

**PROPOSED NEW DEVELOPMENT OF UP TO 475 RESIDENTIAL DWELLINGS
AND ASSOCIATED OPEN SPACE, ON LAND NORTH WEST OF GORING
RAILWAY STATION, GORING BY SEA WORTHING, WEST SUSSEX**

HOUSING NEEDS

REBUTTAL PROOF OF EVIDENCE OF

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**Worthing Borough Council ref: AWDM/1264/20).
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1.0 INTRODUCTION

1.1 This rebuttal proof of evidence relates to housing need issues. It responds to the proofs of Neil Tiley and James Stacey.

1.2 This rebuttal does not address the key issues relating to the 'planning balance' as this is set out in the evidence of my colleague Gary Peck.

1.3 In this rebuttal, I do not respond to each and every point on which I disagree but rather to those points where I consider that the Inspector would be assisted by a response. A lack of response to any specific point should not be taken as evidence that I accept it.

1.4 I confirm that I understand and have complied with my duty to the inquiry. The evidence that I provide in this rebuttal, and in my main proof of evidence, represents my genuine professional opinion and is given in accordance with the requirements of my professional body.

1.4 In summary, my response addresses the following topics:

2. Worthing Local Plan
3. Worthing Local Plan Sustainability Appraisal (SA)
4. Compliance with the NPPF
5. Built up area boundary
6. Housing Land Supply
7. Affordable Housing
8. Conclusions

LIST OF APPENDICES

2.0 Worthing Local Plan

- 2.1 It is relevant to note that the key points made within Mr Tiley's and Mr Stacey's proofs were raised within two separate representations submitted during the Regulation 19 consultation on the Submission Draft Worthing Local Plan (SDWLP) which ran between January and March 2021. These are appended to this rebuttal statement (appendix 1 & 2) and I will seek to add them to the Core Document library. They were also raised in the Matter Statements submitted by Persimmon and Pegasus (on behalf of Persimmon) to the Local Plan Inspector. These Matter Statements are also appended to this rebuttal statement as appendix 3 and 4 (and will, I anticipate, be added to the Core Document library).
- 2.2 Therefore the key points raised by the Appellant have already been considered by the Council and by the Local Plan Inspector during to the Local Plan Examination. The Inspector set out a number of questions relating to Housing Need within his Issues and Matters and the Council responded to these in full. Subsequently, these matter were discussed at length during the Hearing Sessions and consultants representing Persimmon Homes were present and participated at all relevant sessions including those relating to legal compliance and general matters (including the duty to cooperate and the sustainability appraisal); the broad spatial strategy (including policies SS4, SS5 and SS6); housing (including the housing requirement in policy SP2) and site allocations.
- 2.3 I note that the Planning Practice Guidance advises Local Plan Inspectors to identify any fundamental concerns at the earliest possible stage in the examination and that if the Inspector identifies fundamental issues with the plan, they may recommend that the plan should not be adopted by the local planning authority. In the context of that advice, it is highly relevant to note that the Inspector's post-hearing advice letter of 9 December 2021 does not raise any concerns about the proposed designation of the appeal site as a Local Green Gap in policy SS5 or as an area outside the built-up area, protected by policy SS4. Nor has the Inspector invited the Council to identify any additional sites for housing notwithstanding his understanding that the proposed housing requirement in policy SP2 would only meet 26% of Worthing's housing need. This is in contrast to the position in some other West Sussex authorities, where Local Plan Inspectors issued initial letters asking the Councils to identify additional housing sites such as Brighton and Hove, Lewes and Mid-Sussex

because they were not satisfied that the Councils had ‘left no stone unturned’ (the Inspector’s initial letters are appended to this rebuttal as appendix 5, 6 and 7 and will be added to the Core Document library). Specific questions posed by the Inspector in his Initial Matters, Issues and Questions included whether the spatial strategy for the broad location for development was appropriate and whether the strategic balance between development and the protection of the natural environment was appropriate and justified. The Appellant’s Regulation 19 representations and Matter Statements argued that the answer to both questions was ‘no’ and they presented extensive evidence to the Local Plan Inspector to suggest that the Council had not gone far enough towards meeting its housing needs and that the balance proposed by the Council between meeting needs and protecting the natural environment was “*wholly unsustainable*”. In particular, it argued that the designation of the appeal site as a Local Green Gap was unjustified and that that Council had not ‘left no stone unturned’ in seeking to meet its housing needs. The Council’s evidence to the Local Plan Inspector explained how the balance had been struck between meeting housing (and other) needs and protecting the natural environment. In my view, if the Local Plan Inspector had considered that the balance struck in the emerging Local Plan was inappropriate or in conflict with the NPPF’s emphasis on sustainable development, he would have directed the Council to identify additional sites for housing development, as the Appellant invited him to. That he has not done so is, in my view, significant.

2.4 The Adur Local Plan (ALP), adopted in 2017, is also of relevance and the Inspector’s report is attached to this rebuttal as Appendix 8. Adur District adjoins Worthing Borough Council to the east. The Inspector accepted that the ALP would result in a shortfall of over 3,100 dwellings when measured against need but that the approach was justified and sound bearing in mind evidence produced and endorsed the designation of green gaps notwithstanding Adur’s inability to meet its housing needs. I draw particular attention to the following paragraphs of the Inspector’s report:

[39] *‘I have placed significant weight on the need to boost significantly the supply of housing and to support sustainable development. However, paragraph 47 of the NPPF makes it clear that proposals for meeting housing need must be consistent with the policies set out in the Framework. With regards to the ALP*

there are two matters of particular importance- namely flood risk and the identification of green gaps between settlements (policy 14).'

[45] 'There has been very significant growth along this part of the south coast and in some places there is little to distinguish the start of one settlement from the finish of another. The identity of individual settlements is very much at risk and I saw on my travels that there are few gaps between settlements of much significance. On the basis that it is important for communities to retain their independent character and qualities I agree with the Council that the identification of local green gaps is a justified and necessary approach.'

[50] 'The objectives should be to significantly boost the supply of housing and to ensure full OAN is met but it is important to balance the acknowledged need for housing against other important objectives. In terms of Adur this balance needs to include the significant constraints to development in the District, in particular in terms of flood risk, ensuring the achievement of good design (bearing in mind the proximity of the South Downs National Park) and protecting the separate identity of settlements. Taken as a whole I am satisfied that the Council has sought opportunities to achieve the economic, social and environmental dimensions of sustainable development and that a satisfactory balance has been achieved.'

3.0 Worthing Local Plan Sustainability Appraisal (SA)

3.1 Mr Tiley's Proof (E2a and Section 3) states that the SDWLP has not been informed by an iterative SA which accords with regulatory requirements. I do not agree. Again, the Appellant made a number of criticisms of the SA in its Regulation 19 consultation response and its Matters Statements to the Local Plan Inspector. Again, it is relevant that this issue has been considered at length during the Local Plan Examination and the LP Inspector. In his initial letter of 9 December 2021, the Inspector considered the SA from paragraph 3 and explained that he was "*generally satisfied that the evidence base as a whole provides a clear, proportionate and robust basis for the preparation of the WLP. Overall, the justification for the Plan is reasonably clear*". In respect of the SA, he indicated that it was not as clear as it might be in identifying why certain opportunities were selected and others rejected and that it did not always fully explain how alternatives or policies had evolved or been refined since the production of the Draft Integrated Impact Assessment (DIIA). His advice to the

Council was that *“The SA would therefore benefit from clearer cross referencing to specific elements of the DIIA and/or other parts of the evidence base to assist readers. The Council may also consider whether it would be beneficial for the DIIA to form an appendix to the SA”* and that the final SA should clearly set out the reasons for selecting and rejecting options, albeit he said that this should not result in the need to prepare new evidence or alter any of the justifications that already exist in the evidence base (paragraph 8). The Council agrees that the SA, updated as suggested by the Local Plan Inspector to include clearer referencing and a clearer narrative for the reasons for selecting and rejecting sites will not result in the need to prepare additional evidence or alter the justifications that already exist in the evidence base. The Inspector’s letter invites the Council to inform him as a matter of urgency whether the updates to the SA highlight the potential for any changes to the Plan. The Council is currently undertaking the recommended updates to the SA and has not identified any further changes to the Plan that will be required as a result and so has not notified the Inspector that any further changes will be required as a result.

3.2 As established in a comprehensive evidence base the WLP is informed by a robust SA process. Very few objections to the Council’s SA were received at either the Reg 18 or Reg 19 stage.

3.3 Mr Tiley’s proof raises a query about the housing numbers being appraised through the SA in the DIIA and the Submission Plan. In response, the Council can confirm that the 4,232 figure in the DIIA assumed the allocation of 853 houses, matching the figure in policy SP3 of the Draft Local Plan (DLP), which provided (at Regulation 18 stage). In fact, the SDWLP Policy SS2 allocates sites for a total of 1,753 homes. Therefore the SDWLP is allocating more homes than the 2018 draft version.

3.4 The additional 900 homes allocated in the SDWLP are from:

- Amending areas of change to allocations (Centenary House - and increasing to 250, Lyndhurst Rd - and increasing to 150, Stagecoach - 60 and Barrington Road - 250).
- Caravan Club - increase from 75 to 100 = 25
- Fulbeck - increase from 50 to 120 = 70
- Teville Gate - reduction from 300 to 250 = -50

- Union Place - increase from 128 to 150 = 22
- Grafton - increase from 113 to 150 = 37
- Civic centre - reduction from 64 to 0 = -64
- Inclusion of Beeches Avenue with 90
- Inclusion of Titnore Lane with 60

3.5 How these changes are accounted for and the way in which they were considered through the SA is set out in table 6 within the SA Report.

4.0 Compliance with the NPPF

4.1 Mr Tiley's Proof (E2b / E2c and Section 3) states that the WLP does not meet the tests established in 11 b) of NPPF. The Council disagrees. A significant proportion of the WLP Examination and related Hearing Sessions focussed on this test. The Inspector has given no indication to suggest the Council has failed to comply with the NPPF; has not suggested that the Council should identify additional housing sites; and has, in fact, suggested the removal of one of the proposed edge of town housing allocations (A13 – Titnore Lane) due to environmental sensitivities. This suggests that, rather than the Council adopting an unduly restrictive approach to meeting its housing needs, it has perhaps been overly optimistic in seeking to meet those needs by identifying for allocation a site which the Inspector considers should be protected from development because of the need to protect the natural environment.

4.2 Mr Tiley's Proof (E2d and Section 3) also raises concerns relating to the Council's compliance with Duty to Co-operate; in that unmet housing needs have not been satisfactorily dealt with. Again, those submissions were made to the Local Plan Inspector by the Appellant. The Council recognises that unmet housing need is a strategic matter that must be addressed through the legal tests established by the Duty to Co-operate. The Council has presented detailed and robust evidence to demonstrate to the Local Plan Inspector how the DTC has been met. The WLP Inspector raised a number of questions relating to the DTC prior to the Hearing Sessions and the Council responded to these matters in full. The DTC was then discussed at length during the Hearing Sessions. The Inspector has not raised any concerns relating to the 'Duty' within his Post Hearing Advice Letter to the Council.

4.3 Mr Tiley's Proof (E2e) states that the WLP will significantly reduce the supply of homes contrary to paragraph 60 of the NPPF. The Council does not accept that to be the case. It is not right to say that a Local Plan that has been positively prepared and seeks to deliver an additional 230 dw/year could be seen to be 'reducing' the supply of homes. It appears that the crux of the Appellant's case is that sustainable development means meeting housing needs in full. However, that fails to acknowledge that sustainable development requires the balancing of sometimes competing considerations and needs. Whether the SDWLP strikes the right balance is a key consideration for the Local Plan Inspector that is the heart of the Local Plan examination. The Council has presented considerable evidence to support the balance adopted in the SDWLP between meeting housing needs and protecting the natural environment, including through countryside protection and local green gap policies. It is confident that its evidence base supports the balance that has been struck and the Inspector's initial letter indicates that he accepts that position. Where, for example, the Inspector has concerns about the appropriateness of protective policies or the relevant boundaries, he can be expected to have raised them in his initial letter, as he did in respect of the Local Green Space policy in SS6. That he has raised no such concerns in respect of policy SS4 or the Local Green Gap policy SS5 is, in my view, telling.

5.0 Built Up Area Boundary (BUAB)

5.1 Paragraph 3.15 of Mr Tiley's proof states that the Council will '*never allow housing beyond the existing built up area*'. That is not borne out by the evidence. Given the very high levels of housing need and the limited number of available sites the Council 'left no stone unturned' when preparing the LP and considering all development opportunities including sites outside the Built Up Area Boundary. Following a positive review of all potential sites outside the BUAB a total of 6 edge of settlement opportunities for development were proposed as allocations within the SDWLP (proposed allocations A1, A2, A5, A6, A13, A15). The allocation of three of these sites (A1, A2 and A15) would result in an extension to the existing BUA.

6.0 Housing Land Supply

- 6.1 It is agreed between the Council and the Appellant that there is a significant level of unmet need in Worthing (over 10,000 dwellings). Whilst the Appellant has raised some concerns about some of the calculations and assumptions that have informed the Housing Land Supply (HLS) the difference between the parties is, in reality, very minimal. The difference between the Council's assumptions (1.81 year) and the Appellant's assumption (1.49 year) amounts to 0.32 year supply. In some respects a slight differential could be expected as determining housing supply is not an exact science and it is not uncommon for parties to adopt slightly different interpretations of an assumption or the estimated delivery timeframe of an individual site.
- 6.2 With regards to the supply of housing the key difference between the Council's calculations and those made by Mr Tiley is whether SHLAA sites (without PP) not allocated within the emerging Local Plan should be included within the HLS. The Council has consistently taken the approach that certain sites should be included providing there is clear evidence to demonstrate that they meet the respective 'delivery' tests. This approach has been accepted before (e.g. Worthing Core Strategy and Adur Local Plan) and there is no indication that the WLP Inspector will not accept this again.
- 6.3 With regards to the approach to SHLAA sites recent updates to the SHLAA methodology to reflect the updated NPPF (2019) set out how the Council assesses sites and determines their status. The assessment process set out in Stage 2 of the SHLAA methodology (pages 11-17) was not challenged. This stated that, to be considered deliverable (i.e. having a realistic prospect of being delivered within 5 years) a site should be 'available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years.' In summary, the sites that do not have planning permission at the base date are expected to gain permission and are considered to meet the test of deliverability based on robust evidence.
- 6.4 The Council considers that the approach taken meets with the definition of 'deliverable' is set out within Annex 2 of the National Planning Policy Framework. Since the publication of the NPPF there have been two competing interpretations on the definition and what can be included within a housing land supply. There is a 'closed list' interpretation which means the only types of sites you can include are those specified under 'A' and 'B' of the NPPF definition.

This is the position that is advanced by Mr Stacey. However, importantly, the NPPF does not say that only sites that meet the 'A' and 'B' definition should be considered. In response to this, and to reflect the type and character of potential development sites in and around Worthing the Council considers a slightly wider range of site. This 'open list' interpretation is one that includes sites within the land supply subject to there being sufficient evidence and an appropriate degree of confidence in delivery (noting that predicting future events can never be done with certainty).

6.5 Paragraphs 7.5 – 7.11 of Mr Tiley's proof suggests that the Council's 5 year HLS calculation is incorrect against the Standard Method and that actually the requirement under the SM is lower than calculated. If he was right about that, the Council's housing land supply would actually increase. However, it should be noted that the WLP Inspector considered representations made on this issue and did not challenge the Council's approach.

6.6 Paragraphs 7.24 – 7.30 of Mr Tiley's proof suggest that the planning permission for a number of sites has expired or that they remain unimplemented. In order to monitor effectively Worthing BC relies primarily on West Sussex County data along with a mix of site visits and information from the local authority records. The Council is aware that in some instances, planning permissions have been extended due to Covid and there is no reason to suggest that the general assumptions made by the Council are incorrect. However, sites and their respective permissions will continue to be reviewed regularly.

6.7 Paragraph 7.31-34 of Mr Tiley's proof states that a number of sites included in the supply sites postdate the base date. (Note - the Council believes that paragraph 7.32 contains an error in that the base date referred to should read 1st April 2020 and not 1st April 2010). These sites were not challenged at examination and the Council has previously responded to their status

6.8 Paragraph 7.42 of Mr Tiley's proof refers to the refusal of the Former Canteen and suggests that, as a consequence, it is not suitable and should not be included in the HLS calculations. However, the refusal was related to the scale and design of the proposed development (not the principle of development) and discussions with Development Management officers concluded that with revisions to the proposed design a suitable residential scheme could be

achieved. There is no reason to remove this site (and the related housing delivery assumption) from the trajectory. The Council is of the view that this is a good example where local knowledge is an important factor when making assumptions about the prospect of development at any particular site.

6.9 Paragraph 7.47-7.53 of Mr Tiley's proof question the deliverability of some of the proposed housing allocations. In response to this the Council has taken a consistent and robust approach and this has supported the delivery assumptions that have been reached. All site delivery assumptions were tested thoroughly at the WLP Examination and, other than a couple of minor adjustments suggested by the Inspector, there is no indication that he will not accept that Council's position.

7.0 Affordable Housing

7.1 With reference to the Affordable Housing Proof prepared by James Stacy the Council has no reason to question the headline figures. The key conclusion he reaches is that Worthing has a significant shortfall of affordable homes and no prospect of meeting identified needs. The Council does not dispute this.

7.2 Whilst the Council does not challenge the overarching conclusions reached within this proof, some key points are set out below in relation to the provision of affordable housing in the Borough.

- It is agreed that the appeal decisions referred to in Mr Stacey's proof all of some relevance. However, it has to be borne in mind that the context and specific circumstances for some of these is different to the context for Worthing.
- Section 6 of the proof challenges the Council on its record of delivery of affordable housing. In this context it should be noted that the Council presses hard to deliver and meet AH policy requirements in full. However, the Council has accepted a reduced delivery level on some sites where viability evidence (checked and validated by independent specialists) justifies a reduced rate. Affordable housing provision is always subject to viability and the Council cannot insist on contributions that would render development unviable.
- Paragraph 6.11 of Mr Stacey's proof states that Worthing Borough Council has added just 57 (net) affordable dwellings per annum, equivalent to 18% of the total number of net housing completions. Whilst the headline figure of 18% would appear to indicate a significant under-provision against the local AH policy it should be borne in mind that this is

a proportion of all housing completions which will include a significant number of developments that fall under the AH policy threshold along with other developments that are exempt from AH provision on other grounds.

- In respect of paragraph 6.20 of Mr Stacey's proof, I question why any shortfall has to be considered within the first 5 years. The WLP Inspector did not suggest that should be case.
- There is no reference made within the proof to the proactive work being done by the Council and its partners to bring forward AH schemes. The Council has set up a cross service group to address the significant shortfall of affordable housing provision across the borough. The primary focus of the affordable homes delivery group is to identify opportunities for the delivery of affordable homes through more efficient use of Council owned land, together with the acquisition of land and premises for redevelopment.
- As to the reference to the West Durrington development in Worthing (Para 8.30), this is addressed in Gary Peck's rebuttal which explains the context of the 'Potential Future Development Area' at West Durrington and the specific circumstances which justified bringing it forward for development in advance of the Local Plan.

8.0 Conclusion

8.1 This rebuttal has sought to assist the Inspector by responding to matters raised in the Appellant's Proofs of Evidence that warrant further comment and clarification.

8.2 The key points made within Mr Tiley's and Mr Stacey's proofs were raised within representations submitted during the Regulation 19 consultation on the Submission Draft Worthing Local Plan. Therefore the key principles now being highlighted by the appellant have already been considered by the Council and, most importantly, by the Local Plan Inspector during to the Local Plan Examination. The Council has received the Inspector's Post Hearing Advice Letter that sets out the additional work that the Inspector feels are required to make the Plan sound and legally compliant. The Council is of the view that it the letter provides strong inference as to the areas of the Plan that Inspector is very likely to support without the need for significant modification.

8.3 Mr Tiley's proof highlights concerns relating to the Local Plan Sustainability Appraisal. Some of these reflect some similar issues set out in the Inspector's Post Hearing Advice Letter. The Council feels that all of these concerns can be addressed through some additional work (which is on-going) which will be in line

with regulatory requirements and will fully explain how alternatives and policies evolved.

- 8.4 Throughout the preparation of the Local Plan the Council has taken a positive approach to development and has shown that no stone has been left unturned when considering potential development sites. The Council is of the view that this approach and the related housing land supply calculations are in full compliance with the requirements of the NPPF. This was a key topic throughout the Local Plan Examination and the Inspector has not raised any significant soundness concerns with the approach that has been taken.

LIST OF APPENDICES

Appendix 1	Pegasus Regulation 19 response to SDWLP
Appendix 2	Persimmon Regulation 19 response to SDWLP
Appendix 3	Pegasus submission to LP Inspector on behalf of Persimmon
Appendix 4	Persimmon Combined Statements to LP Inspector
Appendix 5	Brighton and Hove LP Inspector's Initial Conclusions
Appendix 6	Lewes LP Inspector's Initial Conclusions
Appendix 7	Mid Sussex LP Inspector's Initial Conclusions
Appendix 8	Adur Local Plan Inspector's Report