues over the type and mix of housing should be addressed via Local Plans, or can it await an SPD? I shall return to that topic in my conclusions.

(iii) *Identifying the Development Plan*

30. By s 38(1) and (3) of the *PCPA 2004* a development plan is defined, for the purposes of the issues at play here, as consisting of

- i) The regional strategy (if any), and
- ii) The development plan documents (taken as a whole) which have been adopted or approved.

31. A DPD is defined in s 37 *PCPA 2004* as

“a local development document which is specified as a development plan document in the local development scheme.”



32. By s 17(7) PCPA 2004, regulations may prescribe which descriptions of documents are to be prepared as local development documents ((17) (7) (za)). A document can only be a local development document if adopted as such by an LPA, or approved by the SSCLG under sections 21 or 22.

33. Under the *LP Regs 2012* Regulation 5 and 6:

“Local development documents

5. (1) For the purposes of section 17(7)(za)(1) of the Act the documents which are to be prepared as local development documents are—

(a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—

- (i) the development and use of land which the local planning authority wish to encourage during any specified period;
- (ii) the allocation of sites for a particular type of development or use;
- (iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and
- (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;

(b) .....

(2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are—

(a) any document which—

- (i) relates only to part of the area of the local planning authority;
- (ii) identifies that area as an area of significant change or special conservation; and
- (iii) contains the local planning authority’s policies in relation to the area; and

(b) any other document which includes a site allocation policy.

Local plans

6. Any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b) is a local plan.”

34. By regulation 8(1), a “local plan or a supplementary planning document” (the use of the alternative conjunction will be noted) “must..... indicate whether the document is a local plan or a supplementary planning document.”

35. Policies in an SPD must not conflict with the adopted development plan (Reg 8(3)) whereas those in a local plan must be consistent with it (8(4)), but while it may contain a policy which supersedes one in the development plan, if it does so, it must state that fact and identify the superseded policy (8(4) and (5)).

(iv) *Procedures for adoption/approval*

36. I have referred above to s 20 *PCPA 2004*, which requires that every development plan document is referred to the SSCLG for “independent examination... by a person appointed by the (SSCLG)” (s 20(2) and (4)). That process involves giving to those who have made representations seeking change in a development plan document the right to appear before that person and be heard (s 20(6)). That independent person, if he concludes that relevant requirements are met and the plan is sound, must recommend adoption with reasons (s 20(7)) or if he does not, must recommend non-adoption with reasons (s 20(7A)). He can recommend modifications to the LPA (s 20(7B and C)). The recommendations and reasons must be published. The SSCLG may intervene (s 21 and s 27).

37. The critical parts of the *LP Regs 2012* relating to approval and adoption appear at Parts 5 (SPDs) and 6 (“Local Plans”). An SPD must be made the subject of public participation (Regs 12 and 13) but consideration of any objections is for the LPA itself, by means of an adoption statement (Regs 11 and 12).

By contrast, the adoption of a “local plan” requires steps to carry out the obligations in s 20 *PCPA 2004*. They include notification of the proposed preparation of a local plan. That is addressed in Regulation 18, whereby

“18. (1) A local planning authority must—

- a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and
- b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

(2) The bodies or persons referred to in paragraph (1) are—

- a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;<sup>1</sup>
  - b) such of the general consultation bodies as the local planning authority consider appropriate;<sup>2</sup> and
  - c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.
- (3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).
38. Anyone may make representations by a date specified (Reg 20). The principal Act (*PCPA 2004*) requires at s 20 that every development plan document (DPD) is submitted to the SSCLG for independent examination. The procedures are set out at Regs (17) to (31).
39. It follows that if a document is to be treated as a "local plan" it must go through the statutory procedures which apply.
- (v) *Cases for the Claimants and Defendant*
40. The Claimants' case relied heavily on the decision of Jay J in (*R (Skipton Properties Ltd) v Craven District Council* [2017] EWHC 534, where he addressed an interim policy, not part of the development plan, on the proportions of affordable housing to be sought when planning permissions for housing were granted. Jay J there interpreted Regulation 5(1)(a)(i) and (iv) of the *LP Regs 2012* as applying to the level of contributions to affordable housing. The same principles apply to a policy on the mix of dwelling types.
41. This is a policy which falls squarely within Regulation 5(1)(a)(i), and Regulation 5(1)(a)(iv).
42. The Claimants seek to distinguish the decision of a deputy judge, Mr John Howell QC, in *R (RWE Npower Renewables Ltd) v Milton Keynes BC* [2013] EWHC 751 on his interpretation of that regulation, and Regulation 5(1)(a)(iv), which he interpreted narrowly, on the basis of avoiding overlap between it and the sub-paragraphs (i)-(iii) of Regulation 5(1).

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<sup>1</sup> "Specific consultation bodies" are those defined as such in Reg (2), being the usual range of statutory consultees, whereas

<sup>2</sup> "general consultation bodies," includes voluntary bodies and community groups, but also bodies representing the interests of those carrying on business in the area (*ibidem*).

43. On Ground 1 Mr Lewis contended that HSPD 9 was expressed in imperative terms (the prescribed percentages “will be used”). That went beyond what Policy 3 of the CLPCS 3 said. Further, the HSPD misquoted the CLPCS as broadly seeking that a third of the new housing would consist of 2 bedroom units. CS 3 said no such thing. It appeared in the text, and not in the policy: reliance was placed on the distinction emphasised in the *Cherkley Campaign* case (supra) at [21] per Richards LJ.
44. In fact HSPD 9 sought to prescribe different percentages for all house sizes, and as between market and affordable housing. It related to “the development and use of land which the local planning authority wish to encourage during any specified period” and therefore fell within Reg 5(1)(a)(i). But it also contained “development management and site allocation policies, which are intended to guide the determination of applications for planning permission” and therefore also engaged Reg 5(1)(a)(iv). On that basis it could only be promoted by way of a local plan as defined. Jay J was right in *Skipton* at [90] to hold that the fact of a policy’s overlap with sub-paragraph (iii) did not negate the effect of it falling within (i) or (iv).
45. The Claimants relied on NPPF [158]-[159], and the references to “Local Plan” and “plan period” as showing that NPPF expected issues of housing mix to be addressed in the local plan, and therefore not in an SPD.
46. Objection was taken on this ground by two housebuilding objectors directly, and by others by implication.
47. On Ground 2, Mr Lewis argued that the viability of development was patently a material consideration. The Council, in seeking to argue that viability would be assessed at the application stage, was conflating two different issues
  - i) The viability of a particular scheme;
  - ii) The effects on all schemes of such a policy.
48. This, said the Claimants, amounted to a basic public law error.
49. On the issue of relief, the Claimant argues that the whole of the HSPD should be quashed, because it contains policies that should have been included in a DPD.
50. The case for the Defendant was as follows. Its central point was that if the HSPD fell exactly within the description given in Reg 5(1)(a)(iii), then it did not have to be treated as a Local Plan, whether or not there was overlap with the other categories. Mr Stinchombe QC relied on the approach of Mr John Howell QC in *RWE Npower* at [65]- [83]. That approach is as follows
  - i) if a policy in a document simply repeats what is in the adopted local plan or in another Local Development Document, it does not then fall within Reg 5(1) at all ([68]-[69]);
  - ii) the reference to “development management” in sub-paragraph (iv) cannot extend to all matters of development management or development control, since that would mean that there could never be SPDs ([74]);

- iii) sub-paragraph (iv) differs from (i) – (iii) because it deals with regulating the use of development generally, while the latter deal with particular developments or uses of land which the LPA is promoting (75)];
  - iv) the policy in question was seeking to encourage the granting of permission to wind turbines, so that sub-paragraph (iv) did not apply.
51. *RWE Npower* was to be preferred to *Skipton* on the interpretation of the Regulations. It was not necessary for Jay J to have decided on another interpretation because in the *Skipton* case there was no saved LP policy to which the policy in issue could be supplementary (see [94])
  52. The SPD here does not seek to control the mix of ratios, but merely sets out the CBC preference or starting point. The fact that there is to be a mix of units is in the *CLPCS* with approximately one third being said to be 2 bedroom units. HSPD 9 is simply giving detail to supplement the Core Strategy (*CLPCS* [5.6]).
  53. The policy does not fall within sub-paragraph (iv) as that does not extend to a policy relevant to the determination of a planning application (*RWE Npower* at [74])
  54. The mix of housing is the pursuit of a social objective, which therefore puts it within sub-paragraph (iii).
  55. The *CLPCS* has been adopted after passing through the process, including being found to be “sound.” The objectives of policy CS3 to encourage housing in stated numbers and an appropriate mix of the same having regard to identified housing needs and character of the area. It is sensible for CBC to set out a more detailed specification of the needs and the mix so as to attain those objectives. It is sensible to do that by an SPD which can be updated following consultation.
  56. On Ground 2 it is argued that the importance of economic viability was recognised, by the addition of it as a bullet point in the “Housing Mix guidance box” to acknowledge the relationship mix has with viability. Viability has therefore been addressed. The mix in HSPD 9 is therefore the Council’s starting point as a reflection of the latest evidence base.
  57. If relief is granted, only HSPD9 should be quashed. The rest of the SPD is severable.
- (vi) *Discussion and conclusions*
58. As is readily apparent from the submissions made to me, the central issue is whether the policies in HSPD 9 were such that they ought to have been in a DPD as a “Local Plan.”
  59. The relevant provisions were analysed with characteristic thoroughness by Jay J in *R (Skipton Properties Ltd) v Craven District Council* [2017] EWHC 534, where he considered whether a policy on affordable housing contributions was required by the *LP Regs 2012* to be adopted as a development plan document, or alternatively as a supplementary planning document. The relevant LPA contended that it was not a development plan document. At [18] ff he described the effect of the *LP Regs 2012*

"18 Regulation 2 of the 2012 Regulations defines "local plan" as "any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as DPDs" (see also regulation 6). Further, "supplementary plan document" ("SPD") means "any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan".

19 By regulation 5:

**"Local Development Documents**

(1) For the purposes of section 17(7)(a) of the Act the documents which are to be prepared as [LDDs] are –

(a) any document prepared by a local planning authority individually or in co-operation with one or more local planning authorities which contains statements regarding one or more of the following -

- (i) the development and use of land which the local planning authority wish to encourage during any specified period;
- (ii) the allocation of sites for a particular development or use;
- (iii) any environmental, social design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and
- (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission.

...

(2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are –

(a) any document which -

...

(iii) contains the local planning authority's policies in relation to the area;

..."

20 Thus, the effect of regulations 2 and 6 is that the local plan (and, therefore, the development plan) comprises documents of the description referred to in regulation 5(1)(a)(i), (ii) or (iv), or 5(2)(a) or (b). Documents which fall within the description referred to in regulation 5(1)(a)(iii) or (1)(b) cannot be DPDs.

21 SPDs are subject to regulations 12 and 13 of the 2012 Regulations, and specific public consultation requirements. DPDs are subject to the different consultation requirements of regulation 18.

22 SPDs, which are not a creature of the PCPA 2004, are defined negatively (see regulation 2(1)) as regulation 5 documents which do not form part of the local plan, i.e. are not DPDs. By the decision of this court in R (RWE Npower Renewables Ltd) v Milton Keynes Borough Council [2013] EWHC 751 (Admin) (Mr John Howell QC sitting as a DHJC), not all documents which are not DPDs are SPDs. As I have said, SPDs are only those documents which fall within regulation 5(1)(a)(iii) or (1)(b) of the 2012 Regulations. Documents which are neither DPDs nor fall within any of the provisions of regulation 5(1) are capable of being LDDs but – in order to differentiate them from DPDs and SPDs - are "residual LDDs". At paragraphs 57-59 of this judgment in RWE, Mr Howell QC made clear that it is not the location of a document within the prescribed

categories which is critical; what matters is that the document fulfils the separate criteria of section 17(3) and (8) of the 2004 Act.

23 Thus, there are three discrete categories, namely:

(1) DPDs: these are LDDs which fall within regulation 5(1)(a)(i), (ii) or (iv). They must be prepared and adopted as a DPD (as per the requirements of Part 6 of the 2012 Regulations). They must be subject to public consultation (regulation 18) and independent examination by the Secretary of State (section 20 of the PCPA 2004). As I have said (see paragraph 16 above), an issue potentially arises as to whether a document which does not fall within these regulatory provisions may nonetheless be a DPD because a local planning authority chooses to adopt it as such.

(2) SPDs: these are LDDs which are not DPDs and which fall within either regulation 5(1)(a)(iii) or (1)(b). They must be prepared and adopted as SPDs (as per the requirements of Part 5 of the 2012 Regulations). SPDs do not require independent examination but they do require public consultation (regulations 12 and 13).

(3) Residual LDDs: these are LDDs which are neither DPDs or SPDs. They must satisfy the criteria of section 17(3) and (8) of the PCPA 2004, and must be adopted as LDDs (as per (2) above). There are no public consultation and independent examination requirements: see paragraphs 44-46 of the decision of this Court on R (Miller Homes) v Leeds City Council [2014] EWHC 82 (Admin). At paragraph 17 above, I said that LDDs are material considerations in planning applications although they do not have the status of DPDs. I consider that the same logic should hold that LDDs which are SPDs carry greater weight in such applications than do residual LDDs.”

60. I entirely agree with that analysis, which seems to me to be unassailable. After addressing the arguments of the parties, the following passage (paragraphs [75]- [94]) appears where Jay J considers the effect of the regulations on the type of policy document that should be deployed to deal with issues relating to affordable housing:

“75 First, if the document at issue contains statements which fall within any of (i), (ii) or (iv) of regulation 5(1)(a), it is a DPD. This is so even if it contains statements which, taken individually, would constitute it an SPD or a residual LDD. This conclusion flows from the wording "one or more of the following", notwithstanding the conjunction "and" between (iii) and (iv).

76 Secondly, I agree with Stewart J” (in *Miller*) “that "regarding" imports a material nexus between the statements and the matters listed in (i)-(iv). Stewart J referred to "document" rather than to "statements", but this makes no difference. There is no material distinction between "regarding" and other similar adjectival terms such as "relating to", "in respect of" etc.

77 Thirdly, I agree with Mr Howell QC” (in *RWE Npower*) “that there may be a degree of overlap between one or more of the (i)-(iv) categories, although (as I have already said) a document which must be a DPD (because it falls within any

of (i), (ii) and/or (iv)) cannot simultaneously be an SPD. This last conclusion may well flow as a matter of language from the true construction of regulation 5(1)(a)(iii), but it certainly flows from the straightforward application of regulations 2(1) and 6.

78 Fourthly, it would have been preferable had regulation 5(1)(a)(iii) followed (iv) rather than preceded it. However, the sequence does not alter the sense of the provision as a whole. Nor do I think that much turns on the relative order of (i) and (iv).

79 Fifthly, I note the view of Mr Howell QC that regulation 5(1)(a) pertains to statements which contain policies. This reflects section 17(3) of the 2004 Act – LDDs must set out the local planning authority's policies relating to the development and use of land in its area. I would add that section 17(5) makes clear, as must be obvious, that an LDD may also contain statements and information, although any conflict between these and policies must be resolved in favour of the latter. Regulation 5(1)(a) fixes on "statements" and not on policies. However, in my judgment, the noun "statements" can include "policies" as a matter of ordinary language, and any LDD properly so called must contain policies. It follows that any document falling within (i)-(iv) must contain statements which constitute policies and may contain other statements, of a subordinate or explanatory nature, which are not policies.

80 Sixthly, the difference in wording between regulation 5(1)(a)(i) and (iv) featured in the argument in *Miller* but not on my understanding in the argument in *RWE*. For the purposes of (i), the statements regarding the development and use of land etc. *are* the policies, or at the very least include the policies. On a strict reading of (iv), the statements at issue are "regarding ... development management and site management policies". In other words, the statements are not the policies: they pertain to policies which exist in some other place. I will need to examine whether this strict reading is correct.

81 Seventhly, given that we are in the realm of policy, "however expressed", it seems to me that by definition we are dealing with statements of a general nature. A statement which can only apply to a single case cannot be a policy. To my mind, the difference between a policy which applies to particular types of development and one which applies to all developments is one of degree not of kind. The distinction which Mr Howell QC drew in *RWE* (see paragraph 75 of his judgment, and paragraph 69(6) above) is nowhere to be found in the language of the regulation, save to the limited and specific extent that regulation 5(1)(a)(ii) uses the adjective "particular". Looking at regulation 5(1)(a)(i), I think that this could not be a clearer case of a policy of general application ("development and use of land"), subject only to the qualification of the development being that which the authority wishes to encourage.

82 Eighthly, regulation 5(1)(a) must be viewed against the overall backdrop of the 2004 Act introducing a "plan-led" system. Local planning authorities owe statutory duties to keep their local development schemes and their LDDs under review: see, for example, section 17(6) of the 2004 Act.



83 Does the NAHC 2016 fall within regulation 5(1)(a)(i)? Mr Bedford draws a distinction between affordable housing and residential development. On his approach, affordable housing is a concept which is adjunctive to that which is "development" within these regulations or the 2004 Act; and, moreover, the NAHC 2016 predicates a pre-existing wish or intention to carry out residential development. I would agree that if the focus were just on the epithet "affordable", there might be some force in the point that it is possible to decouple the NAHC 2016 from the scope of regulation 5(1)(a)(i), which is concerned only with "development".

84 I was initially quite attracted by Mr Bedford's submissions, and the attraction did not lie simply in their deft and effective manner of presentation. On reflection, I am completely satisfied that they are incorrect, for the following cumulative reasons.

85 First, the Defendant wishes to promote affordable housing throughout its area in the light of market conditions. It no longer has an affordable housing policy in its adopted local plan, but there is such a policy (differently worded) in its emerging local plan. In the meantime, the Defendant wishes to promote affordable housing in conformity with the overarching policy direction of paragraphs 17 and 50 of the NPPF and the 2014 Ministerial Statement. Indeed, the language of the NPPF is reflected in the NAHC 2016 itself. Affordable housing policies are ordinarily located in local plans because they relate to the development and use of land.

86 Secondly, affordable housing forms a sub-set of residential development. The latter may be envisaged as the genus, the former as the species. It is artificial to attempt to separate out "affordable housing" from "residential development". This entails an excessive and unrealistic focus on narrow aspects of tenure. As Mr Jones convincingly pointed out, the NAHC 2016 ranges well beyond tenure (which is simply another way of expressing what affordable housing is) into matters such as size of dwelling, distribution of types of housing across developments etc.

87 Thirdly, the correct analysis is that the NAHC 2016 promotes residential development which includes affordable housing. The latter is expressed as a percentage of the former. The setting of that percentage will inevitably have an impact on the economics of all residential development projects, because it impinges directly on developers' margins. Setting the percentage too high would kill the goose laying these eggs. Setting the percentage too low would lead to insufficient quantities of the affordable housing the Defendant wishes to encourage. The common sense of this is largely self-evident, and is reflected both in the language of paragraph 50 of the NPPF and paragraph 2 of the NAHC 2016 itself – "[s]uch policies should be sufficiently flexible to take account of changing market conditions over time".

88 Fourthly, it is incorrect to proceed on the basis that (in accordance with Mr Bedford's primary submission) residential development should be taken as a given, with the affordable housing elements envisaged as a series of restrictions and constraints. Arguably, some support for this approach may be drawn from paragraph 26 of *Miller*, although that case turned on its own facts. This approach

ignores the commercial realities as well as what the NAHC 2016 specifically says about the need for pre-application discussions, with insufficient attention to affordable housing requirements likely leading to the refusal of an application. In my judgment, all elements of a housing package which includes affordable housing are inextricably bound.

89 Fifthly, the language of regulation 5(1)(a)(i) mirrors section 17(3) of the 2004 Act, "development and use of land". These terms are not defined in the 2004 Act. "Development" is defined in section 55 of the Town and Country Planning Act 1990 and includes "material change of use". "Use" is not defined, although such uses which cannot amount to a material change are. Mr Bedford submitted that regulation 5(1)(a)(i) is tethered to section 55; Mr Jones submitted that the concept is broader. In my judgment, even on the assumption that section 17(3) of the 2004 Act should be read in conjunction with section 55 of the 1990 Act, nothing is to be gained for Mr Bedford's purposes by examining the latter. "Use" is not defined for present purposes, still less is it defined restrictively. I would construe section 17(3) as meaning "development and/or use of land". If residential development includes affordable housing, which in my view it does, there is nothing in section 55 of the 1990 Act which impels me to a different conclusion.

90 I mentioned in argument that there may be force in the point that the NAHC 2016 sets out social and economic objectives relating to residential development, and that this might lend support to the contention that the more natural habitat for an affordable housing policy is regulation 5(1)(a)(iii) rather than (i). On reflection, however, there is no force in this point. There is nothing to prevent a local planning authority including all its affordable housing policies in one DPD. Elements of these policies may relate to social and economic objectives. However, these elements do not notionally remove the policy from (i) and locate it within (iii). The purpose of regulation 5(1)(a)(iii) is to make clear that a local planning authority may introduce policies which are supplementary to a DPD subject only to these policies fulfilling the regulatory criteria. The Defendant has made clear that it may introduce an SPD, supplementary to its new local plan, which sets out *additional* guidance in relation to affordable housing.

91 In any event, on the particular facts of this case it is clear that the NAHC 2016 could not be an SPD even if I am wrong about it being a DPD. This is because there is nothing in the saved policies of the 1999 Local Plan to which the NAHC is supplementary, despite Mr Jones' attempts to persuade me otherwise. This is hardly surprising, because the whole point of the NAHC 2016 is to fill a gap; it cannot logically supplement a black hole. That it fills a gap is, of course, one of the reasons I have already identified in support of the analysis that the NAHC 2016 is a DPD.

92 In my judgment, the correct analysis is that the NAHC 2016 contains statements in the nature of policies which pertain to the development and use of land which the Defendant wishes to encourage, pending its adoption of a new local plan which will include an affordable housing policy. The development and use of land is either "residential development including affordable housing" or "affordable housing". It is an interim policy in the nature of a DPD. It should have been consulted on; an SEA should have been carried out; it should have been submitted to the Secretary of State for independent examination.

93 Strictly speaking, it is unnecessary for me to address regulation 5(1)(a)(iv). However, in deference to the full argument I heard on this provision, I should set out my conclusions as follows:

(1) despite the textual difficulties which arise (see paragraph 78 above), and notwithstanding the analysis in *Miller* (which addressed the claimant's formulation of its case), I cannot accept that it is necessary to identify a development management policy which is separate from the statements at issue. As I have already pointed out, the whole purpose of regulation 5 is to define LDDs *qua* policies, by reference to statements which amount to or include policies. A sensible, purposive construction of regulation 5(1)(a)(iv) leads to the clear conclusion that the NAHC 2016 could fall within (iv) if it contains development management policies (subject to the below).

(2) I would construe the "and" in regulation 5(1)(a)(iv) disjunctively. This is in line with regulation 5(1)(a)(iii) (see the first "and", before "economic") and the overall purpose of the provision. As Mr Howell QC has rightly observed, a conjunctive construction would lead to absurdity. It would have been better had the draftsman broken down (iv) into two paragraphs ("development management policies which ..."; "site allocation policies which ...") but the upshot is the same.

(3) I agree with Mr Howell QC, for the reasons he has given, that it is possible to have LDDs which are outside regulation 5 but that it is impossible to have DPDs which are outside the regulation. This is another reason for supporting a disjunctive construction.

(4) I disagree with Mr Howell QC that regulation 5(1)(a)(i) and (iii) applies to particular developments or uses of land, whereas (iv) is general (see paragraph 79 above).

(5) The real question which therefore arises is whether the NAHC 2016 contains development management policies which guide or regulate applications for planning permission. It may be seen that the issue here is not the same as it was in relation to regulation 5(1)(a)(i) because there is no need to find any encouragement; this provision is neutral.

(6) I would hold that the NAHC 2016 clearly contains statements, in the form of development management policies, which regulate applications for planning permission. I therefore agree with Stewart J's *obiter* observations at paragraph 37 of *Miller*.

94 There is force in Mr Bedford's objection that a disjunctive reading of regulation 5(1)(a)(iv) leaves little or no space for (ii) and site allocation policies, given the definition of the latter in regulation 2(1). However, this is an anomaly which, with respect, is the fault of the draftsman; it cannot affect the correct approach to regulation 5(1)(a)(iv). There is more limited force in paragraph 74 of the judgment of Mr Howell QC in *RWE*, but I would make the same point. Regulation 5(1)(a)(i) and (iv) do not precisely overlap (see paragraph 93(5) above); (iii) is in any event separate because it only applies in relation to statements of policy objectives which are supplemental to a specific DPD.

Further, anomalies pop up, like the heads of Hydra, however these regulations are construed. These, amongst others, are good reasons why the 2012 Regulations should be revised.”

61. I agree with that analysis. Insofar as it differs from that of Mr John Howell QC in *RWE*, I prefer that of Jay J, which in my judgement reflects the basic underlying policy of the legislation and of the code, namely that the development plan is the place in which to address policies regulating development. That is what this policy undoubtedly did, albeit that CBC describe it as a starting point. As Mr Lewis pointed out, the policy in HSPD 9 undoubtedly requires the applicant for permission to show that the mix set out in the policy is not the one to use.
62. Mr Stinchcombe’s first argument – i.e. that the policy relates only to matters falling within sub-paragraph (iii) - is unsustainable. The mix of housing proposed in an application could lead to a refusal on the grounds that it is unacceptable, or on an outline application could lead to the imposition of a condition applying a particular mix. In either case, the way in which that land would be developed is affected. A housing mix policy is thus “a statement regarding.... the development of land” and falls within sub-paragraph (i). It also falls within the scope of development management and probably within the scope of site allocation. It will undoubtedly be used “in the determination of planning applications.” It thus falls within sub-paragraph (iv) as well.
63. That being so, it is unnecessary to interpret (iii). There is nothing in the Regulations which require the interpretation of the sub-paragraphs in an exclusive manner. I agree with Jay J that the drafting of these Regulations is very poor, and can lead to confusion, or to lengthy arguments on interpretation with not much regard being had to the realities of development control. It is in that context that I refer to the concept of the Planning Code, and within it to the role of the development plan, and to the importance given by the code to proper examination of the development plan, and to the fair consideration by an independent person of objections and representations made. From the point of view of all types of participant in the planning process, the process of development plan approval and adoption is important. Individual planning applications, appeals and inquiries will, save in unusual cases, be focussed on the effect of developing the site in question. Development plan processes, including the independent examination, also look at issues relating the wider pattern of development, and at policies which apply across the Local Plan Area, as well as the site specific issues relating to sites where there is objection to their inclusion or omission. The Code, including that in its current form, maintains that principle.
64. If the CBC arguments were to prevail, then arguments on the overall mix of housing across the LP area, and across differing sites, would have as their “starting point” or “preference” as Mr Stinchcombe put it, or a “presumption” as Mr Lewis put it, a particular mix of housing which the LPA would want to see achieved. Whatever the choice of noun, that is a policy which could, and if my interpretation of the Regulations is correct, should have been open for debate within the Local Plan context. Although the text of the *CLPCS* referred to a mix, it was, no doubt quite deliberately, omitted from the policy, CBC then accepting that it should not figure within it. While I accept that subsequent evidence has come forward from a strategic housing assessment, that cannot be a reason for using an SPD as the vehicle for making an alteration.

65. I have not referred to the guidance in *NPPF* as an aid to interpreting the legislation. If my interpretation and that of Jay J is in error, *NPPF* cannot be relied on to argue for a different approach. But it is appropriate to note as a postscript that the terms of *NPPF*, cited above, make it plain that this should have been the subject of a DPD in accordance with Regulations 5 and 6. I refer in particular to the terms of paragraphs [14], [47], [50] [159] and [182]. The Claimants, while mentioning the role of statutory guidance, have pinned their colours to the interpretation issue. But it is worth noting that if CBC is correct, then the topic of housing mix can and probably should be omitted from any Local Plan policy, even though it must form part of the strategic housing assessment which informs such a policy. That will amount to a significant departure from the policies in *NPPF*.
66. As to Ground 2 this is really another argument in favour of the first ground. The economic arguments are important both at the stage of policy formulation, and at the application stage. If an overall policy sets a particular percentage contribution then it must assume some role within determination of an application, and of any arguments (including viability) advanced in support of that application.
67. On the other hand, economic viability as an issue gets more broad brush once one leaves a particular site and seeks to argue the issue more generally. But as *NPPF* shows, issues such as demand, market conditions and sustainability are all relevant to Local Plan preparation. It is otiose to set housing targets, or seek to encourage the housebuilding industry to provide homes, without addressing whether the policies one seeks to put in place would frustrate those objectives.
68. CBC concede that it will always consider the economics of development, but also concedes that there was no such assessment before the policy was issued. I consider that this ground is made out.
69. As to relief, the only arguments which I heard of any substance related to HSPD 9. I am not willing to strike down other policies whose provenance was not contested before me. I shall therefore limit the relief granted to the quashing of that policy.

## Comment

<b>Consultee</b>	Mr Mark Behrendt (616934)
<b>Email Address</b>	info@hbf.co.uk
<b>Company / Organisation</b>	Home Builders Federation
<b>Address</b>	HBF House 27 Broadwall London SE1 9PL
<b>Event Name</b>	Accommodation for Older People and People with Disabilities
<b>Comment by</b>	Home Builders Federation (Mr Mark Behrendt - 616934)
<b>Comment ID</b>	AOP4
<b>Response Date</b>	20/06/19 08:21
<b>Consultation Point</b>	Accommodation for Older People ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.4
<b>Files</b>	HBF Response to Arun Accommodation for older people and people with disabilities SPD_Redacted.pdf

**Which part of the document does your comment relate to?** . Paragraph no.

**Are you?** . Objecting

**Do you have any evidence to support your comment?** . No

**Are there any other factors that should influence the application of the standards?** . No

**Please detail your response in the box below:**

Please see attached letter in comments.

Sent by email to: [localplan@arun.gov.uk](mailto:localplan@arun.gov.uk)

19/06/2019

Dear Sir/ Madam

**Response by the Home Builders Federation to the consultation on the Accommodation for older people and people with disabilities SPD**

Thank you for consulting the Home Builders Federation (HBF) on the above supplementary planning document (SPD). The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

The decision to adopt the optional technical standard for accessible housing (part M4(2) and M4(3)) through supplementary planning guidance is neither consistent or compliant with national policy or legislation. If the Council, following this consultation, decides to adopt and implement this SPD it will be open to legal challenge. In order to avoid this situation, and the unnecessary additional costs to both the Council and our members, we suggest that the SPD is not adopted. If the Council wishes to introduce the optional technical standards it will need to be achieved through a focussed review of the local plan. These matters are explored in more detail below

**Policy consistency**

When considering the approach to be taken in the adoption of the optional technical standards it is essential to consider that Planning Practice Guidance states in paragraph 56-002-20160519 that:

*“Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans.” (our emphasis)*

Paragraph 56-008-20160519 reinforce this in relation to the accessibility standards which states that local planning authorities should:

*“... clearly state in their Local Plan what proportion of new dwellings should comply with the requirements.”*



Alongside these statements we would also refer the Council to Glossary of the NPPF which defines SPDs as being “...*not part of the development plan*”. The Council cannot, therefore, seek to introduce the Optional Technical Standards for accessibility via SPD as this would be explicitly contrary to government guidance on the approach to be taken. It would appear from the consultation document that the Council are suggesting that policies DM1 and DM2 provide the necessary hooks within the local plan to allow for the introduction of these optional standards. However, neither of these policies suggest that the Council intended to introduce these standards through SPD and even if such an approach had been proposed it would have been considered unsound. The only policy compliant and sound approach the Council can take to the adoption of the optional technical standards is through a focussed review of the local plan. Only this approach would provide the necessary opportunity for the evidence to be thoroughly tested and scrutinised by stakeholders and a Planning Inspector.

### **Legal compliance**

The relevant legislation defining Local Plans and SPDs also relevant with regard to adoption of the optional technical standards. The Town and Country Planning Regulations (2012) defines an SPD in regulation 2 as “*any document of a description referred to in regulation 5 (except and adopted policies map or statement of community involvement) which is not a local plan.*” Therefore, it can be concluded, as stated above, that whilst SPDs are Local Development Documents they are not local plans. It is also important to note that regulation 2 defines the local plan as:

*“any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan document”*

Regulation 5 in turn states:

*5(1) For the purposes of section 17(7)(za)(1) of the Act the documents which are to be prepared as local development documents are—*

*(a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—*

*(i) the development and use of land which the local planning authority wish to encourage during any specified period;*

*(ii) the allocation of sites for a particular type of development or use;*

*(iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and*

*(iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;*

Taken together these regulations mean that a local plan is a document that contains statements as to the:



- development and use of land which the local planning authority wish to encourage during any specified period;
- allocation of sites for a particular type of development or use; and
- development management and site allocation policies, which are intended to guide the determination of applications for planning permission.

We would suggest that the application of the optional technical standards fall under regulation 5(1)(a)(iv) and are development management policies which are intended to guide the determination of applications for planning permission and should only be adopted in a local plan following the prescribed process. As such their adoption through SPD without the need for examination in public is wholly inappropriate. This issue was explored in detail in the recent High Court Judgement between William Davis Ltd, Bloor Homes Ltd, Jelson Homes Ltd, Davidson Homes Ltd & Barwood Homes Ltd and Charnwood Borough Council. In this case Justice Gilbart quashed the SPD on the grounds that it contained policies that should have been contained in the local plan because they could be considered to fall under regulation 5(1)(a)(i) and 5(1)(a)(iv).

Finally, the Council state in paragraph 3.4 that “*now is considered the right time to set out the Council’s expectations as a starting point for any negotiations*”. We would disagree. The correct point at which this should have been properly considered by the Council was during the examination of the local plan. It is also worth remembering that the Government has placed greater emphasis on the considering viability at the plan making stage (paragraph 34 and 57 of the NPPF and paragraph 10-002 of PPG) and not through site by site negotiations. The Council’s approach is at odds with this approach by not only placing an additional cost on development outside of the plan making process but also by creating the need for site by site negotiation.

### **Conclusion**

Had the Government intended for the optional technical standards to have been adopted through SPD, without the need for public examination, it would have said so. The Council’s decision to adopt the optional technical standards through SPD is contrary to national planning policy and legislation governing the contents of SPDs and Local Plans. We would suggest the Council reconsiders its approach in the light of the evidence presented in this representation and does not adopt this SPD.

We hope these comments are helpful and if you would like to discuss these issues further please contact me.

Yours faithfully



Mark Behrendt MRTPI  
Planning Manager – Local Plans

Home Builders Federation

[REDACTED]  
[REDACTED]

## Comment

Consultee	Mrs Juliet Harris (820080)
Email Address	
Company / Organisation	Littlehampton Town Council
Address	The Manor House Church Street Littlehampton BN17 5EW
Event Name	Accommodation for Older People and People with Disabilities
Comment by	Littlehampton Town Council (Mrs Juliet Harris - 820080)
Comment ID	AOP5
Response Date	21/06/19 07:45
Consultation Point	Accommodation for Older People ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Which part of the document does your comment relate to?	. Paragraph no.
Are you?	. Commenting
Do you have any evidence to support you comment?	. N/A
Are there any other factors that should influence the application of the standards?	. N/A

**Please detail your response in the box below:**

The document covers the need to ensure new build projects are encouraged to meet the needs of older and disabled people, but nowhere does it cover the protection of existing properties that have already been adapted for this purpose. For example, people often want a bungalow so as to be able to access the entire property by wheelchair and therefore need single floor access. Whilst there is nothing to stop future properties being built with the intent on being suitable for people with disabilities, there is nothing to prevent these properties being changed later rendering them inaccessible for older people and people with disabilities in the future.

It is therefore considered that the Policy would be enhanced if, when a planning application is received that would result in the loss of facilities designed to support older people and people with disabilities, e.g.: a conversion of a bungalow into a two storey "chalet" style bungalow, provision is made so that the loss of these facilities is also given weight when determining the planning application.

Thank you



**Assistant Town Clerk**

Littlehampton Town Council

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 15 OCTOBER 2019

#### PART A : REPORT

<b>SUBJECT:</b> Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document
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<b>REPORT AUTHOR:</b>	Kevin Owen, Team Leader Local Plans
<b>DATE:</b>	16 September 2019
<b>EXTN:</b>	37853
<b>PORTFOLIO AREA:</b>	Planning

#### EXECUTIVE SUMMARY:

Following a four-week consultation (2 July to 30 July 2019) on a draft Supplementary Planning Document for Open Space, Playing Pitches and Built Sports Facilities, this report advises members on the representation made and the proposed response. The report makes the following recommendations in order to adopt the guidance as a material consideration for Development Management purposes.

#### RECOMMENDATIONS:

That the Planning Policy Sub Committee agrees the following:

- a) That subject to the proposed changes detailed in this report (and any further minor changes in consultation with the Chairman, Portfolio holder for Planning and Group Head of Planning), that the Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document be recommended for adoption (following publication of the SPD for 4-weeks together with the statement of representations and Arun's proposed response), at Full Council on 20 January 2020.

#### 1. BACKGROUND:

- 1.1 On 18 June 2019 Planning Policy Sub-Committee approved the draft Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document (OS SPD) and standard calculators, for a four-week public consultation (Background paper 1.).
- 1.2 The previous report to the Local Plan Sub Committee on 26 February 2018 is included as a background document 2. This sets out the background explaining why the OS SPD is needed: -
  - The Open Space and Recreation Standards Supplementary Planning Guidance (SPG) 2000 standards within new residential developments is based on the older National Playing Fields Association "six Acre" standard

- and needed updating;
  - The Local Plan evidence base for sport and recreation was being updated to deliver emerging Policy OSR DM1 'Open Space & Recreation', requirements and that the methodology for delivering the requirements would be set out within an updated OS SPD;
  - In the interim, guidance based on the Fields in Trust (previously known as the National Playing Fields Association) "Beyond the six-acre Standard 2015" for outdoor sport and play provision is being used for development management purposes.
- 1.3 The Arun Local Plan policy OSR DM1 was adopted in July 2018. The proposed draft OS SPD which has now completed a four-week consultation, is based on the updated Arun evidence base for Open Space, Playing Pitch and Built Sports Facilities strategies including the FIT standard for open space.
- 1.4 The consultation OS SPD (and opens Space and Play Calculator Excel sheet – Appendix 3) was sent to the development industry, agents and other key stakeholders and was advertised on the Councils web site and on the consultation portal and documents deposited in the libraries and office receptions at the Civic Centre and at Bognor Regis.
- 1.5 Representations were received from 12 consultees: -
- Bourne Leisure - objecting
  - Sport England – supporting
  - University of Chichester - supporting
  - Walberton Parish Council – commenting
  - An individual from Littlehampton (Mrs Boulton) - commenting
  - Angmering Parish Council – supporting
  - Persimmon Homes – objecting
  - Highways Agency - commenting
  - Historic England - commenting
  - Ferring Parish Council - commenting
  - West Sussex County Council - commenting
  - An individual from Littlehampton (Mr Chester) – commenting
- 1.6 Seven representors are commenting, three are supporting and two are objecting. The detailed representations can be accessed via the consultation portal at Background Paper 3.
- 1.7 The representation issues raised are summarised in Appendix 2 to this report together with the Council's proposed response against the matters raised.
- 1.8 Persimmon Homes are objecting on the timing of introduction of the FIT 3.75 ha/1000 population open space standard (compared to the older '6 acre' standard or 2.4 ha/1000 population). The contention is that an increased standard would have increased cost implications and should not apply to extant unimplemented permissions as at 25 July 2019 or to any fresh planning permission until the OS SPD is adopted (i.e. Persimmon Homes accept the standard should apply on adoption).

- 1.9 It is a matter of fact that the Council has been applying the FIT standard since February 2018 in development management negotiations and these have been mainly successful and unchallenged. However, Persimmon Homes have challenged this standard. The FIT standard “Beyond the 6 acres Standard” was published in 2015. The intention to move towards improved FIT standards in terms of accessibility, quality and minimum standards e.g. for play space, has been signaled through the emerging evidence base supporting the preparation of the Local Plan (e.g. Open Space Assessment Report September 2016) including the intention to set out a methodology for calculating contributions via an OS SPD to support implementation of Policy OSR DM1 ‘Open Space & Recreation’.
- 1.10 Although the FIT standard was not explicitly modelled within the Local Plan Viability Study (January 2017) - viability was assessed on a broad assessment of development typologies including planning contributions, average greenfield and brownfield density, net developable area assumptions. Furthermore, a level of contingency has been included as well as a number of viability buffer allowances. On the basis of this cautious approach to development viability, it is proposed that the Council maintain the FIT standard subject to viability, as a material consideration for DM purposes and with greater weight following adoption of the OS SPD
- 1.11 Bourne Leisure operate a number of holiday park attractions within Arun and have also objected on the basis that leisure and recreation use is different from residential development and other commercial uses. Therefore, it should be clarified in the OS SPD that such leisure uses are exempted. It is proposed that the Council agrees to this clarification because of the bespoke and self-contained nature of such D2 Leisure and Assembly uses which are subject to other business models and licensing regulation.
- 1.12 A number of individual comments commented on the methodology and ways to improve or clarify the OS SPD but did not raise any issues which need substantive changes.
- 1.13 Sport England have been very supportive of the approach to the OS SPD. They have raised a matter regarding recent changes to the calculation of Artificial Grass Pitches (AGP) – previously included within the Sports Facilities Calculator (SFC). AGP calculation has now moved into Sport England’s ‘Active Places Power’ (APP) pitch calculator. The OS SPD document has therefore, been amended to reflect the current situation.
- 1.14 The OS SPD with track changes responding to representations (including the AGP calculator) and addressing other non substantive typographical matters raised by officers is set out in Appendix 1 to this report. The OS SPD key changes will entail: -
- Clarification that Leisure uses are exempt from the OS SPD;
  - Clarification that the FIT standard will be a material consideration (subject to viability) with significant weight following adoption of the OS SPD;
  - Clarification of the wording by moving several paragraphs around in the introduction;

<ul style="list-style-type: none"> <li>• Updated reference to CIL Regulation's which came into effect on 2 September which will lift s.106 pooling restrictions, made in several areas in the document;</li> <li>• Summary steps list added to each section as a quick reference list to help the reader understand interpret each chapter;</li> <li>• the change to the Sport England calculators for AGP previously within the Sports Facilities Calculator is now moved into the playing pitch calculator – the wording and worked examples have been amended to reflect this change;</li> <li>• the playing pitch calculator also now includes a figure for ancillary facilities (again this has been factored into the SPD wording/worked examples) – as a result the figures for contributions to pitch provision have increased</li> <li>• Clarification of the table thresholds in table 4.1.2 on page 13 of the document for on an off-site contributions where they overlap i.e. 8-33 and 33 dwellings and greater - development of play space for 33 dwellings could fall within either threshold with respect to on-site or off site provision – the remedy is that thresholds should have read 8-33 and 34 dwellings or greater (the open space calculator has also been updated to reflect the slight change in thresholds) – changes necessary for the avoidance of doubt;</li> <li>• added appendices to provide an 'step by step' summary;</li> <li>• added appendices providing best practice guidance on the role of tree planting in open space provision and protection of existing trees (in response to officer comments).</li> </ul> <p>1.15 The Council is therefore, proposing the OS SPD progress to adoption at Full Council following the 4-week publication the SPD and the statement of representations and proposed changes on which comment may be made (as required by Regulation 12 'Public Participation' of 'The Town &amp; Country Planning Act (Local Planning) (England) Regulations 2012').</p> <p>1.16 Following adoption, the OS SPD standards will be given significant weight and used as a material consideration (the FIT standard will be a material consideration subject to viability) in determining planning applications.</p>		
<p><b>2. PROPOSAL(S):</b></p> <p>The OS SPD is recommended for adoption by Full Council following the required 4-week consultation period in order that it can be used for calculating opens pace, play and indoor sport provision contributions at Development Management stage when applications are being determined.</p>		
<p><b>3. OPTIONS:</b></p> <p>The proposal is to adopt the guidance as SPD to provide a material consideration to provide negotiable opens pace, play and sport provision standards - or not to adopt the guidance.</p>		
<p><b>4. CONSULTATION:</b></p> <p>This will follow if the recommendations as set out above are agreed.</p>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>



Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		x
Legal		x
Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
<b>6. IMPLICATIONS:</b> <p>The Adopted Local Plan 2018 was subject to a Sustainability Appraisal which included assessment of social, economic and environmental objectives and impacts and necessary policy mitigation. Policy OSR DM1 implementation assisted by the OS SPD will materially improve the quality of development in terms of health and wellbeing and biodiversity.</p>		

#### **7. REASON FOR THE DECISION:**

The recommendations are intended to ensure that developments deliver the necessary level of provision in terms of open space, play space and built sports facilities in order to mitigate their impact in relation to the scale of development proposed and consequent demand from population and households to use such facilities.

#### **8. BACKGROUND PAPERS:**

1. Item 7: Open Space, Playing Pitches and Built Sports Facilities SPD – Planning Policy Sub-Committee 18 June 2019

<https://democracy.arun.gov.uk/Data/Planning%20Policy%20Sub-Committee/20190227/Agenda/Agenda.pdf>

2. Item 5: Open Space, Playing Pitches and Built Sports Facilities SPD – Local Plan Sub-Committee 26 February 2018

<https://democracy.arun.gov.uk/Data/Local%20Plan%20Subcommittee/20180226/Agenda/Agenda.pdf>

3. Open Space, Playing Pitches and Built Sports Facilities - Representations – Objective Portal:

[https://arun.objective.co.uk/portal/planning/spds/pos/arun\\_pos\\_2019?pointId=5417759](https://arun.objective.co.uk/portal/planning/spds/pos/arun_pos_2019?pointId=5417759)

## Appendix 2: Summary Table of Representation responses

Respondent and Comment ID	Consultation Point	ADC proposed Response
Bourne Leisure (POS12)	<p><b>3 Policy Context: -</b></p> <p>“If viable, new commercial development makes provision for and/or contributes to recreation and leisure facilities” (adopted Arun Local Plan 2018 Para 1</p> <p>4.1.8).</p> <p>In accordance with the adopted local plan, the draft SPD document reiterates that “commercial uses (e.g. B1, B2 and B8 and retail class) may be expected to contribute appropriate forms of open space provision...” (OS SPD para. 3.21).</p> <p>Bourne Leisure requests that the draft SPD document clearly acknowledges that tourism is a distinctive use which does not fall within the commercial uses listed above (B1, B2, B8 and retail class).</p> <p>As a result, the open space standards should not apply to tourism accommodation.</p>	<p>Tourism accommodation and associated leisure uses come under class D2 ‘Assembly &amp; Leisure’ under the Town &amp; Country Planning (Use Classes) Order 1987 (as Amended).</p> <p>The main purpose of the OS SPD is to mitigate the impact of population and household growth arising from residential development and subject to viability, commercial uses where appropriate.</p> <p>D2 leisure uses with holiday accommodation operate business model and licensing process which provides leisure and open space requirements which make it distinct from residential development and other commercial B and A use classes.</p> <p>Accepted – the proposed amendment wording of para 5.4 for the avoidance of doubt.</p>

Bourne Leisure (POS13)	<p><b>5 Determining contribution requirements: -</b></p> <p>As a result, the open space standards should not apply to tourism accommodation. Accordingly, we therefore suggest additional wording to paragraph 5.4, as below: -</p> <p>Suggest re-wording of paragraph 5.4 in Section 4 to include <i>tourism accommodation</i> as a type of development exempt from contributing to provision</p>	As above – accepted - the proposed amendment wording of para 5.4 for the avoidance of doubt.
Sport England (POS10)	<p><b>Arun Public Open Spaces Standards SPD</b></p> <p>Supportive of the positive and proactive approach set out within the SPD with the Council making request based on up to date evidence (Playing Pitch Strategy and the Indoor and Built Facilities Assessment) and reference being made to relevant guidance to inform such proposals (i.e. Active Design and national governing bodies guidance).</p>	Noted.
Sport England (POS20)	<p><b>8 Appendix Three Cumulative Demand for Indoor &amp; Built Sports Facilities</b></p> <p>Support is given to the approach set out within the SPD with the contributions being supported by an up to date evidence base to reflect the local circumstances.</p>	Noted.
Sport England (POS19)	<p><b>Table 12.5 / Table A6.3 Estimated Pitch Demand</b></p> <p>Support is given to the life cycle costs for playing pitches to ensure that they are adequately maintained ensuring that they are fit for purpose.</p>	Noted.
Sport England (POS18)	<p><b>Appendix Five: Minimum site sizes</b></p> <p>The relevant playing pitch size dimension recommended by the respective national governing bodies can be viewed on Sport England's Comparative Sizes of Sports Pitches and Courts (outdoor) guidance. The pitch dimensions do not take account of, where relevant, ancillary provision such as changing and car parking. Sport England agree with the statement contained within para 10.26.</p>	Noted.
Sport England (POS17)	<p><b>7 Appendix Two: Design principles of new provision</b></p> <p>Welcome the reference to Active Design Guidance which encourage opportunities for developments to be designed to support</p>	Noted.

	<p>healthier and more active lifestyles.</p> <p>Reference to Sport England guidance on pitches and NGB guidance is also supported to ensure that sites and pitch construction works are fit for purpose.</p> <p>The promotion of co-location of facilities where appropriate is in line with the Active Design principles and therefore supported.</p>	
Sport England (POS16)	<p><b>5 Determining contribution requirements</b></p> <p>Sport England welcomes the use of the New Development Calculator (NDC) the application of which is informed by the Council's Playing Pitch Strategy.</p> <p>However, it should be noted that Sport England in April 2019 updated the Calculator with the tool being published on the Active Places Power (APP) website <a href="http://www.activeplacespower.com">www.activeplacespower.com</a> replacing the excel spreadsheet based tool.</p> <p>As was the case with the excel version, the APP calculator is available to local authorities (following registration) who have a robust and up to date playing pitch strategy (PPS) in place or are in the process of developing or updating one.</p> <p>The key changes between NDC and APP calculators which would alter the OS SPD should the Council wish to utilise APP are:</p> <ul style="list-style-type: none"> <li>- Adding 3G artificial grass pitches under the estimated demand and costs separate to natural grass pitches</li> <li>- Adding in need for the number of junior hockey members</li> <li>- Amended age groups for football, age/gender (adult and junior) Hockey</li> <li>- Added indicative ancillary (e.g. team changing rooms) for pitches requiring such provision (excluding 9v9;7v7 and 5v5 football pitches)</li> </ul> <p>The APP calculator will need to be populated by the Council in order to use – Sport England can assist; Stage E PPS update meeting can assist in determining whether on or off-site contributions</p>	<p>At the time of drafting the SPD, Artificial Grass Pitches were included within the Sports Facilities Calculator (SFC). However, since then they have moved into the Active Places Power (APP) pitch calculator. The OS SPD document has been amended to reflect the current situation.</p>
University of	<p><b>2 Introduction</b></p> <p>We support this proposal. We have not made a</p>	Noted.

Chichester (POS8)	<p>professional assessment of the proposed methodologies, but on a common-sense basis, we support these proposals. The University of Chichester values open space in support of our environmental and health and wellbeing policies, as well as supporting our business objectives in terms of student recruitment. The University aims to be a good neighbor and to support ADC in its objectives to maximize the returns on development in terms of open spaces, parking and sports facilities.</p>	
Walberton Parish Council	<p><b>4 The Evidence Base</b></p> <p>Walberton Parish Council supports the implementation of the document and applauds Arun on its clarity and usefulness of the examples.</p> <p>Request to be kept informed of developments on the provision of the 3 indoor sports and built facilities (Section 4.6) in particular the community sports center for Barnham Eastergate and Westergate As part of the strategic development, as this will be the closest facility for our residences and therefore they have a material interest.</p>	Noted and will be actioned.
Mrs M Boulton (POS15)	<p><b>Arun Public Open Space, Playing Pitch &amp; Built Facilities</b></p> <p>Having waded through this immense technical document I should like to make just a few general comments.</p> <ol style="list-style-type: none"> <li>1. Prior to any development in Arun the redevelopment should be for infrastructure to be completed whether or not by s.106.</li> </ol>	<p>No proposed change. The delivery of the OS SPD standards by developments will be by s.106 obligations for on and off-site provision for Strategic Allocations which will be exempted from CIL. Other non-strategic development proposals will be subject to s.106 obligations until CIL is adopted when s.106 obligations will be scaled back to on-site mitigation.</p>

	<p>Evidence - appalling state of traffic congestion daily.</p> <p>2. It is very important that L.T.C. Should be able to make a serious contribution to planning application (not just those on the cabinet inner circle (or cabinet) who don't live in Littlehampton.</p> <p>3. Time should be put (say maximum of a year when permission is given).</p> <p>4. L/H. Hospital &amp; Waitrose sites need to be dealt with &amp; we need an efficient NHS Minor Injuries unit etc. And all round -</p>	<p>Other necessary infrastructure provision is also set out within the Infrastructure Capacity Study Development Plan (ICSDP) based on supporting Local Plan evidence on transport mitigation etc.</p> <p>Development Management processes allow for consultations with Parish Councils and need to take into account Neighborhood Plan policies.</p> <p>The ICSDP is a live document and will be updated along with critical delivery dates to align infrastructure and development. CIL when adopted will need to set out an Infrastructure Funding Statement on the strategic forms of infrastructure required to support development. Development</p>
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	<p>Arundel, Rustington, Bognor etc. With grossly overcrowded Dr's surgeries &amp; social care it is essential.</p>	<p>Management decisions may attach conditions and planning obligations on necessary infrastructure and development can be refused otherwise.</p> <p>See comments as above re ICSDP.</p>
Angmering Parish Council (POS14)	<p><b>Arun Public Open Space Standards SPD</b></p> <p>No real comments only to say that the document looks good, let's hope it can be applied and stuck to on future developments.</p>	Noted.
Persimmon Homes (POS9)	<p><b>Attached letter Re Draft Open Spaces SPD: Representation</b></p> <p>The move from 2.4 ha per 1,000 population to 3.75 ha will have unacceptable financial consequences for Persimmon Homes if application begins immediately.</p> <p>We urge the SPD should not apply: -</p> <p>(1) to any residential development scheme with an (unimplemented) extant planning permission, as at 25<sup>th</sup> July 2019, or</p> <p>(2) to any fresh planning approval granted prior to adoption of the SPD.</p>	<p>The Council has been applying the FIT standard as a material consideration for DM purposes as an interim measure since early 2018</p> <p>The application of the FIT standard cannot be retrospective to an extant unimplemented planning consent if it has not already applied.</p> <p>The Council has been applying the FIT</p>

	<p>For clarification, we accept the new standard should apply to new planning consents AFTER the SPD's formal adoption.</p>	<p>standard as a material consideration for DM purposes as an interim measure since early 2018. It may equally apply to lapsed consents which are to be renewed.</p> <p>The FIT standard was published in 2015. The intention to move towards improved standards has been signaled through the emerging Open Space Strategy evidence base supporting the Local Plan preparation process. The Local Plan Viability Study (January 2017) has undertaken a broad assessment of development typologies including planning contributions, average greenfield and brownfield density, net developable area assumptions. Further, a level of contingency has been included as well as a number of viability buffer allowances. On the basis of this cautious approach to development viability, the Council will maintain the FIT standard as a material consideration for DM purposes and with</p>
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		greater weight following adoption of the OS SPD.
Highways Agency (POS6)	<p><b>Arun Public Open Space Standards SPD</b></p> <p>Thank you for inviting Highways England to comment on the 'Public Open Space' and 'Arun Parking Standards' Supplementary Planning Documents.</p> <p>We do not have any comments on this consultation. However, please continue to consult Highways England.</p>	Noted.
Historic England (POS5)	<p><b>Arun Public Open Space Standards SPD</b></p> <p>Letter attached</p> <p>Historic England's has no specific comments to make on the above document that deals with matters outside our remit and area of expertise.</p>	Noted
Ferring Parish Council (POS7)	<p><b>Arun Public Open Space, Playing Pitches &amp; Built Facilities</b></p> <p>In response to the 'Arun Parking Standards' and 'Public Open Space' Supplementary Planning Documents Consultation 2019, Ferring Parish Council notes the contents of the consultation and acknowledges that there are no sites identified in Ferring or the surrounding area. Ferring Parish Council therefore has no further comment.</p>	Noted
West Sussex County Council (POS4)	<p><b>Arun Public Open Space Standards SPD</b></p> <p>Thank you for the opportunity to comment on the above document. Officers at West Sussex County Council do not have any comments at this time.</p> <p>Please get in touch if you require any further comment or information</p>	Noted
Mr Derrick Chester (POS3)	<p><b>5 Determining Contribution Requirements</b></p> <p>Is the 2.2 person per household figure robust given the housing mix anticipated in the Local Plan? We know children are living at home for longer for example and anecdotal evidence from recently built new estates demonstrates it is not long after being built that people start applying for extensions.</p> <p>How is the 20-year period for maintenance</p>	<p>The 2.2. figure is based on the average occupancy rate for Arun.</p> <p>A 20-year period is considered sufficient</p>

	<p>contributions determined, is it long enough?</p> <p>Should there be a clear policy new facility should be handed over the local Council (District or Parish) rather than remain in the hand of management companies which over time appear to become unaccountable and absent. Facilities for spectators should be mentioned in build standards particularly in relation to clubs that wish to seek promotion.</p> <p>The provision of play areas such a LEAPS and LAPS should accord to the standards specified in the District Council Play strategy - otherwise the District will in the future end up closing facilities handed over to it once the equipment needs replacing.</p> <p>There seems to be a particular gap in this strategy, and most others, with regard to provision for older teenagers and young adults, especially important given the issues with ASB being experienced across the District.</p>	<p>for strategic purposes. Is also longer than the 16 years previous requested. Many requests from Local Authorities are between 10-15 years.</p> <p>Where the Council's service providers consider this appropriate as an option it can be considered on a case by case basis. The SPD signposts to good practice examples from Governing Bodies (e.g. FA) which includes advice on facility design and development</p> <p>The Play Strategy refers to design/equipment guidance from Play England. The SPD also refers to this in Appendix 2 (as well as Fields In Trust)</p> <p>The SPD is intended to set mechanism for requesting developer</p>
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		contributions. It does refer to play types such as NEAPs and 'Others' which are focused on provision for older age ranges. Other Strategic documents should be used to steer such resource direction
Mr Derrick Chester (POS2)	<p><b>4 the Evidence Base</b></p> <p>There should be consideration given to whether a sports hub in the Littlehampton West Bank Climping and Ford areas should be established as the cumulative population increase of all developments will be high with restrained opportunities for additional provision in Littlehampton itself.</p> <p>Whilst the SPD sets out the need to identify 'deficiency' the adoption of a policy which is based on a calculator assessing the impact of new development rather than assessing deficiency that may already exist amongst the existing population may hinder attempts to rectify existing deficiency.</p>	<p>The Local Plan strategic priorities (para 44.1.6) make provision for establishing community hubs where appropriate within developments (e.g. collocating health and cultural needs and may extend to sporting venues in community halls). The Playing Pitch and Indoor and Built Facilities Strategies also identify potential hub locations these are in.....</p> <p>Planning law only allows contributions to provision to be sought in order to meet the needs of the population as part of that generated by development.</p> <p>The SPD uses information on existing supply and demand via the Arun Playing Pitch Strategy and Indoor and Built Facilities Strategy. For example, this includes the use of Team Generation Rates within the PPS which</p>

		is based on existing trends for different sports. This can help to identify where existing shortfalls may exist and what the priority may be for future development.
Mr Derrick Chester (POS1)	<p><b>3 Policy Context</b></p> <p>It is important that facilities provided take into account the desire of successful sports clubs to progress in competition by ensuring they have the proper facilities for spectators etc. required by the various sport governing bodies. In that sense they may be existing clubs which are looking for opportunity to relocate, and the SPD could help to facilitate that, if the desire and need was identified as part of the provision. For example, it is well known that at the Sports field, Littlehampton the clash between football and cricket when the seasons run at the same time can cause problems. A successful Club, achieving promotion and capable of going up because it has adequate facilities, can play a key role in establishing more people to participate in Sport.</p>	<p>Such specific needs should inform and be informed by the Arun Playing Pitch Strategy and Indoor and Built Facilities Strategy - including as updated being live documents and can inform Stage E PPS update meetings with Sport England and local club stakeholders.</p> <p>The SPD also incorporates and signposts to good practices such as the design principles provided by Sport England and other Governing Bodies of Sport (e.g. The FA</p>



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## **DRAFT SUPPLEMENTARY PLANNING DOCUMENT**

### **OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES**

**ARUN DISTRICT COUNCIL**

**MAY 2019**

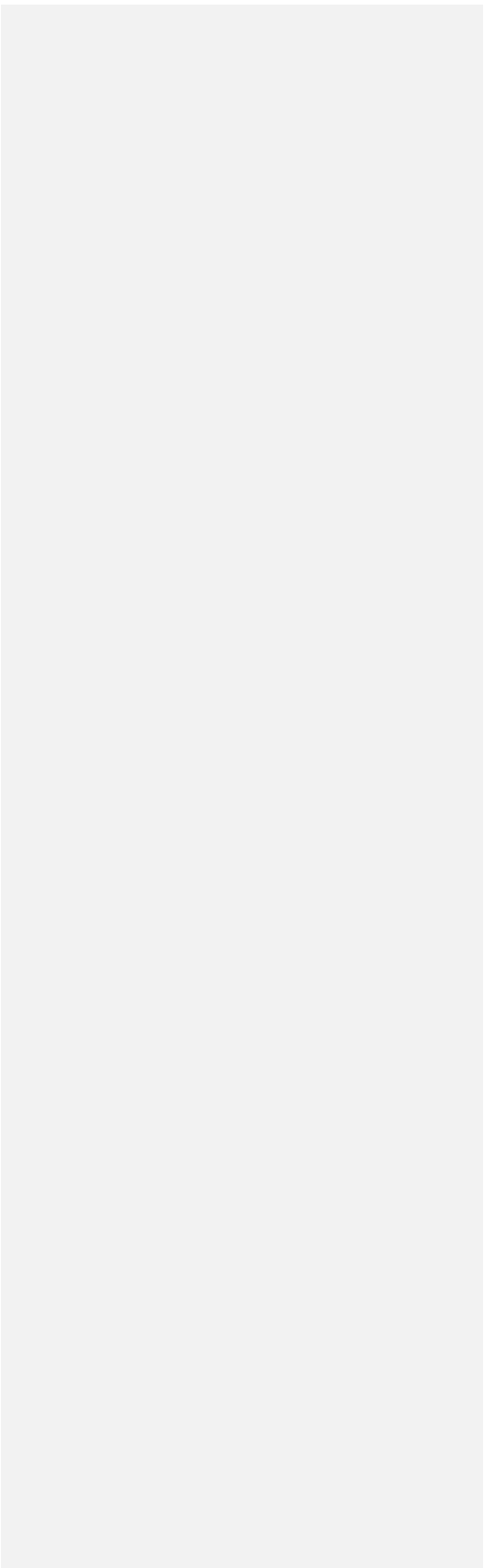
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## CONTENTS

CHAPTER/SECTION	Page
EXECUTIVE SUMMARY	0
INTRODUCTION	1
POLICY CONTEXT	3
THE EVIDENCE BASE	8
DETERMINING CONTRIBUTION REQUIREMENTS	12
Open Spaces	13
Playing Pitches	19
Indoor and Built Sport Facilities	24
APPENDIX ONE: OFF-SITE CONTRIBUTIONS AND MAINTENANCE COSTS FOR OPEN SPACE AND PLAY SPACE	29
APPENDIX TWO: DESIGN PRINCIPLES OF NEW PROVISION	32
APPENDIX THREE: CUMULATIVE DEMAND FOR INDOOR AND BUILT SPORTS FACILITIES	38
APPENDIX FOUR: SUSTAINABLE URBAN DRAINAGE SYSTEMS AND GREEN INFRASTRUCTURE GUIDANCE	41
APPENDIX FIVE: MINIMUM SITE SIZES	43
APPENDIX SIX: WORKED EXAMPLES	47
APPENDIX SEVEN: BERSTED PARK DEVELOPMENT MODEL EXAMPLE	61
APPENDIX EIGHT FLOW CHART OF FORMS OF PROVISION ON AND OFF SITE	63
APPENDIX NINE TREES & HEDGEROWS	64

## **EXECUTIVE GUIDE**

This Supplementary Planning Document sets out a series of steps to calculate contributions towards Open Space, Playing Pitch and Built Indoor Facilities, in terms of quantity of land and or financial contributions (including maintenance) and thresholds for on-site and off-site provision. Best practice and worked examples are set out in the appendices. The key steps are summarised as follows: -

### **OPEN SPACES AND PLAY SPACE**

#### **OPEN SPACE:-**

- Step 1. Calculate population generated by housing development**
- Step 2. Calculate open space requirement generated by housing development**
- Step 3. Determine if provision should be on-site or off-site**
- Step 4. Calculate the financial off-site contribution**
- Step 5. Calculate the contribution for maintenance sums**
- Step 6. Identify which sites could benefit from an off-site contribution**

Table 4.1.1 (page 13) sets Quantity guideline standards (Ha and Square meters per 1,000 population) are to be applied for the different typologies of:-

#### **Open Space**

- ↳ Parks & Gardens,
- ↳ Amenity Greenspace; and
- ↳ Natural & Semi-Natural).

#### **Play Space**

- ↳ Equipped play areas (e.g. LAPs, LEAPS and LEAPS);
- ↳ Other outdoor provision (MUGAs and skateboard Parks)

#### **Allotments**

With the exception of small developments of 1-9 dwellings, all residential developments are required to make a contribution towards these standards to varying amounts based on the number of new dwellings on-site. The OS SPD includes an excel sheet calculator developed in order to determine provision and contributions and this will distinguish between dwellings and apartments generated need.

#### **Off-site provision**

Off-site provision may be justified exceptionally as set out in table 4.1.2 Type of contribution based on the size/scale of development proposed (page 14)

#### **Financial contributions**

Financial contributions are set out in Table 4.1.3 Financial Contribution per dwelling rate (page 16)

## **Maintenance Costs**

Maintenance cost is based on costs per square meter as set out in Table 4.1.4  
Maintenance costs (page 17)

## **PLAYING PITCHES SPORT**

**Step 1. Determine the playing pitch requirement resulting from the development**

**Step 2. Determine whether new provision is required and whether this should be on or off-site**

**Step 3a. Determine how best to satisfy demand through new on-site provision**

**Step 3b. Determine how best to satisfy demand through new off-site provision**

**Step 4. Consider design principles for new provision**

**Step 5. Calculate the financial contribution required**

All developments of 10 or more dwellings are expected to make provision towards sports playing pitches. The contribution required is calculation based on the Arun Playing Pitches Strategy (PPS) which sets out a 'Playing Pitches New Development Calculator' (supported by Sport England). The calculator converts proposed housing development into population and then into equivalent number of teams generated (demand for match equivalent sessions for football, rugby, hockey and cricket) in order to calculate the number of pitches required, including costs of increased pitch provision also covering the lifecycle of the facility (e.g. maintenance).

The Arun Playing Pitch Strategy will guide where provision should be made including where off-site contributions would best be applied to deliver identified needs and priorities. Ancillary facilities such as changing rooms, parking, cycling provision will also need to be secured for new pitch provision

## **BUILT SPORT FACILITIES**

**Step 1. Determine the key indoor and built sports facility requirement resulting from the development**

**Step 2. Determine the other indoor sports and community facilities required as a result of the development**

**Step 3. Demonstrate an understanding of what else the development generates demand for**

**Step 4. Financial contributions to deliver strategic provision**

The need for indoor sports facilities generated by new developments will be calculated using Sport England's Sports Facilities Calculator (SFC) which will need to be accessed by stakeholders registering on the Active Places Power web site in order to use the SFC.

The SFC works in a similar way to the NDC by converting new dwelling provision into population which is converted into local demand for sports halls, swimming pools (however, Artificial Grass Pitches and also ancillary pitch facilities are now calculated within the Playing Pitches New Development Calculator (NDC) including ancillary facilities). The SFC translates this into demand for units of equivalent badminton courts, swimming pool lanes etc. based on national participation rates and usage and includes cost calculations.

Provision and distribution of calculated need from developments using the SFC will be guided by the identified needs and priorities set out in the Arun Indoor Sports and Leisure Facilities Strategy. An important consideration will need to be including costs of land provision to accommodate new facilities which will need to be determined on a case by case basis.

Health and fitness facilities are not included in the SFC as it is not calculated nationally. The OS SPD therefore, sets out a calculation for considering such provision and will need to consider synergies with existing forms of provision, existing capacity and whether community hubs may provide opportunities.

Table 4.3.1 Calculating Heath and Fitness contribution is set out on page 25.

Worked examples of applying these standards and calculators for different size/scale developments are set out in Appendix Six (page47).

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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### 1. INTRODUCTION

- 1.1 This Open Space Supplementary Planning Document (OS SPD) sets out Arun District Council's requirements for the provision of open space, playing pitches, indoor and built sports facilities within new developments. [An executive summary is provided in Appendix nine.](#)
- 1.2 This OS SPD supersedes the previous Arun Supplementary Planning Guidance (2000) which used a standards-based approach for the provision of open space and recreation (including outdoor sport).
- 1.3 The OS SPD adopts best practice, applying the Fields In Trust guidelines for different types of open space and play space provision and site capacity calculators based on Sport England guidance (see section 3.2).
- 1.4 The provision of high-quality open space, playing pitches, indoor and built sports facilities is a vital element of where people live, work and visit. New development creates additional demand for such facilities. It is therefore essential that new areas of population provide and make adequate and appropriate contributions towards open space, playing pitches, indoor and built sports facilities.
- 1.5 In some instances, the most effective means of meeting the additional demand from a new development will be through providing on-site provision within a development. Equally, in some instances the most effective means will be through the provision of new or enhancement of existing facilities within a reasonable distance.
- 1.6 This OS SPD therefore, provides a methodology to enable developers and Development Management officers to calculate the needs for on-site or off-site forms of provision, according to the demand generated by the scale and type of proposed development, and to negotiate the associated land provision, financial contributions and maintenance costs. The OS SPD will also include best practice design for open space, playing pitches and indoor sports provision). It should be noted that the OS SPD requires land costs to be factored into off-site provision of open space, play space, pitches and built facilities.
- 1.7 Until such time as Community Infrastructure Levy (CIL) is adopted by Arun District Council, contributions for on and off-site provision will be via s.106 (subject to pooling restrictions). When CIL is adopted Strategic Allocations will be zero rated for CIL levy and contributions will continue to be secured via s.106 whereas, non-strategic sites (circa 300 dwellings or less) will levy a CIL charge and s.106 will be scaled back to on-site requirements.
- 1.8 To ensure that developers do not pay twice (through both s.106 and CIL levy) for the same item of infrastructure, Strategic Allocations will continue to use s.106 to fund off-site infrastructure. The infrastructure is identified in the adopted Arun Local Plan 2018 policies and supporting Infrastructure Capacity Development Plan 2017 (ICDP). There will also be a need to establish a Regulation 123 list of infrastructure projects to be funded by the CIL levy (until ~~then~~ new regulations are introduced in September 2019) to ensure that the impact of non-strategic sites and windfall development is mitigated. Although it is acknowledged with CIL that not all needed strategic infrastructure will necessarily be delivered or delivered when required, because it is subject to a bidding process

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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- 1.9 Furthermore, the CIL Regulation changes in September 2019 will increase flexibility on how CIL funding can help to fund off-site projects set out in the Arun Local Plan 2018 and ICDP for Strategic Allocations: -
- Green Infrastructure priorities (e.g. four Priority Projects in Green Infrastructure Study); or
  - where s.106 contributions from Strategic Allocations do not cover all of the identified infrastructure cost;
  - where non-strategic sites and windfall sites may add to the mitigation level required by the infrastructure.
- 1.10 There will be no risk of double counting as Strategic Allocations will be zero rated and not pay a CIL charge and s.106 is scaled back to on-site contributions for non-strategic sites when CIL is adopted.
- 1.11 In terms of open space, playing pitches, indoor and built sports facilities, this SPD is referring to the types of provision predominantly cited in the Council's suite of studies; Open Space Study, Playing Pitch Strategy and Indoor Sport and Built Facilities Strategy. These studies should also be used to help offer further advice and inform the priorities and requirements for new developments.
- 1.12 It is important that negotiations begin at the earliest stage of design. Open space, playing pitches, indoor and built sports facilities should be designed as an integral part of a development. They should not be the areas of land which are most difficult to build on. This is to ensure the delivery of usable forms of open space, playing pitches, indoor and built sports facilities provision. Further clarity to what is meant by usable forms of provision is set out in Appendix 2.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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### 2. POLICY CONTEXT

#### National Planning Policy Framework

- 2.1 Paragraph 54 of the National Planning Policy Framework (NPPF) (2018) identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 2.2 In Paragraph 56 of the NPPF it states planning obligations must only be sought where they meet all of the following tests:
- ◀ Necessary to make the development acceptable in planning terms
  - ◀ Directly related to the development, and
  - ◀ Fairly and reasonably related in scale and kind to the development
- 2.3 Paragraph 57 NPPF continues to say that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker. All viability assessment should reflect the recommended approach in national planning guidance.
- 2.4 Guidance on planning obligations, their use and process are set out by the Government<sup>1</sup>.
- 2.5 Paragraph 96 of the NPPF states access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments for open space, sport and recreation. Information gained from these assessments should be used to determine what provision is needed.

#### Reforms to developer contributions

- 2.6 The Government announced and consulted on a number of reforms to the system of developer contributions and the Community Infrastructure Levy Regulations 2010 as part of its Autumn Budget (2017). These reforms are proposed to be introduced via new regulations in September 2019 which aim to:-

- ◀ ensure that viability assessment is part of the plan making system as set out in the NPPF 2019;
- ◀ make the system of developer contributions more transparent and accountable;
- ◀ ensure the draft regulations deliver the intended policy changes and do not give rise to unforeseen consequences;
- ◀ remove the restriction on more than five section 106 obligations to fund a single infrastructure project ('the pooling restriction') which originally intended to incentive uptake of CIL but has caused complexity and delay;
- ◀ remove the duty on CIL charging Local Authorities to prepare Regulation 123 list for CIL projects and replace with an annual 'Infrastructure Funding Statement' setting out how both s.106 and CIL money has been spent on infrastructure in order to improve flexibility.

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<sup>1</sup> <https://www.gov.uk/guidance/planning-obligations>





## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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- 2.7 The current mechanism for developer contributions towards open space, playing pitches, indoor and built sports facilities is via section 106 (and based on Open Space and Recreation Standards SPG, October 2000).
- 2.8 However, Arun District Council aims to have an adopted CIL charging schedule by early 2020 although until such time as CIL is adopted, contributions for on and off-site provision will continue to be via s.106 (subject to pooling restrictions – although this restriction will be removed in September 2019).
- 2.9 When CIL is adopted, Strategic Allocations will be zero rated for a CIL levy and on and off-site contributions will therefore, continue to be secured via s.106 whereas, non-strategic sites (circa 300 dwellings or less) will levy a CIL charge and s.106 will be scaled back to on-site requirements.
- 2.10 For those Strategic Allocations where a 'sports-hub' site is proposed, on-site contributions via section 106 is required e.g. for sports halls and health & fitness. However, off-site financial contributions may also be sought via section 106 required for swimming pool provision.
- 2.11 For playing pitches, contributions will also be via section 106 for Strategic Allocations but via CIL (once adopted) for non-strategic sites (where off-site provision is required).

### Arun Local Plan 2011-2031 (Adopted July 2018)

- 2.12 The commitment to prepare an Open Space, Playing Pitches and Built Sport Facilities Supplementary Planning Documents is set out within the adopted Arun Local Plan 2018. Paragraph 14.1.12 states that an SPD will be prepared that sets out the methodology for providing open space, playing pitches, indoor and built sports facilities.
- 2.13 Chapter 14: Health, Recreation and Leisure of the Arun Local Plan 2018 sets out the Council's approach, priorities and policies relating to open space, sport and recreation provision.
- 2.14 In particular, Policy OSR DM1 'Open space, sport & recreation' requires that new developments contribute appropriate forms of provision and or enhancement as identified via the Open Spaces, Playing Pitches and Indoor Sport & Leisure Facilities Strategies. These evidence studies identify the need for hub provision in certain locations and the need for a new leisure Centre in the West of the District
- 2.15 Policy HWB SP1 states: *"All development should be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular regard shall be had to:-*
- a. *providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities (including outdoor fitness equipment) and safe, well promoted, walking and cycling routes.*
  - b. *Creating mixed use development and multi-use community buildings that reduce the need to travel by providing housing, services and employment in close proximity to each other; and*
  - c. *Ensuring that arts and cultural facilities are accessible to all residents and visitors to the District".*
- 2.16 It is therefore a requirement, set out within the Arun Local Plan (2018), for new housing development to contribute to new provision within the District in order to mitigate the impact of development.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Strategic Priorities

2.17 A number of strategic priorities for leisure and recreation facilities have been developed and are set out under Policy HWB SP1 'Health & Wellbeing' of the adopted Arun Local Plan (2018). These are based on the identified needs and opportunities for health, recreation and leisure facilities from relevant strategies and studies. These are:

- ◀ Community sports hubs
- ◀ Open access fitness equipment in parks and open spaces in the District
- ◀ New high quality public open space for all new Strategic Housing developments, and all other new housing to contribute towards open space provision in accordance with the Open Space Study
- ◀ A new high-quality linear park as an integral part of the housing allocation at Barnham/Eastergate/Westergate
- ◀ Additional sports pitches and improvements to existing facilities to increase capacity
- ◀ New provision for teenagers and young people
- ◀ Ensure low quality, highly-valued open space sites are prioritised for enhancement
- ◀ Ensure all open space sites assessed as high for quality and value are protected
- ◀ Open space sites helping to serve areas identified as having gaps in provision should be recognised through protection and enhancement
- ◀ Recognised areas with surpluses in open space provision and how they may be able to meet other areas of need
- ◀ The need for additional cemetery provision should be led by demand
- ◀ To protect the existing supply of outdoor sports facilities where it is needed for meeting current and future needs
- ◀ To enhance outdoor sports facilities through improving quality and management
- ◀ Provide new outdoor sports facilities where there is current or future demand to do so
- ◀ Forward plan for future facility requirements based on projected population growth and demand
- ◀ Consider the impact of the new leisure centre in Littlehampton given the proposed future housing developments/population growth
- ◀ Encourage schools, whether building new, or when improvements to sports facilities in existing schools are made, to have community use agreements in place
- ◀ Aim to ensure that all Arun residents have access to community sports facilities which are accessible from a cost, distance and appropriate/fit for purpose point of view
- ◀ To deliver a new leisure centre in the west of the District to meet the needs of current and future residents
- ◀ Need for additional water space to meet current and future demand dependent on growth in housing
- ◀ Need for additional sports hall space to meet current and future demand dependent on growth in housing
- ◀ Need for additional health and fitness provision to meet current and future shortfall
- ◀ A new leisure centre to accommodate need for additional water space, sports hall and health and fitness provision in the District
- ◀ Need for additional 3G pitches in the District to meet current and future demand
- ◀ Short term investment in existing leisure facilities to meet increase in demand and increase capacity at sites
- ◀ Need for additional gymnastics facilities to meet latent demand

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## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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2.18 The Arun Local Plan Policy 2018 suggests that commercial uses (e.g. B1, B2 and B8 and retail class) may be expected to contribute appropriate forms of open space provision (Policy HWB SP1 'Health and Wellbeing' and para 14.1.7). However, in reality the demand generated from such development is not likely to be significant or viable and it is not therefore, included within this SPD.

2.19 In light of the above section, the Council requires (Paragraph 14.1.8) that:-

- ◀ New housing development, of 10 dwellings or greater, makes provision for and/or contributes to recreation and leisure facilities

2.20 Paragraph 14.1.9 sets out that the Council will seek facilities or financial contributions for recreation and leisure facilities as follows:

- ◀ For open space, outdoor sport and recreation facilities, land set out in the right quantity (overall area), quality, specification and, if not on-site, within an appropriate distance of the proposed development.
- ◀ For indoor sports facilities, the Sport England Sports Facilities Calculator (using local cost weightings for Arun District and West Sussex). The most up-to-date version of the Sports Facilities Calculator will be used.

2.21 Where the necessary space is not provided by the developer and there are no alternative schemes within an appropriate distance from the site to which the developer can contribute towards, planning permission shall not be granted (Paragraph 14.1.10).

2.22 There may be occasions when it is not appropriate to provide facilities on-site. In these cases the Council will collect financial contributions from developers and allocate those contributions to specific projects which deliver the Strategic Priorities identified in this chapter and within Arun District Council strategies and studies which inform the Policy. The strategic nature of the projects means that they will benefit residents across Arun District, not just the occupants of the development which has made the financial contribution (Paragraph 14.1.11).

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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### 3. THE EVIDENCE BASE

#### Supporting evidence

- 3.1 The NPPF states planning policies for open space, sports and recreation facilities should be based upon robust and up-to-date assessment of the needs for such provision. Consequently, ADC has produced several strategies and studies to inform policy development and priorities which are referred to by the adopted Local Plan policies as outlined above. These include:

#### Open Space Study

- ◀ provides an assessment of the quantity, quality and accessibility of existing open space provision;
- ◀ identifies and recommends where sites could be enhanced and/or protected;
- ◀ provides a set of locally derived standards for quantity and accessibility.

#### Playing Pitch Strategy (PPS)

- ◀ compliant with the Sport England Guidance covering main pitch and outdoor pitch sports;
- ◀ provides a detailed assessment to the quantity, quality and the current and future capacity of all provision in the area including 3G pitches
- ◀ recommends site-specific actions for these sports in order to address identified deficiencies and to help improve participation;
- ◀ provides a key point of reference for the delivery of sports facilities through new housing developments and appropriate contributions to deliver recommendations and actions

#### Indoor Sport and Built Facilities Strategy

- ◀ compliant with the Sport England Guidance on indoor and built facilities
- ◀ evaluates the supply and demand of flexible sports/activity hall space, swimming pools, health & fitness and other sports provision in the District;
- ◀ provides recommendations in order to give clear direction to all local partners to plan and develop a modern, efficient and sustainable range of community-based sports and leisure facilities

- 3.2 Both the PPS and Indoor Sport and Built Facilities Strategy include the concept of community sports hubs. Hub sites are defined in the Arun PPS as being of strategic District-wide importance where users are willing to travel to access facilities that provide a quality offer and range of provision. Hub sites are multi-sport facilities and will address a range of strategic issues that are identified in the Strategy documents.

- 3.3 There are three community sports hub sites recognised by ADC as a priority for progressing:

- ◀ Palmer Road Recreation Ground in Angmering
- ◀ Barnham, Eastergate and Westergate (as part of strategic development site)
- ◀ West of Bersted (as part of strategic development site)

- 3.4 Only one of these (Palmer Road Recreation Ground) is an existing site. The other two are identified as potential new sites within strategic developments. Given the strategic role and priority of these hub sites, contributions from different developments will be sought to assist in the creation of them.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Need for updated SPD

- 3.5 The previous Arun Supplementary Planning Guidance (2000) used a standards-based approach for the provision of open space and recreation (including outdoor sport). It was broadly based on the National Playing Fields Association's (NPFA) Six Acre Standard of 2.4 hectares per 1,000 population (equivalent to 24 square metres per person).
- 3.6 The NPFA has since become Fields In Trust (FIT). The Six Acre Standard of 2.4 hectares per 1,000 population has also been superseded by an updated set of quantity guidelines<sup>2</sup> for different types of open space (Table 3.1).
- 3.7 The latest best practice guidance from Sport England advocates a site by site capacity analysis as opposed to a standards-based approach for playing pitches, outdoor or indoor sports provision.
- 3.8 Consequently, the FIT guidelines are only used in determining the requirements for open space and play provision. Sport England guidance offers specific advice and recommendations on how best to assess the needs for playing pitches, outdoor sports, indoor and built sport facilities. For pitch provision this is *An Approach to Developing and Delivering a Playing Pitch Strategy (PPS)*. For outdoor sports, indoor and built facilities it is *Assessing Needs and Opportunities Guide (ANOG)*. Both guides do not endorse a standards-based approach to assessing the needs of such forms of provision.

Table 3.1: Fields in Trust Recommended guidelines - quantity

Open space typology	Quantity Guideline (hectares per 1,000 population)
Parks and Gardens	0.80
Amenity Greenspace	0.60
Natural and Semi-Natural	1.80
Equipped / designated play areas	0.25
Other outdoor provision (MUGAs and skateboard parks)	0.30
<b>Combined total</b>	<b>3.75</b>

- 3.9 The previous SPG did not require a contribution to the provision of allotments. However, they are now widely recognised for their recreation and social value. The National Society of Allotment and Leisure Gardeners (NSALG) suggests a standard of 0.25 hectares per 1,000 population. This is to be used to determine the requirements for allotments.

### Approach

- 3.10 The delivery of new provision will be via on-site and/or financial contributions towards these types of provision. In situations where no on-site provision is justified, a financial contribution towards enhancing the quality and accessibility (and subsequently the capacity) of existing forms of provision will be sought. The contribution will be used to improve and enhance existing provision and its future maintenance. This is justified to address the increasing pressure on existing provision generated by new developments.

<sup>2</sup> Fields in Trust: Guidance for Outdoor Sport and Play (2015)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT

### OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

- 3.11 The approach to how provision of high-quality open space, playing pitches, indoor and built sports facilities are to be calculated in new developments is different to reflect the variances in national guidance and best practice guidance. An overview to each of the approaches is set out in Table 3.2:

Table 3.2: Overview approach to provision types

Provision type	Summary
Open space	The latest FIT guideline standards are used to inform the requirements for open space provision. This is for consistency with the previous SPG and to be in line with neighbouring local authorities. For allotments, the standard of 0.25 hectares per 1,000 population as recommended by the National Society of Allotment and Leisure Gardeners (NSALG) is used. Furthermore, the evidence base of the open space study demonstrates that current provision levels are well below the guideline levels provided by FIT and NSALG.
Playing pitches	Sport England's Playing Pitch Calculator is used to determine the additional demand created from new developments. This uses the Team Generation Rates (TGRs) established as part of the latest Playing Pitch Strategy to calculate the estimated demand by sport.
Indoor and built sports facilities	Sport England's Facilities Calculator is predominantly utilised to quantify how much additional demand for key community sports facilities will be generated by populations of new growth and development.

- 3.12 Sport England has identified that its highest priority for investment will be tackling inactivity. In addition to this it will continue to invest in facilities, but that there will be a focus on multi-sport and community hubs which bring together other services such as libraries and doctor's surgeries.
- 3.13 It should also be recognised that the FA and its partners have created a Local Football Facility Plan (LFFP) for Arun. This national program identifies priority projects for potential investment in every local authority area. It does not guarantee the success of future funding applications but acts as a portfolio for projects that require funding.

#### Other considerations

- 3.14 Developments should also consider the role of high-quality open space, playing pitches; indoor and built sports facilities in helping to deliver Sustainable Urban Drainage Systems (SUDS) and Green Infrastructure (GI).

#### Sustainable Urban Drainage Systems

- 3.15 The primary purpose of SUDS is to minimise the impact of urban development on the water environment, reduce flood risk and provide habitats for wildlife. SUDS should increase the levels of water capture and storage.
- 3.16 Policy W DM3 of the Arun Local Plan requires major development to integrate SUDS into the overall design of a development.
- 3.17 It is essential that SUDS do not impact on the usable levels of public open space also required as part of new housing developments. SUDS whilst providing benefit in the correct capacity within development, should not be included in the 'usable open space calculations'

#### Green Infrastructure

**ARUN SUPPLEMENTARY PLANNING DOCUMENT**  
**OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES**

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- 3.18 Well-connected Green Infrastructure assets perform a range of important functions relating to the natural environment, climate change mitigation and adaption and quality of life.
- 3.19 Policy GI SP1 (Chapter 7 of the Local Plan) cites all major developments must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network.
- 3.20 The policy goes on to require that where compatible with nature conservation objectives, development proposals must identify opportunities to connect existing Green Infrastructure assets with the coast, the South Downs National Park or to the District's inland villages.
- 3.21 The policy continues that opportunities to enhance the network should take account of the multiple functions of Green Infrastructure assets and should be based upon those opportunities set out Policy GI SP1 'Green Infrastructure and Development'.
- 3.22 Further information and guidance to the provision of SUDS and GI are set out in Appendix 4.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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### 4. DETERMINING CONTRIBUTION REQUIREMENTS

- 4.1 This section sets out how provision of high-quality open space, playing pitches, indoor and built sports facilities are to be calculated in new developments.
- 4.2 For each provision type an explanation to the approach including trigger points for on-site and off-site provision, financial contributions and maintenance sums is provided.
- 4.3 The basic principle is that a development should provide for the recreational needs that they generate. All new developments should therefore contribute. Consequently, the Council expects adequate provision of open space, playing pitches, indoor and built sports facilities to be provided.
- 4.4 In summary, the following types of development will not need to meet the requirements: replacement dwellings, extensions/annexes, rest homes, nursing homes, other institutional uses and temporary permissions for mobile homes. However, in some cases these types of developments should still incorporate green infrastructure elements within the scheme.
- 4.5 Arun District Council aims to have an adopted CIL charging schedule by early 2020. Once the local authority has adopted a CIL Charging Schedule, CIL monies will be received from non-strategic development sites, which will replace the section 106 contributions for off-site infrastructure provision.
- 4.6 The current mechanism for developer contributions to open space, playing pitches, indoor and built sports facilities is via section 106. Once the CIL is adopted non-strategic sites and windfall sites will be subject to section 106 for on-site provision of open space and play with the CIL being used for off-site financial contributions. Strategic developments are expected to predominantly provide provision requirements as on-site forms of land. The land contribution should specifically be taken into consideration when reviewing the contributions sections for public open space, playing pitch provision, indoor and built sports facilities set out below.
- 4.7 To assist in the design of provision, Appendix 2 outlines the key design principles for developers to consider.
- 4.8 A step by step approach is presented for each of the three forms of provision (i.e. open space, playing pitches, indoor and built sports facilities).



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### 4.1 Open spaces

- 4.9 The following steps are used to assess the open space allocation requirements for new development:-

**Step 1. Calculate population generated by housing development**  
**Step 2. Calculate open space requirement generated by housing development**  
**Step 3. Determine if provision should be on-site or off-site**  
**Step 4. Calculate the financial off-site contribution**  
**Step 5. Calculate the contribution for maintenance sums**  
**Step 6. Identify which sites could benefit from an off-site contribution**

- 4.10 An open space calculator is available to assist in calculating the requirements for open space and play space for developments. This also helps in determining whether the contribution towards provision is required on or off-site. The calculator should be used to help inform Steps 1, 2, 3 and 4 of the open space requirements process.
- 4.11 Once CIL is adopted, off-site provision for non-strategic sites will be made by CIL receipts.

<b>Step 1</b>	<b>Calculate population generated by housing development</b>
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- 4.12 To determine the requirements for open space provision, the starting point is to calculate the level of demand (additional population) generated by that development.

*Number of dwellings x household occupancy rate (2.2)<sup>3</sup> = new population*

- 4.13 For developments containing apartments, the same occupancy rate of 2.2 should be applied.

<b>Step 2</b>	<b>Calculate open space requirement generated by housing development</b>
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- 4.14 To then determine the open space requirement for each form of open space the associated population is multiplied by the quantity guideline (standard) for each relevant typology. The following calculation should be used:

*Quantity guideline standard x associated population / 1000 = open space requirement*

- 4.15 This will give the requirements (in hectares) resulting from the development. This should be converted to square metres. As stipulated earlier, the FIT guideline standards and the NSALG standard for allotments are used to calculate the amounts of provision required.
- 4.16 For the purposes of this SPD the typologies have been grouped to reflect the differences in the role and use of these forms of provision. These are:

Table 4.1.1: Quantity guideline standards

Typology		Quantity Guideline	
		(Hectares per 1,000 population)	(Square Metres per 1,000 population)
Public Open Space	Parks and Gardens	0.80	8,000
	Amenity Greenspace	0.60	6,000
	Natural and Semi-Natural	1.80	18,000

<sup>3</sup> Local occupancy rate of 2.2 persons per household (2018)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

<b>POS total</b>		<b>3.20</b>	<b>32,000</b>
Play Space	Equipped / designated play areas (LAPS and LEAPS)	0.25	2,500
	Other outdoor provision (NEAPS e.g. MUGAs and skateboard parks)	0.30	3,000
<b>Play total</b>		<b>0.55</b>	<b>5,500</b>
Allotments	Allotments	0.25	2,500
<b>Allotment total</b>		<b>0.25</b>	<b>2,500</b>
<b>TOTAL</b>		<b>4.00</b>	<b>40,000</b>

### Step 3 Determine if provision should be on-site or off-site?

- 4.17 Whether provision should be made on-site or via an off-site contribution is dependent on the size of the development. In the case of larger-scale residential developments, it is expected that provision will be provided on-site. Larger residential developments will have a critical mass of population and should provide all types of open space on-site in order to serve the additional population as a result of the development.
- 4.18 Best practice guidance from organisations like FIT, recommends that provision below certain sizes should not be provided as on-site provision and instead provided as off-site contributions. This is to avoid the creation of numerous small sites often of less recreational value (and quality over time).
- 4.19 New provision should be provided on-site if the scale of the development is above the 'triggers' set out in Table 4.1.2. For play space this is sub-categorised by the recognised types of play facilities (Local Area of Play – LAP; Local Equipped Area of Play – LEAP; Neighbourhood Equipped Area of Play – NEAP). These are based on respective minimum standards for each type of provision as set out in Appendix 5.

Table 4.1.2: Type of contribution based on scale of development

Public Open Space	1-9 dwellings	10-14 dwellings	15 dwellings or greater
	No contribution	Off-site financial contribution (£106 or from CIL receipts (once adopted))	On-site

Allotments	1-9 dwellings	10-727 dwellings	728 dwellings or greater
	No contribution*	Off-site financial contribution (£106 or from CIL receipts (once adopted)) for development of 10-727 dwellings	On-site provision of land in developments of 728 or more

\*minimum financial contribution £1,000 will be sought – see Step 4

Play space <sup>4</sup>	LAP	1-8 dwellings	89 dwellings or greater	
		No contribution	On-site provision of land	
	LEAP	1-8 dwellings	89-33 dwellings	34 dwellings or greater
		No	Off-site financial contribution	On-site provision of land and

<sup>4</sup> Developments of 89 to 14 dwellings require on-site provision of play space but do not require on-site provision of open space. However, the minimum dimensions and buffer zones for play space (see Appendix Two) should still be followed.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

		contribution	(S106 or from CIL receipts (once adopted)) for development of <del>9-10</del> 33 dwellings	equipment in developments of <del>33-4</del> or more
	NEAP <sup>5</sup>	<b>1-8 dwellings</b>	<b>89-823 dwellings</b>	<b>834 dwellings or greater</b>
		No contribution	Off-site financial contribution (S106 or from CIL receipts (once adopted)) for development of <del>9-10</del> 823 dwellings	On-site provision of land and equipment in developments of 83 or more

- 4.20 For example, CIL (once adopted) will be used to collect the money for off-site contributions of public open space from developments of ~~144~~ 5 dwellings and under. At sites ~~over-of~~ 15 dwellings or greater all requirements for public open space will be provided on-site. In instances where the number of dwellings falls between 34 – 83 there will be a need for on-site provision of a LEAP in addition to an off-site contribution towards a NEAP.
- 4.21 Once CIL is adopted, it would be acceptable for example if a site of up to ~~83~~ 2 dwellings did not make a section 106 contribution towards a NEAP off-site. Instead the Open Space team at ADC would bid for CIL money towards a specific NEAP to fund.
- 4.22 Only in exceptional circumstances will off-site provision for sites that qualify for on-site provision, be considered as an appropriate means of providing open space as an alternative. Any proposal for alternative off-site provision must be robustly justified and this provision will be funded by the CIL receipts from the development (unless the CIL rate on the site is £0 in which case, the off-site contribution will be via S106).
- 4.23 Consideration as to the positioning of any new forms of open space and play provision as part of a development must take into account any existing forms of provision. For example, if the border of a development is adjacent to an existing form of open space then consideration must be given to 'extending' that open space provision. This may also assist with bridging existing and new communities together sensitively through new open space provision as well as offering practical logistical solutions. It is also important for existing features such as trees and hedges to be protected and retained where possible.
- 4.24 For allotments, only large-scale developments will need to provide on-site provision. This is to prevent instances of small sites with only a handful of plots being created (as any allotment plots should look to be served by water and other ancillary facilities). The 'trigger' point for when on-site allotment provision is required is in developments of ~~700~~ 728 dwellings or greater. For developments below this it is important applicants consult with local custodians of allotments (e.g. ADC, Town and Parish Councils) to ascertain the demand for provision in the local area. For instance, a development may be in an area with a high demand for allotments and/or an existing allotment site may have the potential to be extended to provide additional plots.
- 4.25 The open space requirement as part of a development, regardless of size, should not prevent the incorporation of grass verges, hedges, trees, planted areas and other smaller landscaping features within a development which help to provide visually attractive housing developments. These types of open space are incidental and will not count towards open space provision.

### Step 4 Calculate the financial off-site contribution

<sup>5</sup> Includes MUGAs (Multi-Use Games Area), skate parks and/or other provision catering for older age ranges

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

- 4.26 If an off-site contribution is required in lieu of on-site provision, the financial contribution towards each provision type should be calculated using the figures and calculation below.

Table 4.1.3: Financial contribution per dwelling rate

	Public Open Space	Play	Allotment (Minimum £1,000)
<b>Cost per Square Metre</b>	£28	£143	£3.50
<b>Contribution per dwelling</b>	£1,971.20	£1,730.30	£19.25

- 4.27 In order to calculate off-site developer contributions, a methodology has been adopted which calculates how much it would cost to provide them. These costs have been calculated using local and national information. They have also been benchmarked against other Local Authority costs for providing similar types of provision. Due to the high administrative costs in processing small contributions the minimum Allotments financial contribution will be set at £1,000.
- 4.28 Where off-site contributions are required to deliver new forms of provision (e.g. hub sites or, a new leisure centre, sports hall and/or other appropriate provision), developers will also be required to factor in the land costs needing to be secured. This cost is variable and dependent on circumstances over time as the market value of land changes. For this reason, land costs will need to be negotiated on a case-by-case basis.
- 4.29 An indicative approach to how contributions for land costs should be calculated is provided in Appendix 3.

### Step 5 Calculate the contribution for maintenance sums

- 4.30 A development needs to make appropriate provision of services, facilities and infrastructure to meet its own needs. New forms of provision will add to the existing management and maintenance pressures of the local authority.
- 4.31 Consequently, there continues to be a requirement on developers to demonstrate that where new provision is to be provided it will be managed and maintained accordingly through adequate mechanisms to secure long term stewardship of the asset (e.g. via a trust or adoption by the Local Authority). Developers are therefore required to submit a sum of money in order to pay for the costs of the site's future maintenance using the figures and calculation set out.
- 4.32 Sums to cover the maintenance costs of a site (once transferred to the Council) should cover a period of 20 years.
- 4.33 For larger sites, where on-site provision is to be provided, maintenance charges are likely to be the only financial contribution needing to be paid. For smaller, non-strategic sites, all off-site contributions will be through CIL receipts.
- 4.34 Commuted sums for maintenance need to be based on the following costs per square metre. For public open space three rates are stipulated dependent upon the size of the open space needing to be maintained. For play provision an annual cost is detailed. This

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

is a high gross maintenance cost but determining the developer financial contributions will be based on a net additional maintenance cost to be determined by the Local Authority. It is important that this calculation is taken as a starting point and could differ based on the maintenance contract that the council has in place at the time.

Table 4.1.4: Maintenance costs

Provision type		Cost of maintenance for a 20-year period (per Square Metre)
POS	Less than 0.1 ha	£23.51
	0.1 to 1 ha	£16.88
	Greater than 1 hectare	£11.23

Provision type	Annual cost
Play space (per each LEAP and NEAP – LAPS not included)	£1,500

<b>Step 6</b>	<b>Identify sites which could benefit from an off-site contribution</b>
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- 4.35 The new population arising from the development will result in increased demand to existing forms of provision; subsequently off-site contributions need to be used to enhance the quality of and/or access to existing provision within an acceptable distance to the development.
- 4.36 This step should help the relevant Council department to bid for CIL money towards a specific requirement to be funded. As once CIL is adopted, it will be used as the mechanism for off-site contributions for non-strategic sites.
- 4.37 Sites identified as being below the quality and value thresholds are summarised in Part 3 (p10-11) of the Open Space Standards Paper<sup>6</sup>. Consequently, these sites may benefit most from some form of enhancement.
- 4.38 There is a need for flexibility to the enhancement of lower quality and/or value sites within proximity to a new housing development. In some instances, a better use of resources and investment may be to focus on facilities further away which offer more suitable sites for enhancement as opposed to trying to enhance a site that is not appropriate or cost effective to do so close by.
- 4.39 In such cases, consider those sites identified as helping to serve 'gaps' in provision (as set in Part 4, p14-15, of the Standards Paper). Such sites play an important role in ensuring access to open space provision. Similarly, if any key sites of significance are within the accessibility distance to the development, then these sites may be better suited for off-site contributions. This will help to ensure efficient use of contributions and maximise enhancements. For example, if a prominent park is located close to the development, then an off-site contribution to enhance that site is still warranted as the park site is likely to have a strong attraction and level of use for new residents for a variety of reasons/uses.

### Commercial development

<sup>6</sup> <https://www.arun.gov.uk/download.cfm?doc=docm93ijim4n9627.pdf&ver=9500>

**ARUN SUPPLEMENTARY PLANNING DOCUMENT**  
**OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES**

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- 4.40 Local Plan Policy HWB SP1 supporting text (para 14.1.7) suggests that commercial uses (e.g. B1, B2 and B8 and retail class) may be expected to contribute appropriate forms of provision. However, in reality the demand generated from such developments is not likely to be significant or viable and it is not therefore, included within this SPD.

## 4.2-Playing pitches

- 4.41 The following steps are used to assess playing pitches allocation requirements for new development: -

**Step 1. Determine the playing pitch requirement resulting from the development**  
**Step 2. Determine whether new provision is required and whether this should be on or off-site**  
**Step 3a. Determine how best to satisfy demand through new on-site provision**  
**Step 3b. Determine how best to satisfy demand through new off-site provision**  
**Step 4. Consider design principles for new provision**  
**Step 5. Calculate the financial contribution required**

- 4.42 All developments of 10 dwellings or greater are expected to contribute to the provision of playing pitches.
- 4.43 For playing pitches including artificial grass pitches (AGPs), contributions will be via section 106 for strategic developments and via CIL (once adopted) for non-strategic sites. For those strategic developments where a sports 'hub' site is proposed, on-site contributions via section 106 is required. Once the CIL is adopted non-strategic sites will be subject to CIL being used for off-site financial contributions.
- 4.44 Playing pitch requirements cannot be used to offset open space requirements as they are considered separate components of need.

<b>Step 1</b>	<b>Determine the playing pitch requirement resulting from the development</b>
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- 4.45 The main tool for determining this is the Playing Pitch Calculator which is a Sport England tool provided on completion of the Playing Pitch Strategy. [The Playing Pitch Calculator can be accessed via registering for free on the Active Places Power website<sup>7</sup>.](https://www.activeplacespower.com/)
- 4.46 The PPS Assessment Report estimates demand for key pitch sports (football, rugby, hockey and cricket) based on ONS population forecasts and club consultation. This demand is translated into teams likely to be generated, rather than actual pitch provision required.
- 4.47 The ~~PPS New Development Calculator~~ [Playing Pitch Calculator](https://www.activeplacespower.com/) adds to this, updating the likely demand generated for pitch sports based on new housing increases and converts the demand into match equivalent sessions and the number of pitches required. This is achieved by taking the current demand/team generation rates (TGRs) and population in the PPS Assessment Report to determine how many new teams would be generated from an increase in population derived from housing growth. This also gives the associated costs of supplying the increased pitch provision.
- 4.48 Part 4 of Playing Pitch Calculator provides an estimation of the number of new pitches that would be required to meet the match equivalent sessions presented in Part 2. Part 4 also presents an estimate of the associated costs for providing these new pitches. Please note that these are indicative costs only and appropriate local work ~~should~~ [may](#) be undertaken to determine the true costs of any new pitches.

<sup>7</sup> <https://www.activeplacespower.com/>

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

~~For 3G pitches, the supply and demand of provision is set out in the PPS. However, the Sport England Facilities Calculator (SFC) is used to calculate contributions. This is discussed further in Part 4.3.~~

<b>Step 2</b>	<b>Determine whether new provision is required and whether this should be on or off-site</b>
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- 4.49 Where the calculator does not create demand for a whole pitch, which is often the case for smaller size developments, it is recommended to make a contribution to increasing the capacity of an existing site to meet demand generated from the development. This will come from section 106 where appropriate or via the CIL receipts once CIL is adopted.
- 4.50 This step should help the relevant Council department to bid for CIL money towards a specific requirement to be funded. As once CIL is adopted, it will be used as the mechanism for off-site contributions for non-strategic sites.
- 4.51 Demand equating to the need for a new pitch can be translated as follows:
- ✦ For football and rugby demand, one match equivalent session per week is needed to represent demand for one actual pitch (based on teams playing at peak time on a home and away basis).
  - ✦ For hockey, demand for four match equivalent sessions per week is needed to represent demand for one actual pitch (based on teams playing at peak time on a home and away basis).
  - ✦ For cricket, demand for 60 match equivalent sessions per season is needed to represent demand one actual pitch (based on teams playing at peak time on a home and away basis).
  - ✦ For 3G pitches, the PPS identifies demand for four full size 3G pitches (two based on current demand and two based on future demand) ~~This is discussed further in Part 4.3 Indoor and Built sports Facilities.~~
- 4.52 Once the demand from new developments is quantified, Sport England advocates evaluation on whether existing provision within an appropriate distance of the development is able to meet the additional need.
- 4.53 Consider if the nearest site/s to the development containing that type of provision could benefit from a contribution towards increasing capacity and/or quality to meet likely need generated from the development. If there are no potential options to improve existing or extend planned provision to create additional capacity, then new provision may be required.
- 4.54 Alternatively, when identifying a site for off-site contributions, consider the proximity and location of any Hub sites or Key centres within the analysis area. These strategic forms of provision are identified by the Local Authority as priorities for investment in order to meet the known future demand and trends for pitch sports in the area.
- 4.55 The Arun Playing Pitch Strategy and Action Plan (Part 6) will assist in identifying the existing sites with the potential to accommodate additional play. It identifies sites based on their strategic importance in a District-wide context i.e. they accommodate the majority of demand or identify where the recommended action has the greatest impact on addressing shortfalls identified either on a sport-by-sport basis or across the Council area as a whole.



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### **Step 3a** *Determine how best to satisfy demand through new on-site provision*

- 4.56 To further help determine how best to satisfy demand for new on-site provision, use the Playing Pitch Strategy (Part 1 Headline Findings) to identify existing shortfalls and consult with local clubs/groups to identify local issues.
- 4.57 Although the Playing Pitch Strategy will help to identify existing shortfalls (and in doing so provide a guide as to how best to meet demand generated from the new development), useful questions to answer may include, for example:
- ◀ Are there any teams/clubs playing outside of the local area (displaced demand) which could utilise provision at the site?
  - ◀ Do any local clubs identify existing plans/demand for access to new provision?
  - ◀ Are there any overplayed sites in the local area where existing demand could be transferred to a new site?
  - ◀ Do any local clubs identify any latent demand (i.e. if they had access to more pitches, they could they field more teams?)

### **Step 3b** *Determine how best to satisfy demand through new off-site provision*

- 4.58 Consider the location of the new population (e.g. the location of the development site) alongside the results of the PPS work. This will enable an understanding of the nature of the current playing pitch sites within an appropriate catchment of the new population in relation to issues in the area. This may lead to suggestions of one or more options of meeting the estimated demand, such as:
- ◀ Enhancing existing pitches to increase their capacity and ensure adequate maintenance to maintain the higher level of use
  - ◀ Securing greater community access to currently restricted provision and undertaking necessary works to allow such use to occur (e.g. enhanced changing provision)
  - ◀ Providing new playing pitches on existing sites or as part of the development.
- 4.59 This decision should be based on the potential to improve existing facilities within an appropriate catchment of a development to create additional capacity, and how realistic it is given the nature of the local area to provide new provision. For example, there may be some poor—quality playing fields that could potentially be improved with additional drainage and long-term maintenance works.
- 4.60 This may also include enhanced and/or new changing provision, to enable their use to be increased, thereby creating additional capacity to meet the increased demand generated from the development.
- 4.61 Discussions should be held with relevant parties (e.g. landowners, facility operators, National Governing Bodies of Sport and user groups), and any further necessary evidence gathered (e.g. a feasibility study), to help identify the specific works that are required, and to ensure they will provide the necessary additional capacity to meet the needs. It will also be important to demonstrate that the specific works can be delivered within an appropriate timescale in relation to the occupation of the development site

### **Step 4** *Consider design principles for new provision*

- 4.62 The exact nature and location of provision associated with on-site developments should be fully determined in partnership with each relevant National Governing Body of Sport.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

Further to this, each pitch sport National Governing Body of Sport provides national guidance in relation to provision of new pitches (See Appendix 2).

- 4.63 There is also a need to ensure that the location of outdoor sports pitches and ancillary facilities are appropriately located in the context of indoor sports provision and AGPs (if also being provided on-site) to ensure a cohesive approach to the whole sporting offer. Consideration should be given to the provision of community sports hubs.

<b>Step 5</b>	<b>Calculate the financial contribution required</b>
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- 4.64 As cited above, the Playing Pitch Calculator should be used for pitch provision as this presents an estimate of the associated costs for providing new pitches. It also provides a figure for the lifecycle costs for new or enhanced provision.

~~For 3G pitches, the Sport England Facilities Calculator should be used as set out in Part 4.3.~~

- ~~4.674.65~~ Along with any capital costs for the works, contributions should ensure an appropriate level of lifecycle costs towards the new or enhanced provision. This is required to cover the day to day maintenance for ~~an the~~ agreed long term period (20 years) e.g. including drainage of grass pitches and to help ensure a sinking fund exists for any major replacement work, e.g. the future resurfacing of an artificial grass pitch.

### Ancillary facilities

- ~~4.684.66~~ It is imperative that there is a need to secure contributions for pitch provision. Contributions should also be sought for improving and providing changing room accommodation where required. Sport England's Playing Pitch Calculator also includes an estimate for ancillary facilities. The following provides a guide as to how this could be calculated.

- ✦ Changing facilities are required for all new pitches
- ✦ Changing provision requirements are reliant on the number of pitches not the size of pitches (sites with more than one senior pitch should ideally have changing provision).
- ✦ Figures are based on Sport England quarterly costs (any calculations need to change each quarter): <https://www.sportengland.org/media/13346/facility-costs-q2-18.pdf>
- ✦ Consideration should also be given to the need for pavilion/clubhouse facilities and community use space to be provided as well as opportunities for income generation. In some cases, this may be in the form of a community sports hub model.
- ✦ Adequate car parking must be provided including the potential for overspill parking at peak periods. Coach as well as car parking will usually be required and service vehicle access and turning must also be considered. Use Sport England guidelines for further detail <https://www.sportengland.org/media/4204/car-parking.pdf>
- ✦ Cycle parking close to the changing facilities should be provided and should have a canopy.

- ~~4.694.67~~ There is also a need to ensure that the location of sports pitches and ancillary facilities are appropriately located in the context of indoor sports provision and AGPs (if also being provided) to ensure a cohesive approach to the whole sporting offer.

- ~~4.704.68~~ The off-site contributions being sought can be used to provide a range of improvements and not just pitch based enhancements (as long as they are in line with the needs set out in the PPS). For instance, improvements may range from providing sports lighting to increasing the hours a facility can be used through to ancillary

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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infrastructure which supports the continued or enhanced community use of a facility (e.g. changing rooms, public conveniences, showers, cycle parking etc).

[4.744.69](#) The preference, where possible, is for contributions to pitch and/or ancillary facilities to be provided at sites controlled by the local authority. This is to avoid the provision of inappropriate facilities (e.g. standalone single pitch sites) and to negate any issues with exclusivity of use.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### 4.3 Indoor and built sports facilities

4.724.70 The following steps are used to assess the indoor and built sports facilities allocation requirements for new development:-

**Step 1. Determine the key indoor and built sports facility requirement resulting from the development**

**Step 2. Determine the other indoor sports and community facilities required as a result of the development**

**Step 3. Demonstrate an understanding of what else the development generates demand for**

**Step 4. Financial contributions to deliver strategic provision**

4.734.71 All developments of 10 dwellings or greater are expected to contribute to the provision of indoor and built sports facilities.

4.744.72 Strategic housing allocations will contribute towards provision via s106. Non-strategic developments sites will contribute via CIL (once adopted).

<b>Step 1</b>	<b><i>Determine the key indoor and built sports facility requirement resulting from the development</i></b>
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4.754.73 The key tool to assess this is Sport England's Facilities Calculator (SFC). This model was created to assist local planning authorities to quantify how much additional demand for the key community sports facilities is generated by populations of new growth, development and regeneration areas. It helps to answer questions such as, "How much additional demand for swimming will the population of a new development area generate?" and "What would the cost be to meet this new demand at today's values?"

4.764.74 The SFC is designed to estimate the needs of discrete populations for sports facilities (such as sports halls and swimming pools) created by a new residential development. The current facilities that the SFC can be used for include swimming pools and sports halls and 3G pitches.

4.774.75 The SFC uses information that Sport England has gathered on who uses facilities and applies the population profile of the local area. This ensures that the calculations are sensitive to the people who actually live there. The SFC then turns this estimation of demand (visits per week) into the equivalent amount of facility which is needed to meet these visits each week. For swimming pools it uses square metres of water, lanes and 25m, four lane pool units. For halls, it uses the number of badminton courts and four court hall units as a guide for the additional area required to meet the increase in demand.

4.784.76 The SFC will give a target total for the number of facilities that are needed to meet a population's sports facility needs. This is based on the local population, national participation rates and the national average for facility usage.

4.794.77 The SFC generates a cost figure for any housing development, using the estimated additional population generated by the new housing development. The calculation is unique to the district as it uses local weightings for Arun District and West Sussex.

4.804.78 The SFC automatically applies the Building Cost Information Service's (BCIS) Pricing Adjustment Factors to the facility costs. Facility capital costs are updated on an annual basis in conjunction with information provided by the BCIS and other quantity surveyors.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

Therefore, any examples provided within this SPD include indicative costs based on the most up to date data provided by the SFC (facility costs are based on BCIS data from May 2018 and building costs for Q2 2018). Actual costs for individual developments will be calculated based on the most up to date data at the time of application.

4.844.79 The SFC can be accessed via registering for free on the Active Places Power website<sup>8</sup>.

4.824.80 The Arun Indoor Sport and Built Facilities Strategy is used to help inform and direct the priorities for indoor and built sports facilities across the area.

4.834.81 As the exact number of units are identified from specific housing developments then the Council will apply the household occupancy rate to this to determine the total population.

*Number of dwellings x household occupancy rate<sup>9</sup> = associated population*

4.844.82 This is the population applied within the Sports Facilities Calculator (SFC) to determine the additional provision that is required to meet the additional demand and the associated financial contribution required.

<b>Step 2</b>	<b>Determine the other indoor sports and community facilities required as a result of the development</b>
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4.854.83 There is no national calculation to the requirements from new housing developments for other indoor sports provision and community centre facilities not covered by the SFC (i.e. health and fitness suites).

4.864.84 In such instances, the Indoor Sport and Built Facilities Strategy and Assessment will inform the need for additional facilities within the area. In this case, a current and future shortfall in health and fitness suites is identified across Arun. The Strategy identified that 'demand is not currently being met for health and fitness suites and should penetration rates continue to increase, alongside population increases, there will be significant shortfalls in the future'.

4.874.85 Consequently, the following calculation should be used to determine the requirement for health and fitness provision. An excel calculator is available to assist in calculating the requirements for health and fitness provision for developments.

Table 4.3.1: Calculating Health and Fitness contribution

2a	<b>Estimated new population to use H&amp;F</b> = New population generated x National penetration rate for H&F of 14% (New population generated x 0.14)
2b	<b>Pieces of equipment required</b> = Estimated new population to use H&F (2a) / National average number of users (25) per equipment piece
2c	<b>Space required to accommodate equipment</b> = Pieces of equipment required (2b) x Average square metres (5) per equipment piece
2d	<b>Financial contribution required</b> = Space required to accommodate equipment (2c) x Estimated build and equipment cost per square metre (£2,000)

<sup>8</sup> <https://www.activeplacespower.com/>

<sup>9</sup> Local occupancy rate of 2.2 persons per household (2018)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

4.884.86 This will also be informed by how busy existing facilities are. As an example, if an existing community centre (adjacent to the new housing development) is fully programmed with high demand for space, it is unrealistic to expect this facility to accommodate the demand generated from the new development. Therefore, additional provision will be required.

<b>Step 3</b>	<b><i>Demonstrate an understanding of what else the development generates demand for</i></b>
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4.894.87 Consideration also needs to be given to the other infrastructure that will be generated as a result of the development. As an example, this could include health centres, library, etc.

4.904.88 The key focus here is to determine where there may be duplication of facilities and where there may be opportunities for shared provision possibly as part of a hub or new leisure centre.

4.914.89 The master plan for any new development needs to consider the strategic location of facilities and the clustering and co-location of facilities in order to maximise the benefit for the local community. Furthermore, the long-term approach to delivering these co-located facilities is set out in the district's Infrastructure Capacity Study and Delivery Plan which sets out the infrastructure requirements on the district's strategic housing allocations.

4.924.90 There is also a need to ensure that the location of outdoor sports pitches and ancillary facilities are appropriately located in the context of indoor sports provision and AGPs (if also being provided on-site) to ensure a cohesive approach to the whole sporting offer.

4.934.91 The financial, social and sporting benefits which can be achieved through development of strategic sites (also known as hub sites) are significant. Sport England provides further guidance on the development of community sports hubs at:-

[http://www.sportengland.org/facilities\\_planning/planning\\_tools\\_and\\_guidance/sports\\_hubs.aspx](http://www.sportengland.org/facilities_planning/planning_tools_and_guidance/sports_hubs.aspx)

<b>Step 4</b>	<b><i>Financial contributions to deliver strategic provision</i></b>
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4.944.92 The cumulative effect of multiple developments across the local authority results in a combined increase on demand to warrant a new strategic leisure centre development. The phasing requirements of strategic housing site developments within the District up to 2031 from the Infrastructure Capacity Study and Delivery Plan 2017 is shown in Table A3.1 and A3.2 of Appendix 3. The current housing trajectory, additional cumulative population increase and SFC is used to show when there will be a requirement for new sports hall space and swimming pool lanes that would form part of a new leisure centre for the District. This only accounts for the population increase from strategic housing sites it does not take into account the population increase to come from non-strategic sites. Therefore, it is expected that a new leisure centre will be required at an earlier stage dependant on the delivery of non-strategic housing developments.

4.954.93 As an example, for Arun a new flexible sports hall facility (to an equivalent size of a 4-court badminton hall<sup>10</sup>) is required where an additional 15,000 people are generated as

<sup>10</sup> Indicative example. Actual requirement could be in a different form of activity space but to an equivalent size.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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a result of cumulative strategic housing developments. Based on the SFC this requirement is estimated to be in 2025. Similarly, a 4 lane 25m swimming pool is required where an additional 21,000 people are generated as a result of cumulative strategic housing developments. Based on the SFC this requirement is estimated to be in 2028. Both estimated dates only take account of demand from strategic housing developments they do not take into account the population increase from non-strategic sites. An explanation to how this is determined is set out in Appendix 3.

[4.964.94](#) The demand generated in turn puts additional pressure on the existing infrastructure. Therefore, if no new provision is planned this additional demand has nowhere to go. The Indoor Sport and Built Facilities Strategy identified that 'sports halls are operating near to capacity, offering little scope to expand, meaning that future demand will have to be accommodated at new facilities'.

[4.974.95](#) It also stated that 'pools are generally only servicing Arun residents with almost 95% of currently used capacity from within Arun. However, 18% of demand is exported to other local authorities, suggesting there is insufficient capacity within Arun to satisfy all of the demand.'

[4.984.96](#) Financial contributions for indoor and built sports facilities will be allocated to:

- ◆ Enhancement of existing forms of provision
- ◆ Contributing to new forms of provision such as hub sites, a new leisure centre and/or other appropriate provision of this type.

[4.994.97](#) In order to calculate the contribution from each housing development into a strategic leisure facility fund, developers should use the Sport England Sports Facilities Calculator. Using the population growth and process identified from Step 1 and Step 2 will identify the financial contributions required from each development.

[4.1004.98](#) The SFC generates a cost figure for any housing development. It utilises the estimated additional population generated by the new housing development. The SFC automatically applies the Building Cost Information Services (BCIS) Pricing Adjustment Factors to the facility costs.

[4.1014.99](#) For developments where contributions are required to contribute to new forms of provision such as hub sites, a new leisure centre and/or other appropriate provision, developers will also be required to agree and pay towards the land costs needing to be secured.

[4.1024.100](#) This cost is variable and dependent upon the precise location and situation of the proposed development and/or provision looking to be provided. This will also be subject to change over time as the market value of land alters. For this reason, land costs will need to be negotiated on a case-by-case basis.

[4.1034.101](#) An indicative approach to how contributions for land costs should be calculated is provided in Appendix 3.

### **Commercial development**

[4.1044.102](#) Commercial development is also expected to contribute to indoor and built sports facilities since employees will put pressure on existing provision (i.e. during lunch breaks, before and after work). This follows Policy HWB SP1 which states such users will

**ARUN SUPPLEMENTARY PLANNING DOCUMENT  
OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES**

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contribute towards an increased level of demand on existing provision within that locality which means that a developer contribution is justified.

~~4.10~~4.103 This will be negotiated where appropriate by the Council.



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### APPENDIX ONE: OFF-SITE CONTRIBUTIONS AND MAINTENANCE COSTS FOR OPEN SPACE AND PLAY SPACE

This appendix explains the source and basis for the costs used in calculating the financial contributions for open space and play provision. These are specific to Arun and where possible have been benchmarked against neighbouring and/or similar local authorities.

#### Off-site contribution costs

The following rates are to be charged per square metre in instances where off-site contributions are required.

Table A1.1: Rate of charge by provision type

Provision type	Off-site contribution (£ per Square Metre)
Open Space	28
Play Space	143
Allotment	3.50

The rate of charge for open space provision is based on the average charge for each of the open space sub-types which are considered as being open space provision (i.e. parks, amenity greenspace and natural and semi-natural greenspace). The 2016 Open Space Study provided an initial set of rates to be considered for charging as off-site contributions. These have been reviewed and updated to, for example, avoid any instances of duplication. These rates have then been combined to provide an average rate of £28 per square metre to be charged for off-site contributions to open space. This is comparable to neighbouring local authorities such as Chichester which charges an equivalent average of £34 per square metres for the same open space types.

The rate of charge for play provision is based on the average cost of a typical form of play facility as determined by the Local Authority. An area of play of 700 square metres (or equivalent to 0.07 hectares)<sup>11</sup> is estimated to cost £100,000. This works out as an equivalent to £143 per m<sup>2</sup> (e.g. 100,000 / 700 = 142.86). Off-site contributions for play provision are therefore charged at £143 per square metre. This is comparable to neighbouring local authorities such as Chichester which charges an equivalent of £170 per square metre for play.

The rate of charge for allotment provision is based on the Local Authority's known costs for elements which are applicable to an allotment site (i.e. fencing, paths, etc). This is calculated as an equivalent to £3.44 per square metre. Consequently, the rate of £3.50 per square metre is to be charged for off-site contributions to allotments.

<sup>11</sup> Based on average site size of 0.07 hectares as recorded from audit assessment

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Maintenance costs

Sums to cover the maintenance costs of an open space and/or play site (once transferred to the Council) should be intended to cover a period for 20 years.

Committed sums for maintenance need to be based on the following costs per square metre. For public open space three rates are stipulated dependent upon the size of the open space needing to be maintained. For play provision an annual cost is detailed. These rates are based on the known cost of the Local Authorities grounds maintenance. This is a high gross maintenance cost but determining the developer financial contributions will be based on a net additional maintenance cost to be determined by the Local Authority. It is important that this calculation is taken as a starting point and could differ based on the maintenance contract that the council has in place at the time.

Table A1.2: Maintenance charge by typology

Provision type		Cost of maintenance for a 20-year period (per Square Metre)
POS	Less than 0.1 ha	£23.51
	0.1 to 1 ha	£16.88
	Greater than 1 hectare	£11.23

Provision type	Annual cost
Play space (per each LEAP and NEAP)	£1,500

For larger sites, where on-site provision is to be provided, maintenance charges are likely to be the only financial contribution needing to be paid. For smaller, non-strategic sites, all off-site contributions will be through CIL receipts.

### Future cost increases

Cost charges are updated on an annual basis. This is through an annual review to check charges are still accurate and through linking the cost charges to a recognised national figure i.e. the Consumer Price Index (CPI).

The CPI measures the change in the cost of a representative sample of items. It is therefore a useful tool to ensure the off-site contributions being sought for play space is reflective of changes in inflation across the country.

The calculation for undertaking this is to take the current cost charge and calculate the percentage increase as a result of the CPI at the end of each financial year (i.e. end of March)

*Hypothetical example:*

Current cost charge for play space is £143 per m<sup>2</sup>

CPI value at end of March 2018 is 2.3%<sup>12</sup>

<sup>12</sup> <https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/l55o/mm23>

**ARUN SUPPLEMENTARY PLANNING DOCUMENT  
OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES**

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Therefore, if the cost charge were to be recalculated for the next 12 months

$$143 / 100 \times 2.3 = 3.29$$

The cost charge would be (143 + 3.29) £146.29 (£146) per m<sup>2</sup>

This will be reviewed by ADC every 12 months to reflect the CPI value.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### APPENDIX TWO: DESIGN PRINCIPLES OF NEW PROVISION

It is important for new forms of open space, playing pitch, indoor and built sports facilities to be well designed. This is in order to provide good quality, usable and efficient forms of provision. Creation of specific masterplans for larger scale developments should be undertaken to set out the requirements and guide the future growth.

The following information is provided as a guide in initiating the first stages of design. Pre-application discussions are encouraged with the Council to ensure suitably designed open space, playing pitch, indoor and built sports facilities are provided.

#### **Active Design**

Sport England's Active Design looks at the opportunities to encourage sport and physical activity through the built environment in order to support healthier and more active lifestyles.

It sets out ten principles that should be considered during urban design to promote environments that offer individuals and communities the greatest potential to lead active and healthy lifestyles. These principles are then broken down into three objectives: access, awareness and amenity.

The 10 principles are:



The guidance also highlights best practice pointers including:

- ◀ Seek to concentrate key uses (schools, shops, workplaces, homes etc) to encourage linked trips and create varied and active centres
- ◀ Opportunities should be explored to create public spaces that encourage uses to interact including seating areas, multi-use landscaping and attractive spaces
- ◀ Co-located facilities should be focal points within walking and cycling networks
- ◀ Opportunities to co-locate complimentary functions (such as health centres and gyms) should be fully explored

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

- Sports facilities should be located in prominent positions in the local community, raising awareness of their existence, inspiring people to use them and ensuring they can become focal points for the community and social interaction
- Multiple sports and recreation facilities should be co-located together where possible, to allow a choice of activity in one location, and promote the efficient shared management of facilities. These should take a prominent position within local networks
- School facilities and grounds should be available for use outside school time to support the whole community to engage in physical activity

A series of best practice case studies are set out within the Active Design document and also on the Active Design website (<https://www.sportengland.org/facilities-planning/active-design/>)

### Design principles of open space and play space

#### Play space

Fields in Trust (FIT)<sup>13</sup> offer some guidance to the spatial requirements for play facilities. It also suggests appropriate buffer zones to ensure play facilities do not enable users to overlook neighbouring properties; reducing the possibility of conflict between local residents and those at play. The minimum size and buffer zones suggested are:

Table A2.1: FIT buffer zones

Type	Size (hectares)	Minimum dimensions	Buffer
LAP	0.01	10 x 10 metres	5m minimum separation between activity zone and the boundary of dwellings
LEAP	0.04	20 x 20 metres	20m minimum separation between activity zone and the habitable room façade of dwellings
NEAP	0.10	31.6 x 31.6 metres	30m minimum separation between activity zone and the boundary of dwellings
Other <sup>14</sup>	0.10	40 x 20 metres	30m minimum separation between activity zone and the boundary of dwellings

Play England also offer guidance within its *Design for Play: A guide to creating successful play spaces*. This offers a detailed level of advice towards the design of play facilities. Key to the guidance are the 10 principles.

The 10 principles for designing successful play spaces states provision should be:

- Bespoke
- Well located
- Make use of natural elements
- Provide a wide range of play experiences
- Inclusive to all
- Meet community needs
- Allow children of different ages to play together
- Build in opportunities to experience risk and challenge
- Sustainable and appropriately maintained
- Allow for change and evolution

<sup>13</sup> Guidance for Outdoor Sport: Beyond the Six Acre Standard

<sup>14</sup> E.g. skate park, Multi-Use Games Area

## ARUN SUPPLEMENTARY PLANNING DOCUMENT

### OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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Other good practice considerations which elaborate on the principles for designing successful play spaces include:

- ✦ Positioned in a good location, away from hazards and with sufficient natural surveillance
- ✦ Accessed via a suitable pathway and a well-used route
- ✦ Equipment should not overlook gardens (in accordance with buffer zone guidance)
- ✦ Suitable fencing and surfacing
- ✦ Minimum provision of one litter bin
- ✦ Seating should have back and arm rests
- ✦ Two gated access points; based on the location of the play space. For instance, if located close to a road, site may require a combination of slowing designs including surfaces, staggering and barriers
- ✦ Equipment should comply with EN 1176 (European Equipment Standard)

#### **Open space**

Open space is defined in the Town and Country Planning Act (1990) as *land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.*

The following provide guidelines to what new forms of public open space should be.

Fields in Trust offer some guidance to the quality guidelines for open space. These include:

- ✦ Located where they are of most value to the community to be served
- ✦ Sufficiently diverse recreational use for the whole community
- ✦ Appropriately landscaped
- ✦ Maintained safely and to the highest possible condition with available finance
- ✦ Positively managed taking account of the need for repair and replacement over time
- ✦ Provision of appropriate ancillary facilities and equipment
- ✦ Provision of footpaths
- ✦ Designed so as to be free of the fear of harm or crime

A well-designed open space should be attractive, usable and aim to provide multiple social, health and environmental benefits. It should incorporate existing landscape features such as mature trees and hedgerows, appropriate new planting, play provision and car parking/cycle storage. It is important that the biodiversity of a site is considered through inclusion of native species and the creation/retention of a variety of habitats.

#### *Public open space guidelines*

On this basis, ADC considers the following guidelines to define what new forms of public open space should and should not be.

Public open space **should be:**

- ✦ Located within new residential areas in accessible parts of the development avoiding conflict with major hazards such as busy roads and not immediately adjacent to SUDs
- ✦ Linked to local paths/cycle ways and the area beyond the development and have well placed entry points to encourage safe access
- ✦ Distributed evenly throughout the site with consideration of larger central areas of public open space which could accommodate a wider range of uses, forming a focal point for new communities

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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- Welcoming to encourage people to use them with soft landscape features, containing high quality materials, well maintained boundaries with an attractive appearance
- In areas which are overlooked by housing to provide natural surveillance
- Considerate to existing and established landscape features including existing trees and hedgerows and work with these to retain and enhance them.

Public open space **should not be:**

- Provided on spaces left over after the planning process has been concluded i.e. areas of land left over after the location of roads and buildings have been determined
- Unusable or undesirable areas without any purpose. The inclusion of undesirable areas with no clear function will not be allowed simply to make up the required numbers.
- Including narrow verge areas or entrance roadways
- Including SUDs or drainage areas which whilst an environmental benefit is recognised as not being permanently publicly accessible i.e. in water holding periods.
- Including bunds or mitigation screen planting areas, fenced off areas, narrow strips of land, or small pockets of land in place as development separation areas as these are not publicly accessible

### Trees and hedgerows

Established trees and hedgerows must be identified and evaluated early in the conceptual/pre-design stage, so that they can be fully considered and informative to layout design. They may be suitably included with areas of Park and Open Space (POS) within the development.

Those of native species and/or being landscape features specifically can add considerable value to a development. They should be given adequate protection above and below ground, to enable them to grow uninhibited and free from any interference which could be harmful to their long-term potential.

Trees which are also the subject of a Tree Preservation Order (TPO) are recognised as having high public amenity value. Those may include trees of considerable size and/or age, which due to their elevated hazard rating will present additional constraint for any proposed changes to land-use nearby. This will need to be factored-in to any design, so that their inherent ecological value can be sustained and not diminished by extensive pruning or removal to satisfy safety concerns – perceived or otherwise.

The use of 'buffer zones' beyond nominal root protection areas (as defined by BS5837:2012 – Trees in relation to design, demolition and construction) should be considered, to insure against harmful effects during the construction phase of development and help future-proof those trees against a 'pressure to prune'.

Further detail is provided within Appendix Nine.

The Bersted [Park](#) development is recognised as having a good quality design. It should act as an aspiration and local best practice example for future developments of this scale and nature. The details of this development are set out in Appendix 7.

### **Design principles of playing pitches**

## ARUN SUPPLEMENTARY PLANNING DOCUMENT

### OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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Sport England provides a guide to practical advice on building and maintaining playing fields and sport pitches<sup>15</sup>, including:

- ◀ Design guidance
- ◀ Standard pitch layouts
- ◀ Construction specifications
- ◀ Costs

This highlights the need for provision to be designed based on its likely use i.e. who will use the pitches and how often. Key considerations include drainage, quality construction and long-term management.

Sport England has also worked closely with National Governing Bodies of Sport such as the Football Association, the England and Wales Cricket Board and the Institute of Groundsmanship to develop a document<sup>16</sup> identifying the key issues, tips and case studies.

Layout of pitches is recognised as being dependent on each individual site. However, it is important to consider the areas of most wear and tear. Useful tips include:

- ◀ Orientation should broadly be north south
- ◀ Periods of recovery should be ensured for a sustainable site
- ◀ Three year pitch layout rotation to allow sufficient recovery
- ◀ Off-setting the location of goal mouths and centre circles
- ◀ Mobile counter weighted goalposts – to help facilitate easy pitch rotation

Further to this, each pitch sport NGB provides national guidance in relation to provision of new pitches. Follow the links to the various web pages for further details:

- ◀ [FA facility guidance](#)
- ◀ [FA 3G pitch guidance](#)
- ◀ [RFU Facilities Guide](#)
- ◀ [ECB guide to developing pitches](#)
- ◀ [England Hockey Facilities Strategy](#)

For improvement/replacement of AGPs refer to Sport England and the NGBs 'Selecting the Right Artificial Surface for Hockey, Football, Rugby League and Rugby Union' document for a guide as to suitable AGP surfaces: [www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/](http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/)

#### Design principles of indoor and built facilities

It is important to ensure that the design of new or extended facilities is in line with local needs as well as relevant design guidance. It will be important that any design reflects best practice design guidance taking into account all the key considerations which will be relevant to each facility. As an example, this will include aspects such as: health and safety, safeguarding, storage, sport specific design features, etc.

Where an extension or refurbishment of an existing facility takes place it will be important to ensure that continuity of provision is considered as clubs and organisations will need alternative accommodation during the construction period associated with a refurbishment or

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<sup>15</sup> Natural Turf for Sport Design Guidance Note

<sup>16</sup> Successful management of dual use cricket and football sites (2014)



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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extension. This is important in ensuring these organisations continue to exist in the longer term.

The development of community hubs is a key focus for many organisations as the benefits derived from the co-location of facilities is often greater than from stand-alone facilities. This is also in line with other guidance such as Sport England's Active Design. Therefore, there is a need for developers and stakeholders to consider how different facilities may 'fit' together. As an example, this could include the following facilities which may be required as part of a development:

- ◆ Indoor and outdoor sports facilities
- ◆ Health centres and GP surgeries
- ◆ Library
- ◆ Early years provision
- ◆ Community centre
- ◆ Children's play areas
- ◆ Allotments and community growing areas
- ◆ Local retail centres

The master plan for any new development needs to consider the strategic location of facilities and the clustering and co-location of facilities in order to maximise the benefit for the local community.

There is also a need to ensure that the location of outdoor sports pitches and ancillary facilities are appropriately located in the context of indoor sports provision and AGPs (if also being provided on-site) to ensure a cohesive approach to the whole sporting offer.

Sport England provides further guidance at: <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/>

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### APPENDIX THREE: CUMULATIVE DEMAND FOR INDOOR AND BUILT SPORTS FACILITIES

Sport England's Facilities Calculator (SFC) is utilised to quantify how much additional demand for key community sports facilities will be generated by populations of new growth and development. It sets out the cost of providing the facilities that are needed to meet the sports facility needs of the new population.

Financial contributions for indoor and built sports facilities will go towards:

- ◀ Enhancement of existing forms of provision
- ◀ Contributing to new forms of provision such as hub sites, a new leisure centre and/or other appropriate provision of this type.

The cumulative effect of multiple developments across the local authority results in a combined increase in demand to warrant a new strategic leisure centre development. The phasing requirements of strategic housing site developments within the District up to 2031 from the Infrastructure Capacity Study and Delivery Plan 2017<sup>17</sup> is shown in Table A3.1 and A3.2 below. The current housing trajectory, additional cumulative population increase and SFC is used to show when there will be a requirement for new sports hall space and swimming pool lanes that would form part of a new leisure centre for the District. This only accounts for the population increase from strategic housing sites it does not take into account the population increase to come from non-strategic sites. Therefore, it is expected that a new leisure centre will be required at an earlier stage dependant on the delivery of non-strategic housing developments.

The figures suggest on initial review an equivalent requirement of six badminton courts<sup>18</sup> and over four-lanes of equivalent swimming space up to 2030/31. On closer inspection, for Arun a new flexible sports hall facility (to an equivalent size of a 4-court badminton hall<sup>19</sup>) is required where an additional 15,000 people are generated as a result of cumulative strategic housing developments. Based on the SFC this requirement is estimated to be in 2025. Similarly, a 4 lane 25m swimming pool is required where an additional 21,000 people are generated as a result of cumulative strategic housing developments. Based on the SFC this requirement is estimated to be in 2028. Both estimated dates only take account of demand from strategic housing developments they do not take into account the population increase from non-strategic sites.

The housing trajectory only covers the delivery of strategic housing allocations. It does not include the number of dwellings from non-strategic sites, the land availability assessment or windfall allowance. Strategic sites will contribute to this cumulative need for a new leisure centre, community sports hubs and/or other appropriate provision through s106 contributions. Other developments, such as non-strategic sites, will contribute to the cumulative need through CIL receipts.

The SFC is updated annually and therefore, any examples provided within this SPD include indicative costs based on the most up to date data provided by the SFC at the time of writing.

<sup>17</sup> Figures are subject to change

<sup>18</sup> Actual form of activity space is flexible but should be to an equivalent size of a six-badminton courts

<sup>19</sup> Indicative example. Actual requirement could be in a different form of activity space but to an equivalent size.

**ARUN SUPPLEMENTARY PLANNING DOCUMENT**  
**OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES**

Table A3.1: Phasing of requirements up to 2025/26<sup>20</sup> for Strategic Housing Sites

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
<b>Total dwellings</b>	122	630	1,035	1,000	1,050	1,025	1,000	925	775
<b>Estimated population</b>	268	1,386	2,277	2,200	2,310	2,255	2,200	2,035	1,705
<b>Cumulative population</b>	268	1,654	3,931	6,131	8,441	10,696	12,896	14,931	16,636
<b>Equivalent sports hall requirement (courts)</b>	-	0.44	1.04	1.62	2.23	2.89	3.4	3.94	4.39
<b>Cost (£)</b>	-	297,011	705,896	1,100,953	1,515,763	1,969,720	2,315,754	2,681,182	2,987,351
<b>Equivalent swimming pool requirement (lanes)</b>	-	0.31	0.73	1.14	1.57	2.04	2.4	2.78	3.09
<b>Cost (£)</b>	-	319,818	760,100	1,185,492	1,632,155	2,120,970	2,493,575	2,887,064	3,216,743

Table A3.2: Phasing of requirements from 2026 up to 2030/31 for Strategic Housing Sites

	2026/27	2027/28	2028/29	2029/30	2030/31
<b>Total dwellings</b>	725	713	675	525	450
<b>Estimated population</b>	1,595	1,569	1,485	1,155	990
<b>Cumulative population</b>	18,231	19,800	21,285	22,440	23,430
<b>Equivalent sports hall requirement (courts)</b>	4.81	5.22	5.61	5.62	6.18
<b>Cost (£)</b>	3,273,768	3,555,516	3,822,179	4,029,584	4,207,360
<b>Equivalent swimming pool requirement (lanes)</b>	3.39	3.68	3.96	4.17	4.36
<b>Cost (£)</b>	3,525,153	3,828,536	4,115,676	4,339,007	4,530,434

<sup>20</sup> Source: Infrastructure Capacity Study and Delivery Plan 2017 (Tables do not include population increase for non-strategic housing developments)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Calculating land costs

For developments where contributions are required to contribute to new forms of provision such as hub sites, a new leisure centre and/or other appropriate provision, developers are also required to agree and pay towards the land costs needing to be secured.

This cost is variable and dependent upon the precise location and situation of the proposed development and/or provision looking to be provided. This will also be subject to change over time as the market value of land alters. For this reason, land costs will need to be negotiated on a case-by-case basis.

An indicative approach to how contributions to land costs should be calculated is set out below.

*Indicative example approach:*

As an example, the Government provides some estimates for the value of land across the country in its document '*Land value estimates for policy appraisal 2017*'<sup>21</sup>. This cites typical residential land as being £3,550,000 per hectare (or 10,000 square metres) in Arun.

Table A3.3: Government estimates to land value

Land Category	Land Value (£)
Residential	3,550,000
Industrial	Not provided
Office	Not provided
Agricultural	22,500 (South East region)

An average four court size sports hall is cited as being circa 1,532 square metres<sup>22</sup>.

On this basis, 1 square metre of residential land is calculated to be £355 (e.g. 3,550,000 / 10,000 = £355).

Consequently, the land needed to accommodate a sports hall is estimated to cost £543,860 (e.g. 355 x 1,532 = £543,860).

It is important to recognise this is only an indicative example of how an approach to calculating the costs of the land needing to be secured in order to accommodate new leisure provision could be calculated. In such situations, land costs will be negotiated on a case-by-case basis to reflect the variables in terms of location, position and market values.

<sup>21</sup> <https://www.gov.uk/government/publications/land-value-estimates-for-policy-appraisal-2017>

<sup>22</sup> Sport England Cost Guidance 2018 <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance/>

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### APPENDIX FOUR: SUSTAINABLE URBAN DRAINAGE SYSTEMS AND GREEN INFRASTRUCTURE GUIDANCE

#### Sustainable Urban Drainage Systems (SUDS)

The implementation of SUDS should be incorporated within each development masterplan as a fully designed solution which responds to specific site characteristics and embraces the opportunities available. It must not be a way to dispose of or store unwanted run-off.

It is essential that SUDS do not impact on the usable levels of public open space also required as part of new housing developments. SUDS whilst providing benefit in the correct capacity within development, should not be included in the 'usable open space calculations'

Publications from other authorities and organisations provide guidance and models in the application of SUDS which should be referred to as good practice:

- WWT & RSPB: Sustainable drainage systems – Maximising the potential for people and wildlife. A guide for local authorities and developers<sup>23</sup>

The guidance states that “SUDS provide the ideal opportunity to bring urban wetlands and other wildlife-friendly green spaces into our towns and cities and link these with existing habitats creating blue and green corridors. Well-designed SUDS should also be an amenity and education resource for the community, providing high-quality public green space in which to relax, play and enjoy wildlife.” The publication also goes on to state that most SUDS are failing to achieve this potential. If delivered properly, they can deliver benefits for the whole community in terms of biodiversity, climate regulation, regeneration, learning, health, recreation and play.

- Sustainable Drainage – Cambridge Design and Adoption Guide<sup>24</sup>

The Cambridge guide provides detailed guidance on the design and adoption of a range of SUDS. It summarises the four key principles for these as:

Table A4.1: Key principles of SUDS

Performance	High Quality Design	Integrated Approach to Health & Safety	Ease of Maintenance
Reduce flood risk	Micro managed bespoke design	Easily identifiable features and risk	Simple, surface features
Improve water quality	Integration with wider landscape setting	Shallow gradients	Minimise use of grills and other engineered features
Delivering biodiversity benefits	Use of robust, low impact materials	Planting and design used to create barrier where necessary	Shallow gradients
Provide amenity for residents	Designed to be attractive all year round		Robust appropriate planting for ease of maintenance but not at expense of biodiversity (unless erosion prevention is a priority)

<sup>23</sup> [http://www.wwt.org.uk/uploads/documents/1400927422\\_SustainableDrainageSystemsGuide.pdf](http://www.wwt.org.uk/uploads/documents/1400927422_SustainableDrainageSystemsGuide.pdf)

<sup>24</sup> <https://www.cambridge.gov.uk/sustainable-drainage-systems-suds>

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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In addition to the information contained within the guidance above Arun District Council requires that SUDS within developments should be designed to:

- ✦ A high quality and be beneficial to people and wildlife. Priority shall be given to the needs of people for recreation and enhancing biodiversity and the spaces created must work for both.
- ✦ Incorporate a diverse range of SUDS solutions.
- ✦ Allow for sufficient open space outside the damp zone. The damp zone can be used for informal activity space but this must not be the only allocation.

The Landscape Institute have published a review on the delivery, design, adoption and maintenance of SUDS<sup>25</sup>. This highlights the inconsistencies in the delivery of SUDS across the country whilst stressing the need for appropriate SUDS to safeguard local environments. Further updated guidance issued by the Landscape Institute should be taken into consideration.

### Green Infrastructure (GI)

Green Infrastructure (GI) serves an important role in the provision of new public open space in providing solutions which address the social, environmental and economic challenges facing today's society. New development should seek to incorporate a range of GI assets to maximise the opportunities and benefits each of these offer. A masterplan should be used to illustrate the relationship between the GI assets and their functions within the development. It is expected that developments should aim to provide:

- ✦ Resilient water management
- ✦ Opportunities for recreation, health and wellbeing
- ✦ Enhanced biodiversity
- ✦ Mitigation for climate change
- ✦ Economic growth and investment
- ✦ Stronger communities
- ✦ Sense of place

The Landscape Institute Position Statement 2013 gives further detail on the implementation of GI<sup>26</sup>.

The Arun Green Infrastructure Study (2012) and other such evidence and strategies being produced by Arun District Council looking at strategic connectivity between the coast and South Downs National Park and between settlements, should also be referred to for further guidance. It details future needs in relation to growth areas as well as opportunities and priority projects.

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<sup>25</sup> [Landscape Institute - SUDS Delivery Review Jan 2019](#)

<sup>26</sup> [Landscape Institute - Green Infrastructure Position Statement 2013](#)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### APPENDIX FIVE: MINIMUM SITE SIZES

#### Open space and play

Fields in Trust (FIT) offer some guidance to the potential minimum threshold size of different types of play provision.

Table A5.1: Minimum site size - play

Classification	Minimum size of site (hectares)
LAP	0.01
LEAP	0.04
NEAP	0.10
Other outdoor provision (i.e. MUGA, skate park)	0.10

New play provision should look to be provided as off-site contributions if the calculated open space requirement for the proposed development falls below the size thresholds. If the requirement is above the thresholds, it should look to be provided on-site as part of the development.

In this case this and based on an occupancy rate of 2.2 people per dwelling, a development with 98 dwellings would have an equivalent population of 215.6.

The requirement for play provision can be calculated by using the calculator provided which is based on the following calculation:

**Quantity guideline standard x associated population / 1000 = open space requirement**

Or

$$0.55 \times 215.6 / 1000 = 0.12 \text{ hectares}$$

Consequently, a development of 9 dwellingsn-additional population of 18 people, would generate a requirement of 0.01 hectares of play space.

This therefore meets the minimum site size threshold for play provision to a LAP classification. On this basis, the table below details the points at which the other play classifications are 'triggered' by different scales of development.

Table A5.2: Play requirement by scale of development

Classification	Minimum size of site (hectares)	On-site provision required at 'X' No' of dwellings
LAP	0.01	98
LEAP	0.04	343
NEAP	0.10	83
Other outdoor provision (i.e. MUGA, skate park)	0.10	83

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

Taking this approach, Part 4 of the SPD sets out that any development below nine ~~eight~~ dwellings does not require to contribute to play provision.

For open space provision, the Greater London Authority (GLA) offers some guidance to the minimum size of sites<sup>27</sup>. This has been used as a basis to set the following minimum site sizes for different open space.

Table A5.3: Minimum site size – open space

Classification	Minimum size of site (hectares)
Amenity greenspace	0.1
Natural and semi natural	0.4
Allotments	0.4 (0.025 per plot)
Parks and gardens	1.0

Following this method and based on an occupancy rate of 2.2 people per dwelling, a development with 15 dwellings would have an equivalent population of 33.

The requirement for open space provision can be calculated by using the calculator provided which is based on the following calculation:

**Quantity guideline standard x associated population / 1000 = open space requirement**

Or

$$3.20 \times 33 / 1000 = 0.10 \text{ hectares}$$

Consequently, an additional population of 33 people, would generate a requirement of 0.10 hectares of public open space.

This therefore meets the minimum site size threshold for public open space provision (Table A5.3). For this scale development it is recommended that the public open space provision is in the form of amenity greenspace. On this basis, the table below details the points at which the other open space classifications may be 'triggered' by different scales of development.

Table A5.4: Open space requirement by scale of development

Classification	Minimum size of site (hectares)	On-site provision required at 'X' No' of dwellings
Amenity greenspace	0.1	15
Natural and semi natural	0.4	57
Allotments	0.4 (0.025 per plot)	72 <del>78</del>
Parks and gardens	<u>1.0</u> <del>2.0</del>	<u>143</u> 1,134

Using this approach, Part 4 of the SPD sets out that any development of 15 dwellings or greater is required to contribute to open space provision.

<sup>27</sup> GLA Open space strategies: Best practice guidance (2009)



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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Developments of between 10-14 dwellings will require a financial contribution.

Developments below 10 dwellings do not require to contribute to open space provision.

### Playing pitches

~~There are no prescribed minimum site sizes for playing pitches. However, f~~Guidance on site sizes for playing pitches can be found by consulting 'The Town and Country Planning (Development Management Procedure) Order 2015, Schedule 4 (Interpretation) and various Sport England Design Guidance, FA, Cricket, RFU and England Hockey guidance. For obvious reasons the creation of any pitch provision less than a whole pitch is not practical. The need for pitch provision is calculated by levels of demand.

Demand equating to the need for a new pitch can be translated as follows:

- ✦ For football and rugby demand, one match equivalent session per week is needed to represent demand for one actual pitch (based on teams playing at peak time on a home and away basis).
- ✦ For hockey, demand for four match equivalent sessions per week is needed to represent demand for one actual pitch (based on teams playing at peak time on a home and away basis).
- ✦ For cricket, demand for 60 match equivalent sessions per season is needed to represent demand one actual pitch (based on teams playing at peak time on a home and away basis).
- ✦ For 3G pitches, the PPS identifies demand for four full size 3G pitches (two based on current demand and two based on future demand).

Furthermore, best practice advises to avoid provision of inappropriate facilities such as standalone single pitch sites. As these are less likely to be used and are more likely to fall into disrepair.

Once the demand from new developments is quantified, Sport England advocates evaluation on whether existing provision within an appropriate distance of the development is able to meet the additional need (i.e. can the capacity at an existing site be enhanced).

### Indoor and built facilities

~~There are no prescribed minimum site sizes for indoor and built facilities. Similarly, Sport~~England provide guidance on site sizes for indoor and built facilities. However, fFor obvious reasons the creation of any provision less than recommended design dimensions is not practical.

However, there is still a need for contributions to be sought as the demand generated from new populations (as a result of housing growth) in turn puts additional pressure on the existing infrastructure. Therefore, if no new provision is planned this additional demand has nowhere to go. The Indoor Sport and Built Facilities Strategy identified that 'sports halls are operating near to capacity, offering little scope to expand, meaning that future demand will have to be accommodated at new facilities'.

It also stated that 'pools are generally only servicing Arun residents with almost 95% of currently used capacity from within Arun. However, 18% of demand is exported to other local authorities, suggesting there is insufficient capacity within Arun to satisfy all of the demand.'



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### APPENDIX SIX: WORKED EXAMPLES

The following examples demonstrate how on-site provision and financial contributions to off-site provision including commuted sums towards maintenance of provision (where applicable) is derived.

Calculations are based on the number of dwellings for a given development. Three worked examples are set out including a smaller scale development of 12 dwellings, a development of 90 dwellings and a larger scale development of 1,500 dwellings.

It is important to consider that off-site contributions for non-strategic sites will be via CIL once adopted. As a result, the relevant Council department teams will need to bid for CIL money towards a specific requirement to be funded.

#### Example 1: Development of 12 dwellings

##### Open space

###### OS Step 1 Calculate population generated by housing development

*Number of dwellings (12) x household occupancy rate (2.2)<sup>28</sup> = associated population (26.4)*

###### OS Step 2 Calculate open space requirement generated by housing development

Using the Open Space Calculator, the following requirements are identified: *26.4 x 5,500 play standard = 145,200 sqm /1,000 = 145 sqm.*

Table A6.1: Open space requirements

Requirement (Square Metres)		
Public Open Space	Allotments	Play
0	0	145

No on-site requirement of public open space or allotment provisions is required, as the minimum size thresholds are not met for a development of 12 dwellings (page 13 Table 4.1.2).

###### OS Step 3 Determine if provision should be on-site or off-site?

Whether provision should be made on-site or via an off-site financial contribution is dependent on the size of the development. Based on the triggers set out in Table 4.1.2 the following requirements are needed:

##### On-site requirement:

- 145 square metres of play space (alternatively a financial off-site contribution of £20,764). *i.e. 12 dwellings x £1,730 per dwelling = £20,764*

<sup>28</sup> Local occupancy rate of 2.2 persons per household (2018)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Off-site site financial requirement:

- Public Open Space equivalent = £23,654 (i.e. 12 dwellings x £1,971 = £23,654)
- Allotment equivalent = £231 (i.e. 26.4 population12 dwellings x £19.25 per dwelling = £231 and because this is below the minimum contribution threshold £1,000 will be sought)
- Play space equivalent = £20,764 (if on-site requirement not deemed appropriate)

### Financial contribution for maintenance:

- Play space = £30,000 (20 x £1,500)

On this basis, the following commuted sum is calculated:

Table A6.2: Summary of open space/play requirement

On-site requirement	
Public open space	n/a
Allotment	n/a
Play space	145 Sq M (if to be provided on-site)
Off-site financial requirement	
Public open space	£23,654
Allotment	<del>£1,000</del> £231
Play space	£20,764 (if to be provided as off-site financial contribution)
Maintenance <sup>29</sup>	
Public open space	n/a
Play space	£30,000
<b>Total</b>	<del>£75,418</del> £74,649

This is on the basis that the contribution for play space is deemed to be best provided as an off-site financial contribution.

If the play requirement is deemed to be best provided as an on-site contribution, the commuted sum will be £54,654~~53,885~~ plus 145 square metres of on-site play provision.

<sup>29</sup> This is a high gross maintenance cost; determining the developer financial contributions will be based on a net additional maintenance cost to be determined by the Local Authority.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Playing pitches

<b>PP Step 1</b>	<b>Determine the playing pitch requirement resulting from the development</b>
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The main tool for determining this is the Playing Pitch Calculator which is a Sport England tool provided on completion of the Playing Pitch Strategy. This calculates the following estimated demand:

Table A6.3: Estimated pitch demand and costs

Pitch type	Estimated demand and costs for new pitches		
	Number of pitches to meet demand	Capital cost <sup>30</sup>	Lifecycle Cost (per annum) <sup>31</sup>
<b>Natural Grass Pitches</b>			
Adult football	0 (0.01)	£574	£121
Youth football	0 (0.01)	£618	£130
Mini soccer	0 (0.01)	£160	£34
Rugby union	0 (0.00)	£428	£92
Rugby league	0 (0.00)	£0	£0
Cricket	0 (0.00)	£1,031	£208
<b>Artificial Grass Pitches</b>			
Sand based AGPs	0 (0.00)	£114	£4
3G	0 (0.00)	£1,062	£35
<b>Ancillary facilities</b>			
Changing rooms	0 (0.03)	£6,388	-
<b>Sub-totals</b>		<b>£10,375</b>	<b>£624 (per annum)</b>
			<b>£12,480 (for 20-year period)</b>
<b>Total</b>		<b>£22,855</b>	

<b>PP Step 2</b>	<b>Determine whether new provision is required and whether this should be on or off-site</b>
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On this basis, the demand generated by the development does not result in the requirement for on-site provision to be created (i.e. a single whole pitch is not estimated).

Consequently, the capital cost of £10,375 and commuted lifecycle cost of £12,480 are to be sought. This is a total commuted sum of £22,855.

As no on-site provision is calculated, only Step 5 is applicable.

<sup>30</sup> Sport England Facilities Costs Second Quarter 2018 – (<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance/>)

<sup>31</sup> Lifecycle costs are based on the % of the total project cost per annum as set out in Sport England's Life Cycle Costs Natural Turf Pitches and Artificial Surfaces documents (2012)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### PP Step 5 Calculate the financial contribution required

The Playing Pitch Calculator presents an estimate of the associated costs for providing the equivalent of new pitches. It also provides a figure to the lifecycle costs for new or enhanced provision.

As detailed above, the capital cost of £10,375 and commuted lifecycle cost of £12,480 are to be sought. This is a total commuted sum of £22,855.

### Indoor and built sports facilities

### BSF Step 1 Determine the key indoor and built sport facility requirement resulting from the development

Using the Sports Facility Calculator (SFC), the following requirements are identified for a development of 12 dwellings:

Table A6.4: Sports Facility Calculator summary

Sports hall		Swimming pool		Artificial Grass Pitches	
-	-	Square meters	0.26		
Courts	0.01	Lanes	0.00		
Halls	0.00	Pools	0.00	Pitches	0.00
Vpwpp <sup>32</sup>	1	Vpwpp	2	Vpwpp	0
Cost	£4,669	Cost	£5,027	Cost (if 3G)	£687

### BSF Step 2 Determine the other indoor sports and community facilities required as a result of the development

Based on the calculation set out in Table 4.3.1 the following requirements are needed in relation to health and fitness provision:

Table A6.5: Health and Fitness requirement

<b>2a</b>	<b>Estimated new population to use H&amp;F</b> = New population generated (26.4) x National penetration rate for H&F of 14% (New population generated x 0.14) = <b>4</b>
<b>2b</b>	<b>Pieces of equipment required</b> = Estimated new population to use H&F (4) / National average number of users (25) per equipment piece = <b>0.16</b>
<b>2c</b>	<b>Space required to accommodate equipment</b> = Pieces of equipment required (0.16) x Average square metres (5) per equipment piece = <b>0.80</b>
<b>2d</b>	<b>Financial contribution required</b> = Space required to accommodate equipment (0.80) x Estimated build and equipment cost per square metre (£2,000) = <b>£1,600</b>

<sup>32</sup> Visits per person per week

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

<b>BSF Step 3</b>	<b><i>Demonstrate an understanding of what else the development generates demand for</i></b>
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Step 3 is only applicable to sites of a large size which may generate demand for other infrastructure needs such as health centres, libraries etc. Consideration to the location and opportunity for co-locating such forms of provision should be given where appropriate.

<b>BSF Step 4</b>	<b><i>Financial contributions to deliver strategic provision</i></b>
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Based on calculations for Step 1 and Step 2, the following financial contribution is required:

Table A6.6: indoor and built sports facility financial contributions

BSF Step 1 financial requirement	
Sports hall	£4,669
Swimming pools	£5,027
Artificial Grass Pitches (if 3G)	£687
BSF Step 2 financial requirement	
Health and fitness	£1,600
<b>Total</b>	<b>£11,296</b>

### Summary

On the assumption that all open space requirements will be provided as off-site financial contributions, the following total commuted sum is required:

Table A6.7: Summary of contributions

Total off-site financial contribution	
Public open space and play	£75,418
Playing pitches	£11,470
Indoor and built sports facilities	£11,296
<b>Total</b>	<b>£98,102</b>

If the play requirement element is deemed to be best provided as an on-site contribution, the total commuted sum will be £77,388 plus 145 square metres of on-site play provision.

For developments requiring off-site contributions to new forms of provision such as hub sites, a new leisure centre and/or other appropriate provision, developers will also be required to agree and pay towards the land costs needing to be secured. This will be negotiated on a case-by-case basis due to the variation in locations, land costs and market values. For examples of land value costs please see Appendix 3.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Example 2: Development of 90 dwellings

#### Open space

##### **OS Step 1** Calculate population generated by housing development

*Number of dwellings (90) x household occupancy rate (2.2)<sup>33</sup> = associated population (198)*

##### **OS Step 2** Calculate open space requirement generated by housing development

Using the Open Space Calculator, the following requirements are identified:

Table A6.8: Open space requirements

Requirement (Square Metres)		
Public Open Space	Allotments	Play
6,336	0	1,089

No on-site requirement of allotment provision is required, as the minimum size threshold is not met for a development of 90 dwellings (Table 4.1.2).

##### **OS Step 3** Determine if provision should be on-site or off-site?

Whether provision should be made on-site or via an off-site financial contribution is dependent on the size of the development. Based on the triggers set out in Table 4.1.2 the following requirements are needed:

#### On-site requirement:

- 6,336 square metres of public open space
- 1,089 square metres of play space (equivalent to a NEAP or other configuration as appropriate)

#### Off-site site financial requirement:

- Allotment equivalent = £1,733

#### Financial contribution for maintenance:

- Public Open Space = £106,951.68
- Play space = £30,000

<sup>33</sup> Local occupancy rate of 2.2 persons per household (2018)



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

On this basis, the following commuted sum is calculated:

Table A6.9: Summary of open space/play requirement

On-site requirement	
Public open space	6,336 Sq M
Allotment	n/a
Play space	1,089 Sq M
Off-site financial requirement	
Public open space	n/a
Allotment	£1,733
Play space	n/a
Maintenance <sup>34</sup>	
Public open space	£106,951.68
Play space	£30,000
<b>Total</b>	<b>£138,684.68</b>

### Playing pitches

<b>PP Step 1</b>	<b>Determine the playing pitch requirement resulting from the development</b>
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The main tool for determining this is the Playing Pitch Calculator which is a Sport England tool provided on completion of the Playing Pitch Strategy.

This calculates the following estimated demand:

Table A6.10: Estimated pitch demand and costs

Pitch type	Estimated demand and costs for new pitches		
	Number of pitches to meet demand	Capital cost <sup>35</sup>	Lifecycle Cost (per annum) <sup>36</sup>
<b>Natural Grass Pitches</b>			
Adult football	0 (0.04)	£4,374	£923
Youth football	0 (0.06)	£4,709	£989
Mini soccer	0 (0.04)	£1,217	£256
Rugby union	0 (0.02)	£3,259	£698
Rugby league	0 (0.00)	£0	£0
Cricket	0 (0.02)	£7,849	£1,586
<b>Artificial Grass Pitches</b>			
Sand based AGPs	0 (0.00)	£868	£27

<sup>34</sup> This is a high gross maintenance cost; determining the developer financial contributions will be based on a net additional maintenance cost to be determined by the Local Authority.

<sup>35</sup> Sport England Facilities Costs Second Quarter 2018 – (<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance/>)

<sup>36</sup> Lifecycle costs are based on the % of the total project cost per annum as set out in Sport England's Life Cycle Costs Natural Turf Pitches and Artificial Surfaces documents (2012)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

Pitch type	Estimated demand and costs for new pitches		
3G	0 (0.01)	£8,087	£265
<b>Ancillary facilities</b>			
Changing rooms	0 (0.025)	£48,644	-
<b>Sub-totals</b>		<b>£79,007</b>	<b>£4,744 (per annum) £94,880 (for 20-year period)</b>
<b>Total</b>		<b>£173,887</b>	

<b>PP Step 2</b>	<b>Determine whether new provision is required and whether this should be on or off-site</b>
------------------	--

On this basis, the demand generated by the development does not result in the requirement for on-site provision to be created (i.e. a single whole pitch is not estimated).

Consequently, the capital cost of £79,007 and commuted lifecycle cost of £94,880 are to be sought. This is a total commuted sum of £173,887.

As no on-site provision is calculated, only Step 5 is applicable.

<b>PP Step 5</b>	<b>Calculate the financial contribution required</b>
------------------	--

The Playing Pitch Calculator presents an estimate of the associated costs for providing the equivalent of new pitches. It also provides a figure to the lifecycle costs for new or enhanced provision.

As detailed above, the capital cost of £79,007 and commuted lifecycle cost of £94,880 are to be sought. This is a total commuted sum of £173,887.

### Indoor and built sports facilities

<b>BSF Step 1</b>	<b>Determine the key indoor and built sport facility requirement resulting from the development</b>
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Using the Sports Facility Calculator (SFC), the following requirements are identified for a development of 90 dwellings:

Table A6.11: Sports Facility Calculator summary

Sports hall		Swimming pool		Artificial Grass Pitches	
-	-	Square meters	1.96		
Courts	0.05	Lanes	0.04		
Halls	0.01	Pools	0.01	Pitches	0.00
Vpwpp	11	Vpwpp	12	Vpwpp	4
Cost	£35,555	Cost	£38,285	Cost (if 3G)	£5,232

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

<b>BSF Step 2</b>	<b>Determine the other indoor sports and community facilities required as a result of the development</b>
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Based on the calculation set out in Table 4.3.1 the following requirements are needed in relation to health and fitness provision:

Table A6.12: Health and Fitness requirement

<b>2a</b>	<b>Estimated new population to use H&amp;F</b> = New population generated (198) x National penetration rate for H&F of 14% (New population generated x 0.14) = 28
<b>2b</b>	<b>Pieces of equipment required</b> = Estimated new population to use H&F (28) / National average number of users (25) per equipment piece = 1.12
<b>2c</b>	<b>Space required to accommodate equipment</b> = Pieces of equipment required (1.12) x Average square metres (5) per equipment piece = 5.60
<b>2d</b>	<b>Financial contribution required</b> = Space required to accommodate equipment (5.60) x Estimated build and equipment cost per square metre (£2,000) = £11,200

<b>BSF Step 3</b>	<b>Demonstrate an understanding of what else the development generates demand for</b>
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Step 3 is only applicable to sites of a large size which may generate demand for other infrastructure needs such as health centres, libraries etc. Consideration to the location and opportunity for co-locating such forms of provision should be given where appropriate.

<b>BSF Step 4</b>	<b>Financial contributions to deliver strategic provision</b>
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Based on calculations for Step 1 and Step 2, the following financial contribution is required:

Table A6.13: Indoor and built sports facility financial contributions

<b>Step 1 financial requirement</b>	
Sports hall	£35,555
Swimming pools	£38,285
Artificial Grass Pitches (if 3G)	£5,232
<b>Step 2 financial requirement</b>	
Health and fitness	£11,200
<b>Total</b>	<b>£85,040</b>

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Summary

The following total commuted sum is required:

Table A6.14: Summary of contributions

Total off-site financial contribution	
Public open space and play	£138,684.68
Playing pitches	£87,406,173.887
Indoor and built sports facilities	£85,040,990,272
<b>Total</b>	<b>£316,362.68397,611.68</b>

In addition to the commuted sum for off-site financial contributions there is also a requirement for on-site provision of public open space (6,336 square metres) and play provision (1,089 square metres).

For developments requiring off-site contributions to new forms of provision such as hub sites, a new leisure centre and/or other appropriate provision, developers will also be required to agree and pay towards the land costs needing to be secured. This will be negotiated on a case-by-case basis due to the variation in locations, land costs and market values. For examples of land value costs please see Appendix 3.

### Example 3: Development of 1,500 dwellings

#### Open space

<b>OS Step 1</b>	<b>Calculate population generated by housing development</b>
------------------	--

*Number of dwellings (1,500) x household occupancy rate (2.2)<sup>37</sup> = associated population (3,300)*

<b>OS Step 2</b>	<b>Calculate open space requirement generated by housing development</b>
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Using the Open Space Calculator, the following requirements are identified:

Table A6.15: Open space requirements

Requirement (Square Metres)		
Public Open Space	Allotments	Play
105,600	8,250	18,150

<b>OS Step 3</b>	<b>Determine if provision should be on-site or off-site?</b>
------------------	--

Whether provision should be made on-site or via an off-site financial contribution is dependent on the size of the development. Based on the triggers set out in Table 4.1.2 the following requirements are needed:

<sup>37</sup> Local occupancy rate of 2.2 persons per household (2018)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### *On-site requirement:*

- ✦ 105,600 square metres of public open space
- ✦ 18,150 square metres of play space
- ✦ 8,250 square metres of allotments

### *Financial contribution for maintenance:*

- ✦ Public Open Space = £1,185,888.00
- ✦ Play space = £30,000

On this basis, the following commuted sum is calculated:

*Table A6.16: Summary of open space/play requirement*

<b>On-site requirement</b>	
Public open space	105,600 Sq M
Allotment	8,250 Sq M
Play space	18,150 Sq M
<b>Off-site financial requirement</b>	
Public open space	n/a
Allotment	n/a
Play space	n/a
<b>Maintenance<sup>38</sup></b>	
Public open space	£1,185,888
Play space	£30,000
<b>Total</b>	<b>£1,215,888</b>

### ***Playing pitches***

<b>PP Step 1</b>	<b><i>Determine the playing pitch requirement resulting from the development</i></b>
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The main tool for determining this is the Playing Pitch Calculator which is a Sport England tool provided on completion of the Playing Pitch Strategy.

This calculates the following estimated demand:

<sup>38</sup> This is a high gross maintenance cost; determining the developer financial contributions will be based on a net additional maintenance cost to be determined by the Local Authority.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

Table A6.17: Estimated pitch demand

Pitch type	Estimated demand and costs for new pitches		
	Number of pitches to meet demand	Capital cost <sup>39</sup>	Lifecycle Cost (per annum) <sup>40</sup>
<b>Natural Grass Pitches</b>			
Adult football	1 (0.59)	£66,274	£13,984
Youth football	1 (0.84)	£71,351	£14,984
Mini soccer	1 (0.65)	£18,439	£3,872
Rugby union	0 (0.31)	£49,384	£10,568
Rugby league	0 (0.00)	£0	£0
Cricket	0 (0.36)	£118,926	£24,023
<b>Artificial Grass Pitches</b>			
Sand based AGPs	0 (0.01)	£13,148	£408
3G	0 (0.11)	£122,533	£4,012
<b>Ancillary facilities</b>			
Changing rooms	4 (3.84)	£737,023	-
<b>Sub-totals</b>		<b>£1,197,079</b>	<b>£71,851 (per annum) £1,437,020 (for 20-year period)</b>
<b>Total</b>		<b>£2,634,099</b>	

**PP Step 2** Determine whether new provision is required and whether this should be on or off-site

On this basis, the demand generated by the development does not result in the requirement for on-site provision to be created (i.e. a single whole pitch is not estimated).

Consequently, the capital cost of £1,197,079 and commuted lifecycle cost of £1,437,020 are to be sought. This is a total commuted sum of £2,634,099.

As no on-site provision is calculated, only Step 5 is applicable.

**PP Step 5** Calculate the financial contribution required

The Playing Pitch Calculator presents an estimate of the associated costs for providing the equivalent of new pitches. It also provides a figure to the lifecycle costs for new or enhanced provision.

As detailed above, the capital cost of £1,197,079 and commuted lifecycle cost of £1,437,020 are to be sought. This is a total commuted sum of £2,634,099.

<sup>39</sup> Sport England Facilities Costs Second Quarter 2018 – (<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance/>)

<sup>40</sup> Lifecycle costs are based on the % of the total project cost per annum as set out in Sport England's Life Cycle Costs Natural Turf Pitches and Artificial Surfaces documents (2012)

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### Indoor and built sports facilities

<b>BSF Step 1</b>	<b>Determine the key indoor and built sport facility requirement resulting from the development</b>
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Using the Sports Facility Calculator (SFC), the following requirements are identified for a development of 1,500 dwellings:

Table A6.18: Sports Facility Calculator summary

Sports hall		Swimming pool		Artificial Grass Pitches	
-	-	Square meters	32.61		
Courts	0.87	Lanes	0.61		
Halls	0.22	Pools	0.15	Pitches	0.08
Vpwpp	190	Vpwpp	196	Vpwpp	59
Cost	£592,586	Cost	£638,089	Cost (if 3G)	£87,199

<b>BSF Step 2</b>	<b>Determine the other indoor sports and community facilities required as a result of the development</b>
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Based on the calculation set out in Table 4.3.1 the following requirements are needed in relation to health and fitness provision:

Table A6.19: Health and Fitness requirement

<b>2a</b>	<b>Estimated new population to use H&amp;F</b> = New population generated (3,300) x National penetration rate for H&F of 14% (New population generated x 0.14) = 462
<b>2b</b>	<b>Pieces of equipment required</b> = Estimated new population to use H&F (462) / National average number of users (25) per equipment piece = 18.48
<b>2c</b>	<b>Space required to accommodate equipment</b> = Pieces of equipment required (18.48) x Average square metres (5) per equipment piece = 92.40
<b>2d</b>	<b>Financial contribution required</b> = Space required to accommodate equipment (92.40) x Estimated build and equipment cost per square metre (£2,000) = £184,800

<b>BSF Step 3</b>	<b>Demonstrate an understanding of what else the development generates demand for</b>
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Step 3 is only applicable to sites of a large size which may generate demand for other infrastructure needs such as health centres, libraries etc. Consideration to the location and opportunity for co-locating such forms of provision should be given where appropriate.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

### **BSF Step 4** Financial contributions to deliver strategic provision

Based on calculations for Step 1 and Step 2, the following financial contribution is required:

Table A6.20: Indoor and built sports facility financial contributions

Step 1 financial requirement	
Sports hall	£592,586
Swimming pools	£638,089
Artificial Grass Pitches (if 3G)	£87,199
Step 2 financial requirement	
Health and fitness	£184,800
<b>Total</b>	<b>£1,415,475</b>

### Summary

The following total commuted sum is required:

Table A6.21: Summary of contributions

Total off-site financial contribution	
Public open space and play	£1,215,888
Playing pitches	£1,456,882
Indoor and built sports facilities	£1,415,475
<b>Total</b>	<b>£4,175,450</b>

In addition to the commuted sum for off-site financial contributions there is also a requirement for on-site provision of public open space (105,600 square metres), allotment (8,250 square metres) and play provision (18,150 square metres).

For developments requiring off-site contributions to new forms of provision such as hub sites, a new leisure centre and/or other appropriate provision, developers will also be required to agree and pay towards the land costs needing to be secured. This will be negotiated on a case-by-case basis due to the variation in locations, land costs and market values. For examples of land value costs please see Appendix 3.



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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### APPENDIX SEVEN: BERSTED PARK DEVELOPMENT MODEL EXAMPLE

The Bersted Park housing development is recognised by ADC as a development with a good quality design and levels of provision in relation to open space, sport and recreation. It is considered by the Local Authority as a model example and should act as an aspiration for future developments of a similar scale and nature.

The Bersted Park site, which comprises 700 houses, provides a variety of formal and informal open spaces and community facilities in and around the housing. It is a model which the Council would encourage future developers to aspire to (i.e. delivering development sites that offer residents the opportunity to live within a similar setting that provides for the new community it serves as well as linking with existing communities, open spaces and facilities).

~~The Bersted Park site includes the following k~~Key features ~~to be considered as a model for developers to aspire to include:~~

- ✦ Overall good site design which encompasses pathways and cycle links within and beyond the development site with connectivity to the wider existing community. Good integration of open spaces with housing, the school, the community building and other on-site provision.
- ✦ The provision of private and public open space in a variety of typology including playing fields, recreational open spaces, parkland, play areas, youth provision (MUGA and skate park), water features, fitness and arts trails. (See below for more information).
- ✦ A community building to serve the development provided by the developer as part of the S106 Agreement. The building has car parking and an associated MUGA, skate park and children's play area and offers a great facility for the new population within the housing development as well as other local residents.
- ✦ A Primary school provided within the development and alongside the Village Green.
- ✦ Formal sports pitch provision consisting of 3 football pitches and 1 cricket pitch and a Trim Trail close to the school and Village Green.
- ✦ A development that contributes towards the provision of additional green infrastructure whilst protecting and enhancing the existing.
- ✦ The addition of new tree and shrub planting to soften the development, enhancing and improving the area.
- ✦ SuDS have been developed not only to aid drainage but to encourage habitat formation as well as providing an attractive amenity for the local community. The lake within the development site is a key water feature where wildlife flourishes and people can take walks and interact with the artwork trail. (see below).
- ✦ The development contributes to improving the health and well-being of the local community with a number of open spaces that encourage walking, formal and informal activity and sports.
- ✦ The site contributes ecology and biodiversity benefits having created additional habitat and habitat networks allowing for the retention of trees and woodland, landscape features and hedges.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

- ◀ Inclusion of public art via a S106 funded art trail which encourages people into the open spaces within the development. Pieces are themed around the space they are in (e.g. the historic piece represents the remains of a Roman soldier found under the site of the community building) and/or allow people to sit or climb on the pieces (the sofa and the dragon fly benches and the tractor with hay bales and sports piece). Please click on the following link for the art trail leaflet  
<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n10785.pdf&ver=10744>
- ◀ The new development has secured a management and maintenance strategy which ensures the establishment of the green areas followed by a detailed management arrangement in place where the District Council adopts and maintains these as public areas open to all.
- ◀ Additional items included within the development include bins and seating, signage and interpretation/wayfinding.

The total site area is 67.7 ha with the following provision provided:

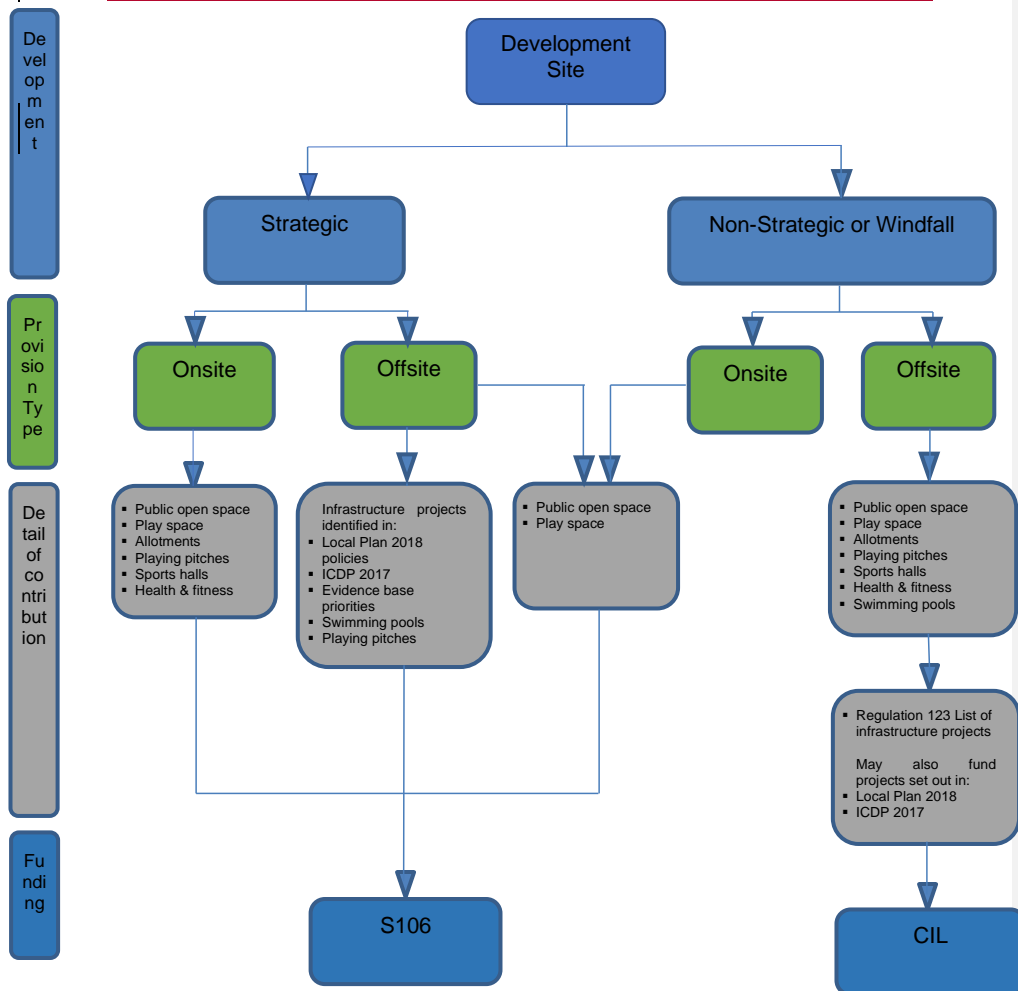
Description	Area (m <sup>2</sup> )
Village Green	9,400
Bersted Lake	8,950
Road bunds	19,150
Sports Pitches	55,750
Informal public open space	183,900
Landscape buffer	61,300
<b>Total</b>	<b>329,450 (32.9 ha)</b>

Other infrastructure details include:

Description	Quantity
Community building	1
Community building car park	49 spaces including 6 disabled + 2 coach
LEAPs	3
NEAPs	2
MUGA	1
Skate Park	1
Homes on site	700

The development included a significant level of involvement at the master planning stage to make it a success. This approach should aim to be replicated to ensure the success of other large-scale developments.

APPENDIX EIGHT: FLOW CHART OF FORMS OF ON AND OFF-SITE PROVISION



## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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### APPENDIX NINE TREES & HEDGEROWS

#### Provision of adequate protection areas and use of buffer zones

Significant trees (and hedgerows) are those which will clearly provide instant value and maturity to a development and so must be identified for long-term retention. These are often but not exclusively mature native oak of high public amenity, landscape, ecological and ultimately heritage value. Such existing high-value trees (usually described during preliminary site survey as Category A or B trees) should inform a site layout, not the other way around.

The recognised standard for considering trees during the development process is BS5837:2012 – Trees in relation to design, construction and development. It is universally recognised as the leading source of guidance and recommendations for such work. It may be helpful to appreciate the following interpretation of its fundamental aims ‘to guide all those involved with trees in relation to development to a point where retained trees are afforded adequate protection and respect so that they can survive the demolition and construction phases without undue harm to their ongoing health and vitality, such that they will continue to flourish and increase their value to the surrounding environment.’

Flowing from this guidance, we would expect a developer’s project arboriculturist to be involved at the conceptual stage (where they can identify tree-related constraints to inform design of layout) and throughout the development process when they will be expected to undertake; periodic inspection of tree protection measures, oversee all approved activities within or abutting root protection areas (RPAs) and buffer zones, report and respond promptly to incidents of tree damage or potentially harmful activity, provide an auditable record of supervision/site visits – as standard practice and at least until all construction activities have been completed.

Typically, there will be some development proposed immediately adjacent to a tree’s nominal RPA during the design process. This may not be acceptable if it does not take into account potential for future growth (tree root and crown expansion into the surrounding area) nor consider how that soil/potential root zone might be impacted by the change of land-use (hard-surfacing, additional compaction from heavy footfall, soil/vegetation treatments, de-icing salt, etc.). Such constraint and cumulative pressures can be extremely harmful or ultimately fatal for a tree.

The use of ‘buffer zones’ beyond the nominal RPA should be considered, to offset those potentially harmful effects and ensure approved construction activity in close proximity to the RPA does not spill over/intrude into the same. Their use will also help to future-proof the tree(s) against a ‘pressure to prune’. This can arise when residents perceive a tree to be too close or overbearing and we subsequently receive applications for pruning or removal.

The following extracts from the Standard are informative and support our preferred approach:

- Existing trees are an important factor on construction sites, whether on or near working areas, and are a material consideration in the UK planning system. Introduction p1.

## ARUN SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACE, PLAYING PITCHES, INDOOR AND BUILT SPORTS FACILITIES

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- 3.7 root protection area (RPA)  
def. Layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. 3. Terms and definitions p4.
- 5.2.4. Particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development (see 4.5.11). Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance.  
NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits. Achieving successful integration of large species trees requires careful consideration at the conceptual and design stages. 5. Proposals: conception and design p12
- 5.3.1. (part.) The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s).



## OPEN SPACE AND PLAY CALCULATOR

Number of dwellings			
Population	0		
Onsite contribution requirements (SqM)	<i>Public Open Space</i>	<i>Play Space</i>	<i>Allotments</i>
	0	0	0
Offsite contribution requirements (£)	<i>Public Open Space</i>	<i>Play Space</i>	<i>Allotments</i>
	0	0	0

Commuted POS Maintenance Sum (for 20 year period)	0
Play Maintenance Sum (per play site)	0

**OPEN SPACE AND PLAY CALCULATOR - NO THRESHOLDS (showing all onsite and offsi**  
**THIS CALCULATOR IS FOR THE PURPOSES OF SHOWING ALL ON & OFF SITE REQUIRE**

Number of dwellings			
Population	0		
Onsite contribution requirements (SqM)	<i>Public Open Space</i>	<i>Play Space</i>	<i>Allotments</i>
	0	0	0
Offsite contribution requirements (£)	<i>Public Open Space</i>	<i>Play Space</i>	<i>Allotments</i>
	0	0	0

Commuted POS Maintenance Sum (for 20 year period)	0
Play Maintenance Sum (per play site)	0



ite requirements)

EMENTS REGARDLESS OF DEVELOPMENT SIZE

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 15 OCTOBER 2019

#### PART A : REPORT

<b>SUBJECT:</b> Parking Standards Supplementary Planning Document
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<b>REPORT AUTHOR:</b>	Kevin Owen, Team Leader Local Plans
<b>DATE:</b>	16 September 2019
<b>EXTN:</b>	37853
<b>PORTFOLIO AREA:</b>	Planning

#### EXECUTIVE SUMMARY:

Following a four-week consultation (2 July to 30 July 2019) on a draft Supplementary Planning Document for Parking Standards, this report advises members on the representation made and the proposed response. The report makes the following recommendations in order to adopt the guidance as SPD to provide a material consideration for Development Management purposes.

#### RECOMMENDATIONS:

That the Planning Policy Sub Committee agrees the following:

- a) That subject to the proposed changes detailed in this report (and any further minor changes in consultation with the Chairman, Portfolio holder for Planning and Group Head of Planning), that the Parking Standards Supplementary Planning Document be recommended for adoption (following publication of the SPD for 4-weeks together with the statement of representations and Arun's proposed response), at Full Council on 20 January 2020.

#### 1. BACKGROUND:

- 1.1 On 18 June 2019 Planning Policy Sub-Committee approved the draft Parking Standards Supplementary Planning Document (PS SPD), for a four-week public consultation (Background paper 1.).
- 1.2 The adopted Arun Local Plan Policies T SP1 'Transport & Development', T DM1 'Sustainable Travel and Public Rights of Way' and T DM2 'Public Parking' set out a framework for parking policy. The proposed draft PS SPD is intended to provide more guidance on the implementation of these policies in relation to parking provision and has now completed a four-week public consultation. In particular, Policy T SP1 'Transport & Development' states: -

*"d. Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide*

*taking into consideration the impact of development upon on-street parking and;...”*

- 1.3 The PS SPD draws on and is broadly consistent with West Sussex County Council's (WSCC) published 'Guidance on Parking at New Developments 2019'. However, the Arun PS SPD makes several local departures to reflect the Arun position, local circumstances (e.g. incorporating electrical vehicle charging points in line with Arun's approach) and to increase the usability of the document following comments submitted to WSCC on their document (Development Control Committee 14 November 2018).
- 1.4 The Arun PS SPD consultation was sent to adjacent authorities, Parish Councils, businesses and the development industry, agents and other key stakeholders on the Council's consultation database. An advert was placed on the Council's web site and on the consultation portal and documents deposited in the libraries and office receptions at the Civic Centre and at Bognor Regis.
- 1.5 Representations were received from 11 consultees: -
  - Renaissance Retirement - objecting
  - Mr Cross – commenting
  - Mr Chester - commenting
  - Historic England – no comment
  - Ferring Parish Council – no comment
  - East Preston Parish Council – commenting/objecting
  - Littlehampton Town Council - commenting
  - West Sussex County Council - commenting
  - Bourne Leisure - objecting
  - Angmering Parish Council - objecting
  - Mrs Boulton - commenting
- 1.6 Eight representors are commenting, three are objecting. The detailed representations can be accessed in Appendix 3.
- 1.7 A summary of the representations is set out in Appendix 2 to this report together with the Council's proposed response against the matters raised.
- 1.8 The objection from renaissance Retirement contends that the standards for parking and cycle provision are too high. It is not proposed to amend the PS SPD standards as it will be down to the applicant to evidence and justify any need for departure and there is flexibility to take into account any local availability of sustainable transport choices.
- 1.9 Angmering Parish Council maintains an objection that the parking standards per dwelling is too low based on local experience and also that cycle lane provision should be required to resolve on street parking congestion. It is not proposed to amend the PS SPD standards as the standards are evidence based adopting the WSCC guidance on parking zone characteristics (e.g. car ownership) and behaviour. Cycling and sustainable transport provision will be addressed through s.106 requirements and or CIL while the draft Arun Design Guide will address

access and the layout of development.

1.10 A number of individual representations commented on the methodology including ways to improve or clarify the PS SPD and these are set out in Appendix 2.

1.11 The PS SPD with track changes responding to and addressing matters raised by representations is set out in Appendix 1 to this report. The key changes will entail:

- Clarification in the SPD where the guidance adopts an approach bespoke to Arun compared to the West Sussex County Council guidance;
- Clarification of the current context for Electric Vehicle Charging that Draft Technical Guidance for Building Regulations requirements for EV charging is currently out for consultation until 7 October 2019. Explain that if these new requirements are added to building regulations – these requirements would need to be taken into account/would take the place of the requirements below;
- Paragraph 2.4 needs clarification that Table 2.1 provides ADC's current EV charging provision requirements;
- Paragraph 2.6 to provide further clarity on standards and how they differ from WSCC guidance;
- Para 2.7 amend the paragraph to state that the standards differ to WSCC by increasing requirements every 5 years rather than every year and also that by 2033 the Arun standards require 100% of spaces on a scheme to have EV charging points;
- Under Table 2.2 clarify provision of Electric Charging Points (i.e.. there should be one EV charging point per house with a driveway or garage); and clarify Electric Vehicle Charging Spaces (i.e.. between 2018 and 2022 – 20% of parking spaces on any new development must include an active EV charging space). There should be clarification that the percentages apply each year until the next increment applies;
- Under Principle 3 – include reference to 'passive' charging points as per the WSCC guidance;
- In Table 4.1 amend the text against D2 Assembly and Leisure – remove "as these are D2 uses, those standards should be applied (Part A) ..."

1.12 A number of officer comments sought clarification on how standards would apply to residential institution uses, hotels and HMOs. The PS SPD will include clarification that in such developments - requirements would be determined according to the circumstances of each development. Further clarification was also sought regarding para 3.2 and public transport contributions – clarification in the PS SPD will explain the distinction between CIL and S.106 forms of contribution.

1.13 The Council is therefore, proposing the Parking Standards SPD progress to adoption at Full Council following the 4-week publication the SPD and the statement of representations and proposed changes on which comment may be made (as required by Regulation 12 'Public Participation' of 'The Town & Country Planning Act (Local Planning) (England) Regulations 2012').

1.14 Following adoption, the Parking Standards SPD will be given significant weight

and used as a material consideration in determining planning applications.		
<b>2. PROPOSAL(S):</b> The Parking Standards SPD is recommended for adoption by Full Council following the required 4-week consultation period, in order that it can be used for calculating parking provision (including for Electric Vehicles) at Development Management stage when applications are being determined.		
<b>3. OPTIONS:</b> The proposal is to adopt the guidance as SPD to provide standards as a material consideration to secure appropriate parking provision - or not to adopt the guidance.		
<b>4. CONSULTATION:</b> This will follow if the recommendations as set out above are agreed.		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		x
Legal		x
Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
<b>6. IMPLICATIONS:</b> The Adopted Local Plan 2018 was subject to a Sustainability Appraisal which included assessment of social, economic and environmental objectives and impacts and necessary policy mitigation. Policies T SP1 'Transport & Development', T DM1 'Sustainable Travel and Public Rights of Way' and T DM2 'Public Parking' together with the PS SPD will materially improve the quality of development in terms of energy performance and carbon reduction, street scene, congestion and pollution.		
<b>7. REASON FOR THE DECISION:</b> The recommendations are intended to ensure that developments deliver the necessary		

level of provision in terms of parking provision including for electrical vehicles and active charging infrastructure in order to mitigate their impact in relation to the scale of development proposed and consequent demand from population and households to use such facilities.

## **8. BACKGROUND PAPERS:**

1. Item 9: Parking Standards SPD – Planning Policy Sub-Committee 18 June 2019

<https://democracy.arun.gov.uk/documents/g669/Public%20reports%20pack%2018th-Jun-2019%2018.00%20Planning%20Policy%20Sub-Committee.pdf?T=10>

## Appendix 2: Summary Table of Representation responses

Rep. Reference	Name/Agent Name	Comment Summary	ADC Response/Proposed Change to SPD
PS SPD3	Renaissance Retirement Ltd (Mr Tanner)	<p><b>Arun Parking Standards SPD</b> The requirement for cycle provision for sheltered housing for the elderly should be lower.</p> <p>Suggests 1 cycle space per 5 sheltered units.</p>	<p>No change.</p> <p>The onus will be on the applicant to provide evidence to show expected uptake of cycling. See Principle 6 c).</p>
PS SPD4	Renaissance Retirement Ltd (Mr Tanner)	<p><b>Arun Parking Standards SPD</b> The car parking requirement for sheltered housing for the elderly should be lowered.</p> <p>Suggests 1 car parking space per 2 sheltered units</p>	<p>No change.</p> <p>The SPD makes allowance for the applicant to explain how the proposed parking provision will meet the needs for the development. The SPD allows for flexibility in provision subject to availability of sustainable transport modes and choices.</p>
PS SPD5	Mr Cross	<p><b>Table 2.2 Electric Vehicle Charging Points Requirements</b> Seek to avoid parking spaces on new developments where they provide a single garage and two parking spaces in-line on a driveway.</p> <p>Suggests double driveways/double garages to be provided where two spaces required.</p>	<p>No change</p> <p>The Council is receptive to these issues – however, this matter is more appropriately addressed through the commissioned Arun Design SPD.</p>
PS SPD6	Mr Chester	<p><b>Table 2.3 Recommended levels of cycle provision</b></p> <p>Define the size of a parking spaces as well as for garages.</p> <p>Is it possible to include guidance which prevents the future conversion of garages or parking spaces into extensions/conversions to habitable rooms?</p>	<p>Agreed – Add clarification that all standard parking spaces are 6mx3m</p> <p>No change - Conversion of a garage to a habitable room would be subject to planning application and therefore, loss of a parking space would be a material consideration in the decision making.</p>
PS SPD7	Mr Chester	<p><b>Residential Parking Guidance</b> Where a development takes place in a zone with no parking provision required – this will result in higher density development.</p> <p>These developments should contribute towards sustainable</p>	<p>There is no zone where no parking provision is required.</p> <p>No change - The SPD strongly</p>



Rep. Reference	Name/Agent Name	Comment Summary	ADC Response/Proposed Change to SPD
		transport initiatives instead.	promotes the potential for sustainable transport modes and choices.
PS SPD10	Historic England	<b>Arun Parking Standards SPD</b> No specific comment.	Noted.
PS SPD11	Ferring Parish Council	<b>Arun Parking Standards SPD</b> No Comment	Noted.
PS SPD12	East Preston Parish Council	<p><b>Table 3.1 Expected level of provision for new residential dwellings</b></p> <p>There is an under-provision of parking spaces in zone 2 especially considering that adult children stay at home for longer but may also own cars as well as their parents.</p> <p>Garages shouldn't be counted as parking spaces because they are rarely used for parking.</p> <p>Are the figures in the table a maximum or minimum?</p>	<p>No change.</p> <p>The parking standards SPD is a starting point for parking on new developments. Principle 2 gives a level of flexibility to the standards which will allow planning consideration of the expected level of vehicle ownership and therefore, parking levels. Furthermore, the standards also require that where parking provision is reduced that contributions for sustainable modes of transport are made (see paragraph 3.2).</p> <p>Add new text to state that garages equal 0.5 parking space but a car port would count as 1 parking space</p> <p>No change.</p> <p>The draft SPD aims to set parking standards which must be used as a starting point in the design of new developments. It does not set minimum or maximum standards but sets standards and principles which will allow informed planning consideration of the level of parking provision and appropriate provision to be permitted.</p>
PS SPD 13	Littlehampton Town Council	<p><b>Table 3.1 Expected level of provision for new residential dwellings</b></p> <p>Sustainable transport initiatives need to be incorporated to support lower parking provision in town centre locations.</p> <p>Town Centre car parking provision should accommodate visitors and anticipate growth in the development of flats.</p> <p>Acknowledge schools and</p>	<p>No change.</p> <p>See paragraph 3.2. of the draft SPD. Schemes will need to be identified on a case by case basis and CIL or S106 monies will need to be allocated to sustainable transport provision.</p> <p>No change.</p> <p>Visitor parking provision is included within the draft SPD and parking standards include provision for the development of flats. The draft SPD does not include provision for new public car parks.</p> <p>No change.</p>

Rep. Reference	Name/Agent Name	Comment Summary	ADC Response/Proposed Change to SPD
		<p>transport hubs which generate parking needs.</p> <p>Guidance should specify parking bay size.</p> <p>Take into account increased use of front gardens as parking spaces and therefore more dropped curbs which reduce on street parking capability.</p>	<p>See section 4 of the Draft SPD – Non-residential parking guidance.</p> <p>Agreed – see comment against PS SPD 6</p> <p>No change. See Principle 1 of the draft SPD.</p>
PS SPD 14	West Sussex County Council	<p><b>Arun Parking Standards SPD</b> Ensure reference to the 'WSCC Guidance on Parking at New Developments May 2019' (WSCC GPND) is reference consistently (e.g. para 1.1).</p> <p>Figures have been rounded up or down to whole numbers rather than using the exact values in the WSCC GPND This approach needs to be explained in the SPD to avoid confusion. Suggest using the same numbers as the guidance.</p> <p>Para 2.5 needs to clarify which standards are being referred to regarding electric charging points (assuming those in Table 2.1 consistency with the 'WSCC Guidance on Parking at New Developments May 2019').</p> <p>Para 2.6 needs quantification, timescale and justification</p> <p>Table 2.2 Electrical Vehicle Charging Points Requirement's is not consistent with WSCC GPND appendix B:-</p> <ul style="list-style-type: none"> <li>• 2023: 41%</li> <li>• 2028:62%</li> <li>• 2033: Should no be included as not modelled by WSCC GPND</li> </ul> <p>Par 2.14 Principle 3 needs to be amended to accord with</p>	<p>Noted. consistent references will be made.</p> <p>Noted. An explanation to be added to SPD. The rounded-up figures help to simplify the approach in Arun for development management interpretation and is more accessible to users.</p> <p>Agreed. Further clarification has been provided within the Electric Vehicle Charging point section of the SPD.</p> <p>Agreed. Further clarification provided on the Governments zero carbon targets and future potential regulation and changes.</p> <p>Noted. Arun percentages follow a lower trajectory than shown in the WSCC GPND 2019 and represent an increase every 5 years instead of incrementally every year for ease of implementation</p> <p>Noted. Para 4.7 of the WSCC GPND 2019 refers to 20%.</p>

Rep. Reference	Name/Agent Name	Comment Summary	ADC Response/Proposed Change to SPD
		<p>WSCC GPND – ‘Active charging points for electric vehicles at 24% not 20%</p> <p>Para 2.17 Principle 6 should be amended to be consistent with WSCC GPND para 4.14a. that garages should be 0.5 of a parking spaces rather than 1 parking space. Consequently, suggest amending Table 2.3.</p> <p>Ref to par 2.17 Principle 6 is to Table 2 but should be table 2.3?</p> <p>Para 3.1 ref to Table 3 should be Table 3.1?</p> <p>Table 3.1 support strike out of zone 5 as isn't applicable in Arun. However, it is suggested that the table figures should not be rounded</p> <p>Clarification required on Table 4.1 regarding Use Class D2 Assembly and Leisure.</p>	<p>Agreed and amended accordingly.</p> <p>Agree – see response to PS SPD 12</p> <p>Agree – amended accordingly.</p> <p>Noted. See earlier response on the same point.</p> <p>Agreed – text has been amended.</p>
PS SPD 15	Bourne Leisure	<p><b>Table 2.2 Electric Vehicle Charging Points Requirements</b></p> <p>Provision of electric charging points should take a more flexible approach (e.g. QE DM3 of the adopted Local Plan does not set minimum standards) when applying the standards to tourist accommodation. This is due to the significant increase in demand on the national grid compared to the current demand of leisure facilities.</p> <p>Electric vehicle charging points at leisure facilities should be provided from a central location in a dedicated area. Suggests additional wording to paragraph 2.7: “...minimum standards for <u>new development</u> in this SPD. <u><b>These standards should be used as a guide for developers and will be assessed on a case by case basis.</b></u>”</p>	<p>No change. The SPD does allow flexibility regarding the location of electric vehicle charging points within a car parking area.</p> <p>No change. As above.</p>
PS SPD 16	Angmering Parish Council	<b>3 Residential Parking Guidance</b>	

Rep. Reference	Name/Agent Name	Comment Summary	ADC Response/Proposed Change to SPD
		<p>Parking spaces should increase per house in new developments. Angmering shows higher number of commuters than average.</p> <p>On street parking/road widths in new developments causes problems for emergency vehicles as well as visitor parking (which is under provided) Increase cycle lane provision to help with all of this.</p>	<p>No change. The draft SPD uses parking behaviour zones which reflect the level of car ownership anticipated. Also see Principle 2.</p> <p>No change. See Principle 1. And also see paragraph 3.2. Sustainable transport schemes will need to be identified and funded via CIL or S106 contributions.</p>
PS SPD 17	Mrs Boulton	<p><b>Arun Parking Standards SPD</b> Coach parking on the Green Littlehampton – relocated elsewhere (e.g. industrial park) to deter cars parking when coach parking is empty.</p>	<p>No change. The draft SPD only deals with parking provision associated with new development (section 4) and this will be down to decision making on a case by case basis. These issues would be appropriately dealt with via traffic management/regulation and licensing and via allocations through the development plan.</p>



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**Arun District Council**

**Draft Parking Standards Supplementary  
Planning Document**

**June 2019**





## Contents Page

Section/Heading	Page
1. Introduction	4
2. Guiding Principles of the Approach	5
Electric Vehicle Charging	6
Guiding Principle for Developments	7
3. Residential Parking Guidance	11
4. Non-Residential Parking Guidance	11
Appendix 1 ADC Electric Vehicle Infrastructure Study	15
Appendix 2 Parking Behavior Zone ADC	17

## 1. Introduction

1.1 In October 2018, West Sussex County Council consulted upon the draft updated guidance on parking for new developments 'West Sussex County Council Guidance on Parking at New Developments May 2019' (WSCC GPND). The purpose of this document was to provide guidance across the County on parking standards and to update the standards that were adopted in 2010.

1.2 Arun District Council is using this document and the data behind it to progress a draft Supplementary Planning Document (SPD) for Arun District which will be used in the determination of planning applications. This SPD takes the WSCC GPND approach to parking standards with the exception that:-

- standards for Electric Vehicle provision is based on Arun's own Electric Vehicle Infrastructure Study November 2017 (see Table 2.4); takes a hybrid approach using both the Arun Electric Vehicle Infrastructure Study (2017) requirements alongside the WSCC GPND approach
- rounded figures are given in table 3.1 'Expected level of provision for new residential developments';
- lower stepped percentage Electrical Vehicle Charging Points requirements are required from 2018 to 2030 and but include 100% provision of active EV charging facilities target by 2033;
- cycle provision rounded from 0.5 to 1 space for Flats with up to 3 rooms (1 & 2 bed).

1.3 The National Planning Policy Framework 2018 (NPPF) highlights the need to consider transport in plan making and in the determination of planning applications.

1.4 Further, the Arun Local Plan has policies on parking provision. Policy T SP1 'Transport & Development' requires appropriate levels of car parking and in particular states: -

"d. Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking and;..."

1.5 ~~and~~ This draft SPD seeks to define and formalise these standards in order to give them greater weight when considering planning applications. A forthcoming Arun Design Guide will provide guidance on the design of parking within schemes.

1.6 The County Council, in its role as the local highway authority, is a statutory consultee on planning applications that affect the highway and provides advice to local planning authorities on the transport implications of developments to inform planning decisions.

~~4.5~~1.7 This SPD is intended to outline Arun District Council's approach to parking at new developments (residential/commercial). It should be used to help determine the level of parking at new developments and provide the basis for the County Council's advice to local planning authorities on planning applications.

~~4.6~~1.8 1.7 In preparing their draft guidance, the County Council has taken a strongly evidence-led approach to parking in new developments, to ensure that the number of parking spaces provided is appropriate to the location and the characteristics of the development. The evidence base includes a range of primary and secondary data sources that are intended to provide a robust and credible evidence base. The following data sources have been reviewed and used to support the development of new guidance, including:

- Census Data;
- The National Highways and Transport Network Public Satisfaction Survey 2017;
- TRICS Database (where surveys exist within West Sussex or relates to the region);
- National research and studies on demand for commercial parking; and
- Parking based surveys at a sample of recent developments undertaken in 2018.
- WSCC Parking Standards Review, May 2018

## **2. Guiding Principles of the Approach**

2.1 Paragraph 105 of the National Planning Policy ~~Guidance~~ Framework identifies that parking standards should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

2.2 The NPPF (2019) includes a new paragraph (106) which limits the use of maximum parking standards. It states that they should "only be set where there is a clear and compelling justification that they are necessary for managing the local road network or for optimizing the density of development in city and town centres". This SPD has been prepared to formalise the evidence base used to support the creation of WSCC parking standards. The evidence shows that there is a requirement to set parking standards across West Sussex.

2.3 Where reduced parking provision is being proposed to optimise the density of development within Arun's town centres, robust evidence must be provided to

show that the proposed development would comply with the Guiding Principles for Development set out below.

#### **Electric Vehicle Charging**

- 2.4 Arun District Council's Electric Vehicle Infrastructure Study ([November 2017](#)) ~~which~~ was agreed at Full Council on 10<sup>th</sup> January 2018. Policy QE DM3 of the Arun Local Plan seeks to encourage the use of electric vehicle charging points. For completeness, Section 4 of the ADC Vehicle Infrastructure Study (2017) ~~in is included below and replaces the WSCC GPND 2019 provided in Appendix 2.~~
- 2.5 [The WSCC GPND approach to Electric Vehicle Space Allocations differs to that set out in the ADC Vehicle Infrastructure Study. In particular, the WSCC GPND requires that a % of parking spaces on a new development must provide active Electric Vehicle \(EV\) charging facilities. This percentage increases annually until 2030 when 70% of spaces on a site should have EV charging facilities.](#)
- 2.6 However, ~~the~~ [the ADC Electric Vehicle Infrastructure Study \(November 2017\) requires that all houses with a garage and a driveway must have a charging point but that for new flatted and all other types of development, provision should be made for provide dedicated EV charging bays in 2% of the parking spaces provided.](#)
- 2.7 [The Council has reviewed both the WSCC GPND and Electric Vehicle Infrastructure Study \(2017\) and has taken forward a hybrid approach for the future requirement for EV charging points in new development. The minimum requirements are set out in Table 2.2 below. Where a development includes the delivery of parking spaces which are on street \(eg e.g. estate renewal schemes\), Electric Vehicle charge points should be delivered to the same standard as those set out in Table 2.1 above.](#)
- 2.8 [The proposed standards will mean that all new houses with a driveway and garage will be required to provide active EV charging points \(in accordance with current ADC Vehicle Infrastructure Study \(2017\). All other development will need to provide EV charging points in 20% of parking spaces from the date of adoption of this SPD. This % figure will increase every 5 years until 2033 when 100% of all parking spaces on a new development will be required to have active EV charging points. This approach reflects that taken by the WSCC GPND and It is proposed to update the standards within the Table 1 above in order to responds to the Government's declaration of a 'Climate Emergency' and future regulations on decarbonising the transport sector.-](#)
- 2.9 [It should be noted that In June 2019 the Government announced that it will introduce into law a net zero greenhouse gases target to be achieved by 2050 \(amending the Climate Change Act 2008\) in order to meet obligations set out in the UN Paris Climate agreement 2016 in July 2018. The Government also](#)

launched 'The Road to Zero' (setting out measures to reduce the climate impact of transport through zero emission road vehicles - achieving zero emissions by 2040). Draft Technical Guidance for Building Regulations specifying requirements for EV charging chargepoints in residential and non-residential buildings are currently out for consultation closing 7 October 2019. If introduced, then these will supersede the guidance in this PS SPD. The Council will therefore, keep these standards under review in order to respond appropriately, including in terms of future plan making.

2.7 The increasing popularity of electric vehicle types has seen the Department for Transport forecast that plug in vehicles will make up between 3% and 7% of all new car sales in 2020. As a result of evidence gathered by WSCC through their review of their draft Parking Standards, it is proposed to adopt the following minimum standards in this SPD. There should be one EV charging point per house with a drive way or garage; and in accordance with table 2.2 below. For example, in 2018 provision of 20% of parking spaces should be for active EV charging spaces in new development applicable incrementally each year until the next increment applies (e.g. at 2033 all parking spaces will require active EV charging spaces).

**Table 2.2 – Electric Vehicle Charging Points Minimum Requirements**

Year	% <u>Number of Parking Spaces with Active EV Charging Points</u>	% <u>of Parking Spaces with Active EV Charging Points</u>
	<u>Houses with a driveway and garage</u>	<u>All other developments</u>
2018	<u>20</u>	<u>20</u>
2023	<u>30</u>	<u>30</u>
2028	<u>50</u>	<u>50</u>
2033	<u>100</u>	<u>100</u>

*Note: these percentages are lower trajectory than shown in the WSCC GPND 2019, but aim to ensure that 100% of new parking spaces associated with new development have active EV charging points by 2033. Unlike the WSCC GPND, the % requirement and represent an increase every 5 years instead of incrementally every year. Also, the percentage figures are rounded to the nearest 10, for ease of implementation.*

### Guiding Principles for Developments

- 2.10 The following principles set out the District Council's approach to parking in new residential developments and Commercial developments and should be used as a starting point in the design of new developments.
- 2.11 In the preparation of the 'West Sussex County Council Guidance on Parking at New Developments May 2019', an iterative review of mapped census statistics across the whole of West Sussex was

undertaken using iGIS (WSP Geographical Information System interface). The county wide review identified 9 key statistical interest values that informed the identification of Parking Behaviour Zones. For Arun only three zones are identified (these zones are shown ~~on the Draft Regional Parking Zone Allocation. Arun District Map which is found~~ in Appendix 1 to this document<sup>1</sup>:

- Zone 1** - Rural (village locations, e.g. Walberton);
- Zone 2** - Peri-rural (large villages or small settlements close to towns e.g. Angmering, Barnham);
- Zone 4** - Urban (within towns but not in a central location); and

#### Principle 1

- 2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimising adverse effects on road safety and avoiding increased on-street parking demand.
- 2.13 If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.

#### Principle 2

- 2.14 Expected levels of vehicle ownership should be determined taking account of dwelling size (rooms); unit type (houses or flats); unit tenure (private/affordable), parking provision (allocated or unallocated), control/enforcement (charges etc.).
- 2.15 Calculation of expected levels of vehicle ownership should normally be based on local or comparable data taking account of forecast changes in demand for the Local Plan period. Where electric vehicle charging points are provided, these will be included in the "total demand" as a percentage of the allocated spaces.

#### Principle 3

- 2.16 'Active' charging points for electric vehicles shall be provided at ~~a minimum of~~ 20% (at 2019 levels of provision) of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future. This applies to residential, retail (supermarkets), Office/industrial, and other Commercial land uses. Passive provision involves the inclusions of the necessary infrastructure underground in order to enable connection to a charging point at a later date.

---

<sup>1</sup>. It should be noted that this zone map is from the ~~West Sussex County Council Guidance on Parking at New Developments May 2019'. West Sussex County Council Parking Standards Review (WSPWSCC GPND, 20198) which is currently in draft format subject to approval by West Sussex County Council. The final map will be added to this document once approved.~~

#### Principle 4

- 2.17 In some locations, limiting parking provision will form part of a strategy to exploit the potential for sustainable transport. In order to realistically promote lower levels of car ownership and use whilst avoiding unacceptable consequences, all of the following must be available or provided:
- Travel plan measures, targeted at reducing car use and thereby reduce ownership levels;
  - High levels of accessibility to non-car modes of travel and to local amenities and facilities; and
  - Comprehensive parking controls; i.e. Controlled Parking Zone.

#### Principle 5

- 2.18 In some circumstances it may be necessary to regulate on-street parking to manage or mitigate the impact of development. If Traffic Regulation Orders (TRO) are required then developers will be expected to fund administration and works costs. However, the starting point is that each development site provides sufficient parking to meet its own demands within the application site.

#### Principle 6

- 2.19 To ensure that developments function efficiently and as intended, detailed consideration needs to be given to the following:
- a) Providing garages of sufficient size - If garages are provided they must be at least 6m x 3m internally. If garages meet this requirement, they will be regarded as an allocated parking space of ~~4-0.5~~ but a car port or parking space of this dimension would count as 1 parking space and calculations of parking demand will take account of this. Where garages do not meet this minimum size, they will not be counted towards meeting parking demand.
  - b) Providing adequate visitor parking - Adequate visitor parking is required and this will be influenced by the level of unallocated parking.
  - c) Likely cycle ownership and storage - Good cycle storage facilities are important, but requirements should take account of dwelling size and type. The minimum standard of cycle provision is set out in Table 2.3.
  - d) Where accessible or wheelchair friendly accommodation is proposed or required, parking spacing and garaging should be provided in accordance with the requirements for increased parking space proportions.
  - d) Impact on "total demand" where electric vehicle charging points are provided.

- e) Spaces for disabled people – Provision should be consistent with guidance in “Manual for Streets”.
- f) Motorcycle parking - Provision should be consistent with guidance in “Manual for Streets”.
- g) Space for storage bins – Part H of the Building Regulations suggests storage areas dimensions which are suitable for refuse and recycling bin storage. Development may be required to demonstrate suitable storage to ensure parking provision is available at all times.

**Table 2.3: Recommended levels of cycle provision.**

Type	Dwelling Size	Cycle Provision (per unit)
Houses	Up to 4 rooms (1 & 2 bed)	1 space
Houses	5+ rooms (3+ bed)	2 spaces
Flats	Up to 3 rooms (1 & 2 bed)	1 space (if communal storage otherwise same as 1 & 2 bed house)
Flats	4+ rooms (3+ bed)	1 space

#### Principle 7

2.20 The varying characteristics across the District means that the amount of commercial vehicle parking will vary greatly between one site and another. The amount of car parking should be based on:

- a) The development's land-use,
- b) Trip rate associated with the development (including base and forecast mode share), and
- c) The user group of staff/visitors of the site (including shift patterns).



### 3. Residential Parking Guidance

- 3.1 The values of parking demand presented in Table 3.1 will be used as expected levels of demand for the design and master planning of new residential developments. These include provision of EV spaces as set out in Principle 3. As part of the Design & Access Statement applicants will be expected to schedule the parking provision, detailing the number of allocated and unallocated spaces including garages and electric vehicle charging spaces (active and passive). The Design & Access Statement should explain how the provision of parking will meet the needs of the development including how these needs are expected to change in the future.
- 3.2 To satisfy the promotion of sustainable travel modes and choices it is considered that a 10% variation below the target parking demand value be allowed where appropriate travel option provision is provided including travel plans, public transport contributions (e.g. through section 106 contributions involving Strategic Allocations and Community Infrastructure Levy once adopted, for other non-strategic sized developments for offsite infrastructure of a strategic nature) and other sustainable travel initiatives. This is also as a result of increasing affordability issues resulting in young people staying with parents for longer.

**Table 3.1 – Expected level of provision for new residential developments**

Number of bedrooms	Number of habitable rooms	Parking Behaviour Zone				
		1	2	3	4	5
1	1 to 3	2	2	4	1	0.6
2	4	2	2	4	1	4.4
3	5 to 6	2	2	2	2	4.6
4+	7 or more	3	3	3	2	2.2

Figures have been rounded to whole numbers compared to the 'West Sussex County Council Guidance on Parking at New Developments May 2019' for ease of interpretation and implementation.

- 3.3 In addition to the above, visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. For example, if there were 100 dwellings proposed, in addition to the allocated residents parking, 20 visitor spaces should be provided. A more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres.

### 4. Non-residential Parking Guidance

- 4.1 Parking for non-residential uses needs to consider the accessibility of the site, the likely demand for parking and the viability of the site. In determining the amount of parking that should be provided at non-residential developments, developers should seek to balance operational needs, space requirements,

efficient use of land and cost attributed to providing parking and where relevant, attracting / retaining staff.

- 4.2 Businesses are obliged to minimise their effect on the environment. In support of this obligation and in line with the West Sussex Transport Plan, businesses should promote sustainable travel behaviour by encouraging employees to travel by non-car modes and reducing the number of single occupancy car journeys. To support sustainable travel measures the availability of car parking or cost of use should be carefully controlled.
- 4.3 Since the publication of the previous West Sussex Parking Standards for Commercial Vehicle noted in the SPD of November 2003, there has been a shift in government policy as more flexible working practices have been established. The move to a new planning system during 2006 further shifted the responsibility for determining parking standards to individual local planning authorities and indicates that local circumstances should be taken into account when setting such standards.
- 4.4 The 2003 Standards are based on the maximum parking standards provision, which were removed by Central Government in 2011.
- 4.5 The amount of parking in commercial developments should be based on:
- the developments land-use,
  - trip rate associated with the development (including base and forecast mode share) and
  - the user group of staff/visitors of the site (including shift patterns).
- 4.6 It is the responsibility of the developer to provide evidence that adequate facilities are provided on site for the proposed use, including cycle parking, changing and storage facilities. Due regard should be paid to unique characteristics of each land use. This may include providing details of the proposed operation of the site once in use such as whether the site will need to store vehicles not in use or on layover periods, the frequency of vehicles visiting the site for deliveries or the type and size of vehicles using the site.
- 4.7 In addition the following should be taken into account:
- The volume of staff/visitor parking should be demonstrated through survey or business data to ascertain the peak parking periods and demand;
  - The geographically location of the site along with the levels of accessibility for non-car mode users; and
  - Local mode share data, baseline or forecast mode shares detailed in supporting travel plans.
- 4.8 Table 4.1 sets out the overall vehicular and cycle parking standards by land use. Whilst the requirements were based on maximum standards for car parking and minimum cycle parking standards in 2003, they should now be

used as a guide for developers and justified on the above criteria through a site-specific assessment.

**Table 4.1 - Vehicular and Cycle Parking Provision in Non-Residential Developments**

Use Class	Vehicular	Cycle
A1 Shops	1 space per 14sqm	1 space per 100sqm for staff and 1 space per 100sqm for customers
A2 Financial and Professional Services	1 space per 30sqm	1 space per 100sqm for staff and 1 space per 200sqm for customers
A3 Restaurant and Café	1 space per 5sqm of public area and 2 spaces per bar (or 5m length of bar for large bars) for staff parking to be clearly designated	1 space per 4 staff and 1 space per 25sqm for customers
A4 Drinking Establishments	As A3 although not defined in 2003 Standards	As A3
A5 Hot Food Takeaways	As A3 although not defined in 2003 Standards	As A3
B1 Business	1 space per 30sqm Up to threshold of 500sqm in less accessible areas	1 space per 150sqm for staff and 1 space per 500sqm for visitors
B2 General Industrial	1 space per 40sqm	1 space per 200sqm for staff and 1 space per 500sqm for visitors
B8 Storage	1 space per 100sqm	1 space per 500sqm for staff and 1 space per 1000sqm for visitors
D1 Non-Residential Institutions	Site specific assessment based on travel plan and needs	Site specific assessment based on travel plan and needs

D2 Assembly & Leisure	<p><del>As these are D2 uses, these standards should be applied (Part A)</del></p> <p>1 space per 22sqm for large scale places of assembly serving more than a local catchment 1 space per 15sqm.</p>	1 space per 4 staff plus visitor / customer cycle parking
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Note: C1, C2, C2A and C4 uses parking provision will be determined on a case by case basis on travel plan and needs.

[Appendix 1 – Arun District Council's Electric Vehicle Infrastructure Study \(November 2017\)](#)

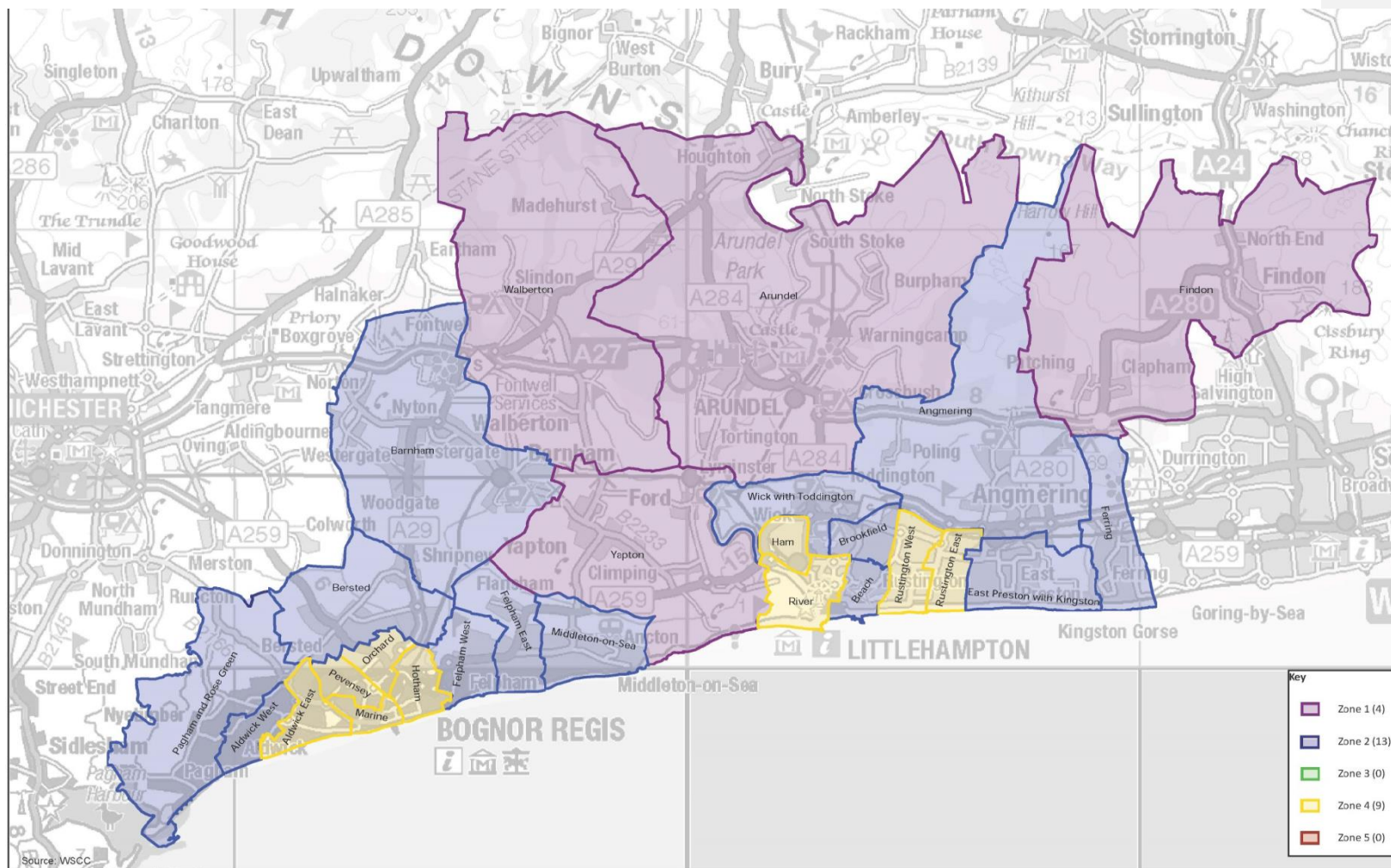
<a href="#">Provision of Parking Bays &amp; Charging Points for Ultra-low emission vehicles (ULEV) in New Development (including Conversions)</a>	
<a href="#">Houses<sup>2</sup></a>	<a href="#">One charging point per house with garage or driveway</a>
<a href="#">Flats (&lt;50 units)<sup>3</sup></a>	<a href="#">One parking bay marked out for use by electric vehicles only, together with charging infrastructure and cabling.</a>
<a href="#">Flats (&gt;50 units)<sup>2</sup></a>	<a href="#">Further dedicated charging bays totaling 2% of the total provision.</a>
<a href="#">Other Development (&lt;50 Bays)</a>	<a href="#">One parking bay marked out for use by electric vehicles only, together with charging infrastructure and cabling.</a>
<a href="#">Other Development (&gt;50 Bays)</a>	<a href="#">Further dedicated charging bays totaling 2% of the total provision.</a>
<a href="#">Phasing</a>	<a href="#">Standard provision (as set out above) could be supplemented by the installation of groundwork / passive wiring at the commencement of development in order to enable further installation to match demand.</a>

<sup>2</sup> Recommended installation of 16A or higher Type 2 charger (minimum requirement standard 3 pin 13A charger)

<sup>3</sup> Dedicated free standing weatherproof chargers  
[Source Arun District Council Electric Vehicle Infrastructure Study November 2017](#)

Appendix 42 - ~~Draft Regional Parking Behaviour Zone Allocation~~ - Arun District (~~Draft Source: 'West Sussex County Council Guidance on Parking at New Developments May 2019'. West Sussex County Council Parking Standards Review (WSCC GPNDWSP, 20198)~~)

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Parking Behaviour Zones: Arun District

WSP 1:80,000



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## Comment

Consultee	Mr Peter Tanner (1218324)
Email Address	[REDACTED]
Company / Organisation	Renaissance Retirement Ltd
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	Renaissance Retirement Ltd (Mr Peter Tanner - 1218324)
Comment ID	PS SPD3
Response Date	02/07/19 17:06
Consultation Point	Arun Parking Standards ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1

**Are there any other factors that should influence the application of the standards?** Yes

### Please detail your response in the box below

The recommended levels of cycle provision make no reference or allowance for provision in respect of proposals for sheltered housing for the elderly or other forms of retirement housing. Within such developments the need for cycle space provision is significantly lower than that for general residential developments. Accordingly, I suggested that the cycle space standards should reflect this. It is suggested that the provision of cycle storage should be provided in sheltered housing developments at about 1 cycle space per 5 sheltered units. This is based on our extensive experience of providing for the needs of residents and their visitors on our numerous existing developments.

## Comment

Consultee	Mr Peter Tanner (1218324)
Email Address	[REDACTED]
Company / Organisation	Renaissance Retirement Ltd
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	Renaissance Retirement Ltd (Mr Peter Tanner - 1218324)
Comment ID	PS SPD4
Response Date	02/07/19 17:11
Consultation Point	Arun Parking Standards ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1

**Are there any other factors that should influence the application of the standards?** Yes

### Please detail your response in the box below

The residential parking standards make no reference to provision in respect of proposals for sheltered housing for the elderly or other forms of specialist retirement housing. Within schemes for sheltered housing for the elderly (where the age of occupier is typically 79 years of age or older) car ownership is significantly lower than that associated with other forms of residential development. Accordingly, I suggest that the parking space standards should reflect this. It is suggested that the provision of 1 parking space for every 2 sheltered units would be adequate to serve the likely needs of elderly residents and their visitors. This is based on our extensive experience of providing for the parking needs of residents and their visitors on our numerous sites and of experience of other sheltered housing providers.

## Comment

Consultee	Mr Tony Cross (1099216)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	Mr Tony Cross (1099216)
Comment ID	PS SPD5
Response Date	08/07/19 13:34
Consultation Point	Table 2.2 Electric Vehicle Charging Points Requirements ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Which part of the document does your comment relate to?	Paragraph No.
Are you?	Commenting
Do you have any evidence to support your comment?	Yes
Are there any other factors that should influence the application of the standards?	N/A

### Please detail your response in the box below

2.10 Principles of Development. We should seek to avoid parking spaces on new developments where they provide a single garage and two parking spaces inline on the driveway. If you look at the actual effects of this design, you will see that where the occupants have two cars, the second car is often parked on the road outside the house. This is because of the inconvenience of having to juggle the cars around. We should insist upon a double width driveway at least, if not a double garage.

## Comment

Consultee	Mr Derrick Chester (1219271)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	Mr Derrick Chester (1219271)
Comment ID	PS SPD6
Response Date	13/07/19 00:33
Consultation Point	Table 2.3 Recommended levels of cycle provision ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Are you?	Commenting
Do you have any evidence to support your comment?	N/A
Are there any other factors that should influence the application of the standards?	Yes

### Please detail your response in the box below

Should there be a defined size for a parking space as well for a garage? Some spaces are far too small.

Should guidance be issued on retraining future conversions of garages or parking spaces to extensions or conversions to habitable rooms? Where a space may have contributed towards the overall total a future conversion undermines that sensible planning.

## Comment

<b>Consultee</b>	Mr Derrick Chester (1219271)
<b>Email Address</b>	[REDACTED]
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Arun Parking Standards
<b>Comment by</b>	Mr Derrick Chester (1219271)
<b>Comment ID</b>	PS SPD7
<b>Response Date</b>	13/07/19 00:33
<b>Consultation Point</b>	3 Residential Parking Guidance ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.3
<b>Are you?</b>	Commenting
<b>Do you have any evidence to support your comment?</b>	N/A
<b>Are there any other factors that should influence the application of the standards?</b>	Yes

### Please detail your response in the box below

Zones that are defined as having a lesser requirement for parking are by definition being given the opportunity to develop at a higher density. Reflecting this thought should be given as to whether in these cases a contribution towards a sustainable transport initiative should be made instead. It is important to understand that what is regarded as sustainable transport provision in Brighton or London is very different from here. Buses do not run late evening. Train services are infrequent off peak. Employment sites are often located in locations without public transport. It is possible the policy will mean that neighbouring roads will become under more pressure rendering the only practical way to manage the situation a controlled parking zone, and perhaps developments should be required to fund these.



Historic England

Planning Policy & Conservation Team  
Arun Civic Centre,  
Maltravers Road,  
Littlehampton,  
West Sussex, BN17 5LF

Our ref: PL00598569  
Your ref:  
Telephone 020 7973 3700  
Email [e-seast@historicengland.org.uk](mailto:e-seast@historicengland.org.uk)

By email only to [localplan@arun.gov.uk](mailto:localplan@arun.gov.uk)

Date 18 July 2019

Dear Sir or Madam

### Arun Parking Standards Supplementary Planning Document

Thank you for your email of 9 July 2019 inviting comments on the above document.

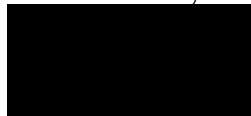
As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process, and welcomes the opportunity to comment upon this planning document.

Historic England's has no specific comments to make on the above document that deals with matters outside its remit and area of expertise.

Historic England would strongly advise that the Council's own conservation staff are closely involved in the preparation of the guidance, as they are often best placed to advise on local historic environment issues and priorities, and consideration of the options relating to any effects there may be heritage assets.

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

Yours sincerely



*Alan Byrne*  
Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA  
Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available.



## Comment

<b>Consultee</b>	Ferring Parish Council (871322)
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Ferring Parish Council
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Arun Parking Standards
<b>Comment by</b>	Ferring Parish Council ( Ferring Parish Council - 871322)
<b>Comment ID</b>	PS SPD11
<b>Response Date</b>	18/07/19 08:03
<b>Consultation Point</b>	Arun Parking Standards ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.6
<b>Are you?</b>	Commenting

### Please detail your response in the box below

In response to the 'Arun Parking Standards' and 'Public Open Space' Supplementary Planning Documents Consultation 2019, Ferring Parish Council notes the contents of the consultation and acknowledges that there are no sites identified in Ferring or the surrounding area. Ferring Parish Council therefore has no further comment.

## Comment

Consultee	Mr Simon Cross (758601)
Email Address	[REDACTED]
Company / Organisation	East Preston Parish Council
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	East Preston Parish Council (Mr Simon Cross - 758601)
Comment ID	PS SPD12
Response Date	30/07/19 08:29
Consultation Point	Table 3.1 Expected level of provision for new residential dwellings ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Which part of the document does your comment relate to?	Table No.
Are you?	Commenting
Do you have any evidence to support your comment?	N/A
Are there any other factors that should influence the application of the standards?	N/A

### Please detail your response in the box below

As a Parish Council in Zone 2, peri-rural, we do not feel the draft SPD reflects the reality of modern households.

We feel the proposed figures for any property above a single bedroom will be totally inadequate. In the current, long-standing economic climate, particularly in the south-east, it is not possible for adult children to leave home as early as they may have in the past. Consequently, they are still living at home but may well need a car for work, adding to the number of cars at a property. Add in partners and the number of cars attached to a property has very quickly gone above the proposals in the table.



The roads in peri-rural villages were not designed with ever-increasing numbers of vehicles in mind. Insufficient provision of parking spaces just adds to the problems in and around our villages.

This council feels providing garages as parking spaces is self-defeating. For a number of reasons, many households do not use their garages as parking spaces. Therefore a parking space is lost before you have started. If the footprint of a garage was left as driveway, it would more likely be used for parking.

Are the figures in the table a minimum or maximum provision?

## Comment

Consultee	Mrs Juliet Harris (1193938)
Email Address	[REDACTED]
Company / Organisation	Littlehampton Town Council
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	Littlehampton Town Council (Mrs Juliet Harris - 1193938)
Comment ID	PS SPD13
Response Date	30/07/19 11:00
Consultation Point	Table 3.1 Expected level of provision for new residential dwellings ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Which part of the document does your comment relate to?	Table No.
Are you?	Commenting
Do you have any evidence to support your comment?	No
Are there any other factors that should influence the application of the standards?	Yes

### Please detail your response in the box below

Littlehampton Town Council Comments:

The potential for exploiting sustainable transport needs to be balanced with the increase in car ownership in recent years.

Parking provision in Town Centres needs to acknowledge the growing need for public parking to accommodate visitors and the growth in the development of flats in these areas.

Provision also needs to acknowledge the proximity of other facilities such as education establishments and transport hubs which generate parking needs in their own right.

The guidance states garage sizes but not sizes for parking bays. These need to be sufficient to accommodate larger vehicle sizes (4x4's & SUVs)

Provision needs to take into consideration the growing trend in dropped curbs which whilst it indicates a move to provision of off street parking (by the loss of front gardens) does reduce the availability of on street parking.

## **Arun District Council - Arun Parking Standards Supplementary Planning Document Consultation**

### **Informal WSCC Comments July 2019**

#### **General Comments**

As a general point it is noted that the SPD does not make consistent reference to the draft West Sussex County Council Guidance on Parking at New Developments May 2019.

**Tables:** It is also noted that figures have been rounded up or down to whole numbers rather than using the values in the West Sussex Guidance on Parking at New Developments May 2019 (Guidance on Parking). If this is the approach it should be made clear in the SPD, as the numbers are not consistent with the Guidance on Parking and may lead to confusion. It would be preferable if the SPD uses the same numbers as the Guidance on Parking.

#### **Detailed Comments**

**Paragraphs 1.1:** this should be updated to refer to the draft West Sussex County Council Guidance on Parking at New Developments May 2019 which outlines the County Council's approach to parking at new developments (both residential and non-residential).

**Paragraph 2.5:** this needs to be made clear which standards this is referring to, suggested amendment below (this is assuming the paragraph is referring to Table 2.1):

'Where a development includes the delivery of parking spaces which are on-street (e.g. estate renewal schemes), Electric Vehicle charge points should be delivered to the same standard as those set out in **Table 2.1.**'

**Paragraph 2.6:** this statement needs to be quantified ie when, why and what circumstances.

**Table 2.2 Electric Vehicle Charging Points Requirements:** Is not consistent with the draft West Sussex County Council Guidance on Parking at New Developments May 2019 Appendix B and should be amended as follows:

- 2023:41%
- 2028:62%
- 2033: This should not be included as this year is not projected in the draft West Sussex County Council Guidance on Parking at New Developments May 2019 Appendix B

**Paragraph 2.14 Principle 3:** this should be amended as follows, to reflect the draft West Sussex County Council Guidance on Parking at New Developments May 2019 Appendix B:

'Active' charging points for electric vehicles shall be provided at ~~20%~~ **24%** (at 2019 levels of provision) ....'

**Paragraph 2.17a Principle 6:** this should be amended as follows, to reflect the draft West Sussex County Council Guidance on Parking at New Developments May 2019 paragraph 4.14a:

'Providing garages of sufficient size at new residential developments - If garages are provided they should be at least 6m x 3m internally. If garages meet this requirement, they will be regarded as an allocated parking space of  $\pm$  **0.5** and calculations of parking demand will take this into account.'

**Table 2.3:** Consequently, this will need to be amended to as follows:

Flats	Up to 3 rooms (1 & 2 bed)	<b>0.5 space</b> (if communal storage otherwise same as 1 & 2 bed house)
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**Paragraph 2.17c Principle 6:** reference is made to Table 2 – should this read Table 2.3?

**Paragraph 3.1:** reference is made to Table 3 – should this read Table 3.1?

**Table 3.1:** It is noted that Zone 5 is struck through for deletion. This is welcomed as there are no Zone 5 Parking Behaviour Zones in Arun. However the general comment above about rounding numbers applies to this table. It is suggested that the table is amended to reflect the West Sussex County Council Guidance on Parking at New Developments May 2019.

**Table 4.1 User Class D2 Assembly and Leisure:** this table should be amended to reflect the draft West Sussex County Council Guidance on Parking at New Developments May 2019. It is queried why reference is made to 'As these are D2 uses, those standards should be applied (Part A)' in the table?

## Comment

<b>Consultee</b>	WSCC Planning Policy Infrastructure (1220484)
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	WSCC
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Arun Parking Standards
<b>Comment by</b>	WSCC ( WSCC Planning Policy Infrastructure - 1220484)
<b>Comment ID</b>	PS SPD14
<b>Response Date</b>	26/07/19 08:28
<b>Consultation Point</b>	Arun District Council Parking Standards SPD ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.6
<b>Files</b>	<a href="#">WSCC comments to ADC Parking Standards SPD FINAL.docx</a>
<b>Which part of the document does your comment relate to?</b>	Paragraph No.
<b>Are you?</b>	Commenting
<b>Do you have any evidence to support your comment?</b>	Yes
<b>Are there any other factors that should influence the application of the standards?</b>	No

### Please detail your response in the box below

Please see attached letter

The informal relates to them not going through a committee process. WSCC are happy for these officer comments to be published.

## Comment

Agent	Ian York (1150901)
Email Address	[REDACTED]
Company / Organisation	Lichfields
Address	[REDACTED] [REDACTED] [REDACTED]
Consultee	(1150908)
Company / Organisation	Bourne Leisure
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	Bourne Leisure ( - 1150908)
Comment ID	PS SPD15
Response Date	30/07/19 15:13
Consultation Point	Table 2.2 Electric Vehicle Charging Points Requirements ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Which part of the document does your comment relate to?	Table No.
Are you?	Objecting
Do you have any evidence to support your comment?	Yes
Are there any other factors that should influence the application of the standards?	Yes

### Please detail your response in the box below

By way of background to these representations, Bourne Leisure operates more than 50 holiday sites in Great Britain in the form of holiday parks, family entertainment resorts and hotels, and is a significant

contributor to the national tourist economy, as well as local visitor economies. Within Arun, Bourne Leisure operates Church Farm Holiday Village and Butlins Bognor Regis.

Bourne Leisure is committed to reducing its carbon emissions across all its hotels, parks and resorts. Between 2012 and 2018 Bourne Leisure reduced its CRC emissions by 45%. It is also ensuring that for new and upgraded facilities low carbon infrastructure and systems form an important part of delivering its objectives.

Table 2.2 of the draft SPD sets out the proposed minimum standards for Electric Vehicle Charging Points (EVCP). The table proposes that active charging points for electric vehicles shall be sought at 20% (at 2019 levels of provision) rising to 30% in 2023.

Policy QE DM3 of the Arun Local Plan (July 2018) seeks to encourage the use of electric vehicle charging points and does not set minimum standards. As such Bourne Leisure considers that a flexible approach is required and is appropriate when applying the proposed standards to tourist accommodation such as holiday resorts and parks. This is particularly the case where a significantly increased demand upon national grid system would be required (even for the lowest 7kw trickle chargers) compared to the Park's existing demands. It is therefore important that there is sufficient flexibility in the emerging standards to recognise that such increases may not be possible to achieve.

Further, flexibility should also apply to the location of the proposed EV charging points. Bourne Leisure considers that at this time, EVCPs are more suitably delivered through a central location (in a dedicated area of the Park), rather than being directly connected to all new development or caravan pitches. This is due to the pressure that a significant number of distributed car charging points would place on existing electrical networks.

To reflect this context, we therefore suggest additional wording to paragraph 2.7, as below:

"2.7 (...) As a result of evidence gathered by WSCC through their review of their draft Parking Standards, it is proposed to adopt the following minimum standards **for new development** in this SPD. ***These standards should be used as a guide for developers and will be assessed on a case-by-case basis.***"



## Comment

<b>Consultee</b>	Mrs Kathryn Herr (1186317)
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Angmering Parish Council
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Arun Parking Standards
<b>Comment by</b>	Angmering Parish Council (Mrs Kathryn Herr - 1186317)
<b>Comment ID</b>	PS SPD16
<b>Response Date</b>	24/07/19 14:55
<b>Consultation Point</b>	3 Residential Parking Guidance ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Email
<b>Version</b>	0.2
<b>Which part of the document does your comment relate to?</b>	Paragraph No.
<b>Are you?</b>	Objecting
<b>Do you have any evidence to support your comment?</b>	Yes
<b>Are there any other factors that should influence the application of the standards?</b>	Yes

**Please detail your response in the box below**

Parking spaces need to be increased per house in new developments – Angmering evidence shows a higher number of commuters than average.

Road width of new developments – increasingly difficult to get emergency vehicles through with parked cars either side.

Visitor parking – effects the above comment also – this is often overlooked/under provided in new applications.

Increase in cycle lane provision to help with all of the above.

## Comment

Consultee	Mrs M Boulton (615206)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Arun Parking Standards
Comment by	Mrs M Boulton (615206)
Comment ID	PS SPD17
Response Date	25/07/19 09:30
Consultation Point	Arun Parking Standards ( <a href="#">View</a> )
Status	Processed
Submission Type	Letter
Version	0.4
Are you?	Commenting
Do you have any evidence to support your comment?	No
Are there any other factors that should influence the application of the standards?	No

### Please detail your response in the box below

We are fortunate enough to live on the Green, L/H. Much used and loved by local residents and visitors alike. It is essential for the quality of open space that it is maintained.

We are grateful for the way that it is kept clear of litter and in very good condition.

Please look at the situation with regard to the coach park. Very important and occasionally completely full. However other times coach park is empty and cars driving up & down looking for somewhere to park with all the ensuing pollution.

Would it be possible for coaches to drop off passengers & then perhaps park elsewhere on the industrial estate maybe?

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 15 OCTOBER 2019

#### PART A : REPORT

<b>SUBJECT:</b> Housing Delivery Test - Action Plan
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<b>REPORT AUTHOR:</b>	Kevin Owen, Team Leader Local Plans
<b>DATE:</b>	16 September 2019
<b>EXTN:</b>	37853
<b>PORTFOLIO AREA:</b>	Planning

#### EXECUTIVE SUMMARY:

In February 2019 the Government published the November 2018 Housing Delivery Test result for Arun. The HDT result was 91% which meant that Arun District Council should prepare an Action Plan aimed at boosting housing delivery. A draft Action Plan is attached for consideration, and once approved needs to be published on the authority's web site.

#### RECOMMENDATIONS:

That the Planning Policy Sub Committee agrees the following:

- a) That subject to any further minor changes in consultation with the Chairman, Portfolio holder for Planning and Group Head of Planning, the Action Plan be referred on to Full Council for approval as a technical document for publication on the Council's web site

#### 1. BACKGROUND:

- 1.1 Planning Policy Sub-Committee (PPSC) considered a report on the Authority Monitoring Report (AMR) on 18 June 2019. That report item signalled that Arun's Housing Delivery Test (HDT) Result for November 2018 was published by the Government in February 2019. Arun's HDT result was 91% which means the authority must prepare and publish an Action Plan. 91% relates to the number of dwellings delivered in the past three years against the requirements in the Local Plan
- 1.2 An Action Plan should set out actions aimed at trying to boost housing delivery in order to overcome barriers to housing delivery and help identify key local issues and potential measures to improve delivery and the consequent result for the next published HDT (in November 2019) and for successive years.
- 1.3 The attached Appendix 1 sets out the draft Action Plan.
- 1.4 The Action Plan sets out the HDT methodology and the context for Arun's performance at 91% including commentary on some of the barriers to delivery

<p>including perceived solutions. It also sets out the risks arising from further underdeliver in terms of the 5-year housing and supply and the presumption in favour of sustainable development set out in paragraph 11.d of the National Planning Policy Framework 2019.</p> <p>1.5 There appear to be many complex reasons for non-delivery (see section 6 of the Action Plan) including significant infrastructure delivery constraints, an unwillingness in some instances to coordinate individual development schemes through Masterplans within the Strategic Allocation areas and consequently poor-quality planning applications leading to applications being refused, as well as officer recommendations for approval being overturned at committee and other market factors to do with local market saturation/phasing etc.</p> <p>1.6 A number of potential actions are therefore, set out in the Action Plan (see section 7) in order to try and deliver an increase in housing performance within the Arun District local planning area.</p> <p>1.7 One of the proposed actions to investigate is whether the Council should once more, invite applications from landowners/developers on 'deliverable' HELAA sites in order to help boost housing delivery. This action was last adopted in 2017 while the Local Plan was being examined and there was a potential shortfall of housing land supply.</p>		
<p><b>2. PROPOSAL(S):</b></p> <p>The Action Plan is agreed for publication on the authorities' web site and referred to Full Council to approve.</p>		
<p><b>3. OPTIONS:</b></p> <p>The proposal is to agree the Action Plan. This is to be referred to Full Council for approval and publication on the Councils' web site and includes the consideration of inviting applications on deliverable HELAA sites to help boost housing supply and delivery.</p>		
<p><b>4. CONSULTATION:</b></p> <p>This is a technical document that does not require consultation under the Housing Delivery Test Guidance but following approval should be placed on the council's web site. .</p>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		x
Legal		x

Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

#### **6. IMPLICATIONS:**

The Action Plan may assist the authority in improving housing delivery performance through pro-active consideration of the authority's housing land supply.

#### **7. REASON FOR THE DECISION:**

The recommendations are intended to ensure that the Council meets the requirements of national policy on housing performance and delivery by ensuring that an Action Plan is prepared and published aimed at helping to boost housing delivery.

#### **8. BACKGROUND PAPERS:**

1. Item 8: Authority Monitoring Report - Planning Policy Sub-committee 18 June 2019

<https://democracy.arun.gov.uk/documents/g669/Public%20reports%20pack%2018th-Jun-2019%2018.00%20Planning%20Policy%20Sub-Committee.pdf?T=10>



# **Arun District Council Housing Delivery Test – Action Plan June 2019**





# 1. Introduction

1. Arun District Council (ADC) adopted the Arun Local Plan (2011-2031) in July 2018. The Arun Local Plan (ALP 2018) sets out a housing target of 20,000 dwellings over the plan period (1,000 dwelling per annum) with a stepped housing land supply trajectory.
2. The development Strategy is based on 10 Strategic Allocations supported by strategic infrastructure projects (as set out in the Infrastructure Capacity Delivery Plan 2017) as well as other housing allocations and Neighbourhood Plan allocations. Additional housing supply is to be provided through a Non-Strategic Sites Development Plan Document (DPD) and a Gypsy & Traveller Site Allocations DPD.
3. The ALP 2018 established a 5.3-year housing land supply (5-year HLS) and in accordance with paragraph 74 of the National Planning Policy Framework 2019 is defensible until the end of October 2019. However, there is now evidence that housing delivery is not performing as effectively as established at Local Plan examination in 2017. The Authority Monitoring Report 2018 (covering the period 2017/18) published by Arun District Council sets out the latest position on the 5-year HLS which is 4.7 years.
4. The Government published ADC's November 2018 Housing Delivery Test (HDT) result in February 2019. This result was 91% and indicated that ADC needed to publish an Action Plan in order to identify barriers to housing delivery and measures to overcome them (i.e. this document). This is also a reflection of recent slow down in the progress of delivering housing supply as signalled by the lack of a 5-year HLS.
5. This Action Plan sets out an analysis of ADC's recent housing delivery performance and identifies issue and barriers and potential solutions to overcome these barriers.
6. This Action Plan is a corporate document but is also outward facing to ensure that there is collective understanding of the issues presented and the potential solutions and the roles of all key stakeholders in housing delivery.

## 2. Executive Summary

2.1 The key conclusions and outputs from the Action Plan are: -

- a) Housing delivery has underperformed in the initial first 5 years of the Adopted Arun Local 2018 (ALP 2018) which covers the 20-year period 2011-2031
- b) A stepped housing trajectory has been adopted because of the need to boost housing delivery based on key Strategic Allocations
- c) Monitoring of housing supply and delivery via the AMR 2018 suggests that initial improved performance may not be sustained against the housing stepped trajectory in the plan with significant skewing of the stepped trajectory further into the plan period
- d) Evidenced trajectory delivery rates from the Local Plan are not being fulfilled by developers
- e) There appear to be many complex reasons for non-delivery including significant infrastructure delivery constraints, an unwillingness in some instances to coordinate individual schemes through Masterplans in the Strategic allocations and consequently poor-quality planning applications leading to applications being refused, as well officer recommendations for approval being overturned at committee and other market factors to do with local market saturation/phasing etc.
- f) Arun currently cannot demonstrate a 5-year housing Land supply
- g) A number of potential actions are therefore, set out in this Action Plan to try and deliver an increase in housing performance within the Arun district local planning area

### 3. National Guidance on Housing Land Supply and Delivery

- 3.1 The National Planning Policy Framework (NPPF 2019) introduced significant changes to how local authorities; measure their Objectively Assessed Housing Need (OAN); measure past performance on housing delivery against their housing need or requirement; and calculate an adequate 5-year housing land supply looking ahead.

#### **Standard Housing Methodology:**

- 3.2 The Objectively Assessed Housing Need (OAN) is now calculated according to the government's Standard Housing Methodology (SHM).
- 3.3 The SHM establishes a baseline housing need using annualised 10 year household projections, pro rata for any plan period, which is uplifted for a local affordability factor (i.e. for each 1% increase in the ratio of local house prices to local earnings, where the ratio is above 4, the average household growth is to be increased by a quarter of a percent. No adjustment is applied where the ratio is 4 or below).
- 3.4 However, any such uplift may be 'capped' at 40% where the local authority has a recently adopted Local Plan (i.e. within the last 5 years – i.e. at the point of making the calculation);

#### **Housing Delivery Test (HDT):**

- 3.5 measures a local authority's housing delivery performance over the previous 3 years and is expressed as a percentage of the housing completions as a proportion of the total housing requirement: -

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over three year period}}$$

- 3.6 The HDT measures the net homes delivered using a national statistic for net additional homes over a 3-year rolling period, with adjustments for net student and net communal accommodation using two nationally set ratios based on Census data.
- 3.7 The housing requirement is measured using whichever is the lower of either: -
- the housing targets set out within the adopted Arun Local Plan 2018 (i.e. an up to date plan which is less than 5 years old) and may include a 'stepped housing trajectory' and unmet need from neighbouring authorities (as is the case for the adopted Arun Local Plan 2018); or

- under transitional requirements,<sup>1</sup> the annualised household growth over a 10 year period using published housing projections for the 3 financial years:-
    - 2015/16 – (2012 based)
    - 2016/17 (2012 based)
    - 2017/18 (2014 based)
- 3.8 The use of projections is used under transitional arrangements because the SHM outlined above, did not exist prior to the 2017/18 date.
- 3.9 However, in November 2019 the minimum annual local housing need will be measured using the SHM if there are no up-to-date (i.e. less than 5 years old) housing targets.
- 3.10 The intention is to replace the projections and also eventually the SHM measure of local housing need, as up to date housing targets are adopted in development plans, at each subsequent annual publication of the HDT.
- 3.11 The HDT is the basis for calculating an authority's 'buffer' for calculating a 5-year housing land supply alongside paragraph 73 b) and 74 of the NPPF 2019;

#### **'Specific Deliverable Sites' definition for 5-year HLS**

- 3.12 In the Winter 2019 the Government consulted on, and subsequently (in February 2019) published a revised definition of 'specific deliverable' sites that should be included in a 5-year housing land supply calculation (5 yr HLS).
- 3.13 The definition places emphasis on clearly evidenced trajectories for 'specific deliverable sites' available in the right locations now, that can be developed within 5 years. The definition is set out in Annex 2 to the NPPF 2019: -
- *“sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
  - *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

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<sup>1</sup> See 'Housing Delivery Test Rule Book' MHCLG July 2018 and 'Housing Delivery Test: 2018 Measurement Technical note' February 2019

- 3.14 There are consequences for not meeting either the HDT and the 5-year housing land supply as set out in the NPPF. This relates to the application of the ‘presumption in favour of sustainable development’ (para. 11d). Failure in either case may trigger NPPF Para 11.d (‘the presumption’).
- 3.15 The HDT sets specified percentage thresholds where the housing performance calculation would trigger ‘the presumption’. When this happens, applications should be positively determined, provided that a decision would not conflict with the policies, protected assets and designations of the NPPF or that the adverse impacts of doing so demonstrably outweigh the benefits against the NPPF taken as a whole.
- 3.16 However, even with the application of the ‘the presumption’ it should also be noted that paragraph 12 states: -
- *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

## 4. Housing Delivery Test Result for Arun

4.1 The Government published the November 2018 Housing Delivery Test (HDT) for Arun in February 2019. The following percentages thresholds against the housing performance, measure whether a local authority passes or fails the HDT over a 3-year period - and the consequences of not doing so:

- November 2018 where housing delivery falls below 25% - the 'Presumption in favour of sustainable development' will apply immediately
- November 2019 where housing delivery falls below 45% The 'Presumption' applies
- November 2020 where housing delivery falls below 75% - The 'Presumption' applies

4.2 The NPPF sets out further penalties against higher percentage thresholds:

- November 2018 where housing delivery falls below 95% of requirements the NPPF states that an 'Action Plan' should be published;
- November 2018 where housing delivery falls below 85% of the requirement the NPPF states that a 20% buffer will be added to the 5 year housing land requirement

**The published November 2018 HDT for Arun District (published in February 2019), is 91% (2017/18) and can be accesses here:-**

<https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

4.3 The result for ADC is set out in Appendix 2 to this Action Plan (and compared to actual completions and projected completions reported in Arun's Authority Monitoring Report 2018<sup>2</sup>). ADC's housing delivery performance therefore, triggers a requirement for the preparation of an 'Action Plan' and a buffer requirement of 5% for 5 YHLS calculation purposes.

4.4 Arun District Council (ADC) has prepared this Action Plan in order to help boost housing delivery performance. The HDT will contain more evidence on why ADC is not meeting the housing delivery requirement and identify potential solutions in order to improve housing completion projection rates.

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<sup>2</sup> Note: the methodology for calculating the HDT based on the Governments rule book is not the same for the Arun AMR and so reported outputs for each document may not agree entirely. This is likely to improve in future years as the adopted plan targets supersede the household projections element of the housing requirement and the student and communal household reporting is improved in the AMR for dwelling completions.

- 4.5 The solutions found as part of an Action Plan should help improve both HDT score when it is published in subsequent years (each November by Government) and the 5-year HLS which takes into consideration housing completion performance. The Action Plan will need to be produced by end of August 2019.

## 5. Housing Delivery Performance – past and present and future

5.1 ADC's adopted Arun Local Plan (ALP 2018) Policy H SP1 'The Housing Requirement' sets out a whole plan target of 20,000 dwellings for the period 2011-2031. The target is also set out in 5-year periods.

5.2 However, Policy H SP1 is based on a stepped housing trajectory and includes a contribution for under performance over the earlier plan period, a 20% buffer and unmet need from other authorities.

5.3 The approach to a stepped trajectory and 5.3-year HLS (based on monitoring in 2016/17) was confirmed by the Independent Planning Inspector following examination in 2017 (Inspector's Report paragraphs 95. – 98.):-

<https://www.arun.gov.uk/download.cfm?doc=docm93ijim4n12488.pdf&ver=12506>

5.4 Publication of the AMR 2018 for the monitoring period 2017/18 established that the 5.3 HLS for the ALP 2018 has reduced to a 4.7 HLS (see Appendix 3). This together with the HDT is an early indicator that housing delivery performance is not progressing in line with the housing trajectory and adopted plan. However, housing supply has increased and indicates that the authority is being proactive in securing housing land to meet needs.

5.5 The historic performance of Arun District in terms of delivering housing completions is set out in Table 1 of Appendix 1 in the Authority Monitoring Report 2018 (AMR 2018):-

<https://www.arun.gov.uk/download.cfm?doc=docm93ijim4n14090.pdf&ver=14338>

5.6 The AMR 2018 provides annualised net housing completions for Arun District from 2006-2018. Table 2 of Appendix 1 within the AMR 2018 shows net actual completions and projected completions for the adopted ALP 2018 plan period 2011-2031 against the stepped housing trajectory: -

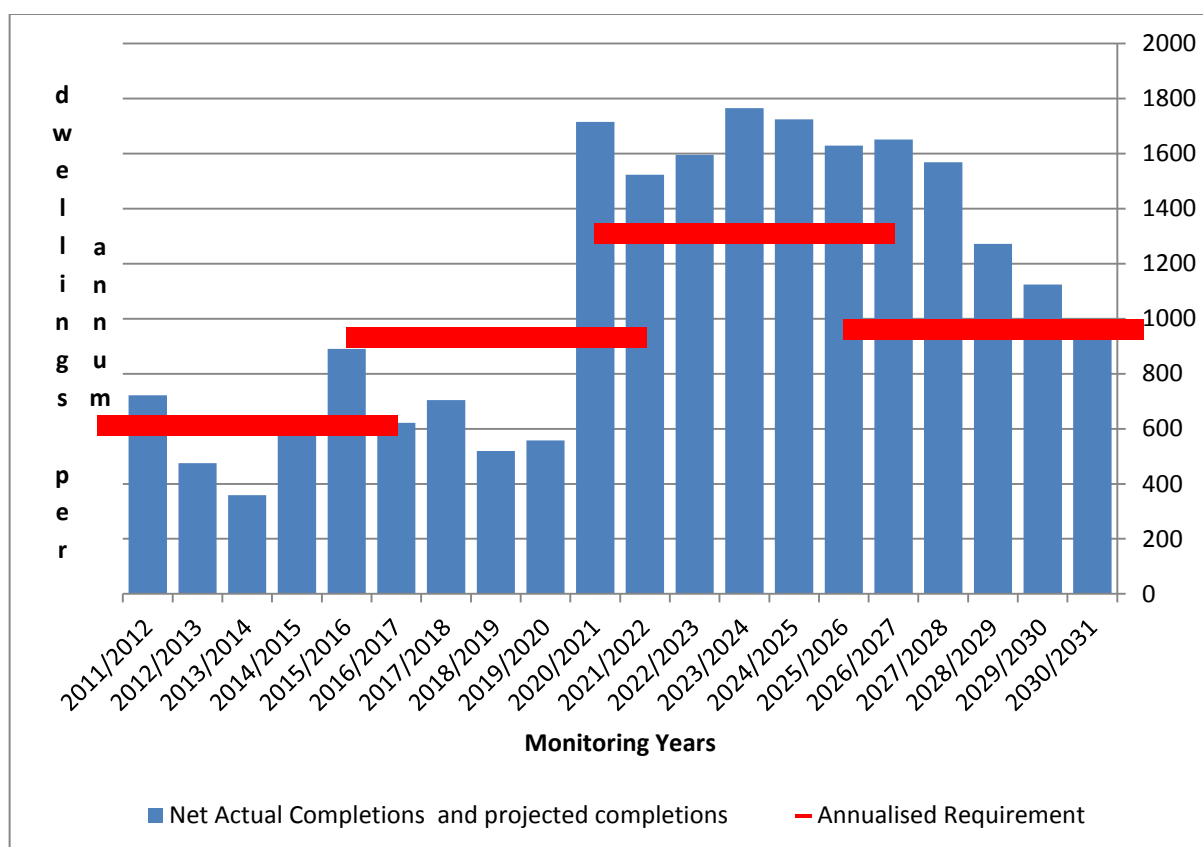
- completions have averaged 635 dpa in the recent 5 years (2013 – 2017) of the plan period;
- which compares to the stepped trajectory target of 610 dpa for the 3 years 2013 - 2015 but below the stepped target of 930 dpa for the 2 years 2016 -2017;
- and compares to 738 dpa over the combined stepped trajectory 5 years 2013 – 2017;
- actual completions for 2017/18 shows 704 and is an increase on the



previous year and suggests that delivery may improve if this trend continues.

5.7 The AMR 2018 Appendices 2 to 6 show the performance of the housing trajectory and 5 y HLS for the components of housing supply within the housing trajectory.

5.8 The AMR 2018 Housing Trajectory is set out below.

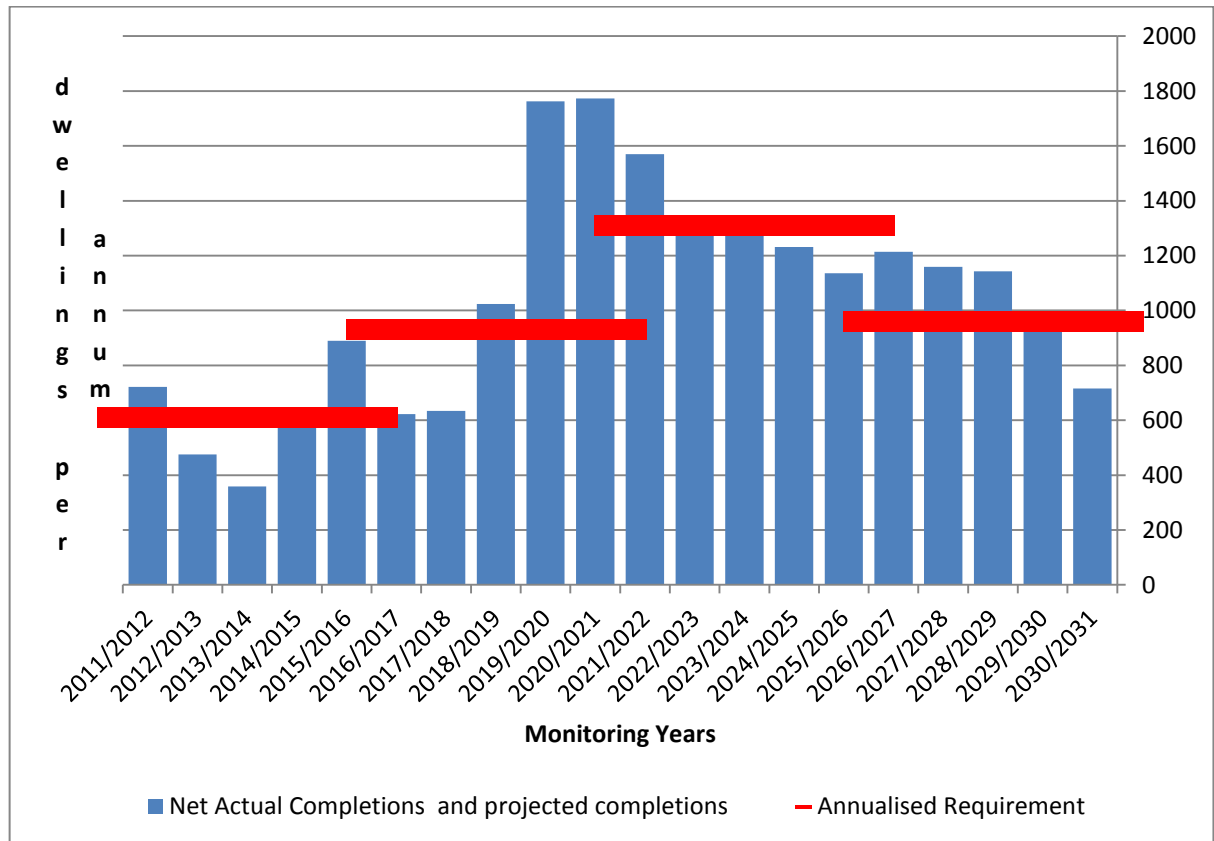


5.9 The data is based on a ‘call for sites’ the Housing Employment Land Availability 2018 (HELAA) following an update exercise in May 2018. Together with the Residential Land Availability (including net completions) data provided by West Sussex County Council (WSCC), these data sources are used to update the Arun Local Plan housing trajectory and 5year HLS which is included within ADC’s Authority Monitoring Report 2018 (AMR 2018).

5.10 WSCC surveys all large sites with planning permission for 6 dwellings or more in West Sussex annually and provides a consistent assessment of the status of available sites, in terms of commencement, actual completion, and projected completions. WSCC liaise with the developers of the large sites with planning permission to gain evidence of when completions are predicted to come forward.

5.11 The updated build out rates in the AMR 2018 published housing trajectory above, is therefore, informed by recent site promoter updates and an officer assessment of the realistic achievability of development timescales.

5.12 The updated HLS trajectory above can be compared to the stepped trajectory shown in the adopted ALP 2018.



5.13 The comparison of the HLS trajectories indicates that while completions have improved 2017/18, projected rates of delivery are weaker in 2019/20 and step increases are skewed further back into years 2021-2024. This may have significant implications for ADC's future HDT result and reinforces the need for an Action Plan.

## 6. Identified Delivery Issues

6.1 There are a number of reasons why housing developments have under performed within Arun in recent years summarized below: -

- The quality of major applications submitted have not all been of sufficient quality to allow timely approval – e.g. some individual schemes promoted by different developers within Strategic Allocations have been submitted without benefitting from an agreed Masterplan. The absence of a Masterplan means that mitigation of cumulative impacts and coordinated infrastructure provision needed to integrate placemaking with existing communities cannot be delivered;
- A number of applications for Strategic Site development schemes have had officer recommendations for approval but have subsequently been refused at committee;
- Applications were expected on most of the Strategic Allocations based on evidence submitted at the Local Plan Examination in 2017 reflecting assurances and evidence provided by the key developers however, applications have not yet been received as previously promoted and these large yielding sites have had to be pushed back further out of the 5 year period;
- Developers have not delivered on their previously promoted build out rates (this may be partly due to market issues and or infrastructure issues).
- The actual rate of completions is highly dependent on the developers, which is largely out of Local Authority control.

6.2 The Government have included further Planning policy Guidance on the potential barriers to housing delivery and the need to collate intelligence on these through collating evidence on land supply and its deliverability. This includes criteria looking at site specific issues e.g.: -

- Fragmented ownership/interest and control
- Legal rights of way/easements and ransom strips
- Other land assembly necessary to unlock sites
- Abnormal costs
- Infrastructure delivery and lead times and negotiating s.106 contributions

6.3 Arun has therefore taken the opportunity to revise its HELAA data collection and update site proforma to ensure that the additional evidence is supplied as part of the annual HELAA update.

6.4 The table below sets out a high-level framework for the Action Plan to address the above matters in a systematic way. This will allow more effective monitoring of progress in future years. However, it should be noted that many of the issues are typical barriers and already being tackled and addressed in Arun in that they are understood as a normal part of the

development management and policy challenge to delivering timely and sustainable growth to meet identified needs.

## 7. Proposed Delivery Actions and Opportunities

The following actions are to be investigated in order to try to boost housing delivery: -

### Development Management

- Promote the submission of better quality/compliant planning applications using pre-application discussions and better web based procedural guidance
- Target key strategic sized developments for – pre-application discussions
- Continue to coordinate and liaise with site promoters, landowners and Parishes on the formulation of Masterplans for the Strategic Allocations – via working groups and specifically where there is significant slippage – seek evidence and diligence on provision accurate housing trajectories e.g. West of Bersted etc.
- Application of para 11d of NPPF – the ‘presumption’ until 5-year housing land supply re-established
- Invite applications from landowners/developers on ‘deliverable’ HELAA sites to re-establish 5 yr HLS
- Review regime of Conditions – e.g. pre-commencement and discharge of consent
- Continue to pursue recruitment and apprenticeships to ensure effective level of resources and expertise is maintained

### Policy & Plan Making

- Seek allocation of a range of smaller sites to foster the small build sector and diversify the developer/provider base through the Development Plan
- Continue to assist Neighbourhood Plan making through guidance and grant regime to promote community scale provision for meeting identified housing, affordable housing and social and green infrastructure needs
- Continue to develop guidance on the application of adopted Local Plan policies through the preparation of guidance and Supplementary Planning Documents
- Pursue the introduction of Community Infrastructure Levy for non-strategic scale developments in order to support delivery and infrastructure provision
- Ensure HELAA updates are policy compliant with national policy on the definition of ‘deliverable’ and ‘developable’ sites including through Developer/landowner Workshops as necessary
- Ensure that the Custom and Self Build register is maintained and accessible to ensure that sites consider provision based on local intelligence of demand/need for such provision and to secure consents towards the requirements

- **Ensure polices delivery a mix of housing types, scales and tenures to diversify the housing industry and promote Neighbourhood plan delivery in Arun**
- **Seek intelligence and opportunities for promotion of sustainable and custom build development techniques and innovation in housing industry within Arun**

#### **Corporate Intervention**

- **Consider ways to improve plan making and coordinated housing delivery with service and operational provision though coordinated vision, governance and objectives for the authority**
- **Pursue opportunities to bid and win grant and match funding through the LEP, agency and HCLG finding regimes**

## Appendix 1: Extract of paragraph 11.d from the NPPF

### The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas<sup>5</sup>, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area<sup>6</sup>; or

ii. 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.

For **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or

ii. 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.



## Appendix 2 Housing Delivery Test: 2018 measurement

ONS code	Area Name	Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2018 measurement	Housing Delivery Test: 2018 consequence
		2015-16	2016-17	2017-18		2015-16	2016-17	2017-18			
E07000224	Arun	610	866	947	2,423	902	616	696	2,214	91%	Action Plan

Source: MHCLG HDT Results November 2018

Actual Completions Data from - WSCC RLA Excludes SDNP from 2012																						
	Years 1 - 5					Years 6-10					Years 11-15					Years 16-20						
	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031	Total	
Net Actual Completions and projected completions	722	475	359	601	890	622	704	519	558	1,715	1,523	1,596	1,766	1,725	1,629	1,651	1,569	1,272	1,125	929	21,950	
Annualised Requirement	610	610	610	610	610	930	930	930	930	930	1310	1310	1310	1310	1310	960	960	960	960	960	19050	

Source: Arun District Council AMR 2018

**Appendix 3: Comparison of Housing Land Supply (HLS) in the AMR 2018 with: the Adopted Arun Local Plan HLS (table 12.1); AMR 2018 5 y HLS (reported in Table 1); the adopted Arun Local Plan 2018 5 y HLS**

<b>Table 1 AMR 2018: Housing Land Supply update compared to Table 12.1 Housing Land Supply in the Adopted Arun Local Plan 2018 (ALP 2018).</b> Large Commitments, NP Allocations and HELAA sites all include a 10% slippage reduction		
	<b>AMR 2018</b>	<b>ALP 2018 Table 12.1</b>
Completions	4373	3669
Commitments (Large Sites)	3622	3050
Neighbourhood Plan Allocations	478	251
Deliverable HELAA Site	686	423
Commitments (Small Sites)	271	539
Non-Strategic Sites*	1250	1250
Windfall	761	847
Strategic Site Allocations	10510	10650
<b>Total</b>	<b>21951</b>	<b>20679</b>
*to be identified through new or revised neighbourhood plans or small sites allocation DPD <b>Table 1 AMR 2018: Updated 5 Year Housing Land Supply compared to ALP 2018 based on the 'Stepped Trajectory'</b> - Large Sites Commitments, NP Allocations and HELAA sites all include a 10% slippage reduction		
	<b>AMR 2018 5 yr HLS</b>	<b>ALP 2018 5 yr HLS</b>
<b>Stepped Trajectory Housing requirement 2018-2022 (930 x 3 + 1310 x 2 + 532 Shortfall*)</b>	5947	5336
5% Buffer	297	1067**
<b>Total Requirement 2018-2023</b>	<b>6244</b>	<b>6403</b>
<b>Large Site Commitments</b> (as at 31 <sup>st</sup> March 2018 from WSCC RLA data – Appendix 2)	2780	2256
<b>Small Site Commitments</b> (as at 31 <sup>st</sup> March 2018 from WSCC RLA data – Appendix 6)	271	251
<b>Windfall allowance</b> (as at 31 <sup>st</sup> March from WSCC RLA data – Appendix 6)	153	163
<b>Made Neighbourhood Plan Allocations</b> without planning permission as at 31 <sup>st</sup> March 2018 from HELAA – Appendix 5)	352	320
<b>Deliverable HELAA Sites within built up area</b> (if a HELAA site gained Planning permission after 31 <sup>st</sup> March 2018 it will still show in this category up until 31 <sup>st</sup> March 2019 when it will then move to the large commitments category – Appendix 4)	348	207
<b>Strategic Site Allocations</b> (without PP as at 31 <sup>st</sup> March 2018 – Appendix 3)	2007	3565
<b>Total Supply</b>	<b>5911</b>	<b>6762</b>
<b>Supply in years</b>	<b>4.7</b>	<b>5.3</b>

\*Shortfall calculated as follows: Stepped Trajectory Requirement for years 2011 -2018 was  $610 \times 5 + 930 \times 2 = 4905$  Less completions for years 2011-2018 = 4373 = **537**

*\*\*20% buffer*

