

WORTHING LOCAL PLAN 2020-2026 EXAMINATION

MATTER 1 OF THE INSPECTOR'S INITIAL MATTERS, ISSUES AND QUESTIONS TO THE COUNCIL

ON BEHALF OF: PERSIMMON HOMES

Pegasus Group

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1. INTRODUCTION

- 1.1.1 Pegasus Group welcomes the opportunity to submit representations to the examination of the emerging Worthing Borough Council Local Plan 2020-36 (WLP). These representations are made on behalf of Persimmon Homes and relate to the proposed residential development of land at Chatsmore Farm (aka Land North West of Goring Railway Station).
- 1.1.2 An outline planning application (ref: AWDM/1264/20) for the mixed use development of this site comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre with associated car parking, car parking for adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities was refused by the LPA and is currently the subject of a S78 appeal. It will be heard at a public inquiry in January 2022.
- 1.1.3 These representations on Matter 1 summarise and build upon those set out in response to the consultation on the Submission Draft of the WLP as well as addressing some newly arising issues. These do not replace and should be read alongside the previous representations.
- 1.1.4 Separate Hearing Statements in respect of Matters 2, 3 and 5 accompany these representations.

2. MATTER 1 LEGAL COMPLAINT AND GENERAL MATTERS

ISSUE 1 WHETHER THE COUNCIL HAS COMPLIED WITH THE DUTY TO COOPERATE (DTC¹) IN PREPARING THE WLP?

2.1 Question 1 - Is there any substantive evidence to demonstrate that, during the preparation of the Plan, the Council failed to engage constructively, actively and on an on-going basis with relevant authorities and prescribed bodies on 'strategic matters' applicable to the WLP?

2.1.1 Pegasus Group's representations to the Regulation 19 consultation regarding the Duty to Co-operate are not contained within Schedule 1 of the Council's Statement of Consultation, therefore Pegasus Group have not had the benefit of analysing the officers' response on this matter. Accordingly, there is no evidence that the Council has paid regard to these representations as required by Regulation 18(3) of the Town and Country Planning Act 2012 (as revised).

2.1.2 In the Response to IL01 the Council has provided additional evidence in respect of the Duty to Co-operate. The Council's response largely summaries that already contained within the Duty to Cooperate Statement² and its addendum³. Some additional evidence on engagement with Horsham DC and Arun DC is provided. There is a suggestion that Horsham DC may seek to meet an element of the unmet housing need arising from the Coastal West Sussex (potentially including a proportion of Worthing's unmet need), to be confirmed through the local plan process. However, the Council response also states that the level of provision is likely to be 'fairly limited'. In respect of Arun DC, the statement confirms that currently it is not in a position to provide for any additional housing to meet any of Worthing's shortfall.

2.1.3 The Council's Response to IL01⁴ recognises that no opportunities to provide for the unmet needs of Worthing have been identified by other LPAs.

2.1.4 The NPPF at paragraph 35 states that Plans will be found sound if, inter alia, they 'are informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development', and 'based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.'

¹ Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).

² CD/H/10.

³ CD/H/11.

⁴ See paragraph 3.21.

2.1.5 The PPG (61-022) provides guidance on how the duty to cooperate will be considered at Examination stating:

“Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them.”

2.1.6 Given the long-known shortfall and the requirement in the NPPF and PPG to address strategic matters through joint working, it is astonishing that the Council seek to defer addressing this through LSS3 and Local Plan Reviews in the Response to IL01⁵.

2.1.7 In simple terms, the issue of meeting unmet needs in Worthing are not proposed to be addressed in this Local Plan and, in the continued absence of effective joint-working to date, it is not even clear that these will be addressed in subsequent plans, which itself would not be sound according to paragraph 35c of the NPPF.

2.1.8 The previous representations of Pegasus Group outlined the deficiencies of the LSS⁶. The Coastal West Sussex and Greater Brighton LPAs agreed to explore options to prepare an LSS3 in May 2017 according to the Duty to Cooperate Statement⁷. In the Council's Response to IL01⁸, it is stated that a SoCG has been prepared with a work programme for LSS3. At the current time this Statement of Common Ground is not available contrary to paragraph 27 of the NPPF.

2.1.9 In summary, over four years since discussions took place to update the LSS, no meaningful progress has been made and the unmet needs have not been addressed as required by paragraph 35 of the NPPF. Given the significant unmet and longstanding need in Worthing and the wider sub-area⁹, the continued reliance upon a future document which has not been progressed and that is not even in draft format amounts to a dereliction of the Duty to Cooperate.

⁵ See paragraph 3.22.

⁶ See paragraphs 7.16 to 7.29.

⁷ See paragraph 5.15 of CD/H/10.

⁸ See paragraph 3.23.

⁹ Of c.50,000 homes as set out in paragraph 7.5 of the previous representations of Pegasus Group.

- 2.1.10 Furthermore, the LSS is intended to cover the period 2030-50, and therefore does not cover the relevant period in which the unmet needs arise. This will not even provide a solution in the near-future let alone for the purposes of the emerging WLP. Even if the LSS were considered sufficient, it still defers meeting needs rather than addressing them contrary to paragraph 35 of the NPPF.
- 2.1.11 Constrained housing delivery also prejudices the ability of the Council to address other needs including economic needs within the Borough. In the Response to IL01 the Council state¹⁰:
- “The Council recognises that the identified need for new homes is exceptionally high but nurturing and growing the local economy is also important for the town’s economic wellbeing and to offer opportunities for the younger population to be able to study and work within their own community rather than having to move out of the locality.”**
- 2.1.12 This statement illogically suggests that with an exceptional under-provision of housing, providing the economy grows the younger population will be able to remain in the area, when in reality precisely the opposite will happen as the younger population will need to move out of the Borough to secure their housing needs. The need to provide housing for this population should again have been addressed under the duty to cooperate.
- 2.1.13 As addressed in response to Matter 3, the WLP makes provision for economic growth in excess of that can be supported by the planned delivery of housing. The consequences include that either the planned economic growth will not be realised due to the constrained growth in the workforce, or if it is able to be realised then this will rely upon workers in-commuting from neighbouring authorities to the potential detriment of fulfilling their own planned economic growth and increasing the need to travel contrary to paragraph 105 of the NPPF which seeks to reduce congestion and emissions, and improve air quality and public health
- 2.1.14 The need to accommodate the workforce necessary to support the proposed economic growth of Worthing outside of the Borough and the need to provide sustainable transport opportunities for this workforce to commute into Worthing Borough are strategic matters which again do not appear to have

¹⁰ At paragraph 4.15.

been addressed under the duty to cooperate. Therefore, the duty has not been met for this reason also.

- 2.1.15 The unmet housing need is a strategic matter which will have overwhelming adverse effects on households locally, sub-regionally and regionally for decades to come. Similarly, there will unintended consequences for the economy. The position can only be rectified by maximising the supply in individual LPAs and then by addressing any remaining unmet needs through meaningful and effective cooperation under the duty to cooperate.
- 2.1.16 The Council have pointed out in the Response to IL01 that the Inspectors to the respective Local Plans of Lewes (2016), Brighton & Hove (2016), Adur (2017) and the South Downs National Park (2019) have accepted they were unable to deliver a level of development to meet their own housing needs.
- 2.1.17 It should be noted that all of these Plans were examined under the NPPF of 2012¹¹ rather than under the current NPPF which now includes the requirements to address rather than defer unmet needs¹² and for Statements of Common Ground to be prepared to demonstrate effective and on-going joint working¹³ (paragraph 27), as well as before the publication of paragraph 61-022 of the PPG in 2019 which articulates how Inspectors should consider the deferral of unmet needs.
- 2.1.18 In respect of the South Downs Local Plan the Inspector identified that all of the unmet needs were planned to be accommodated by other LPAs such that the circumstances are not comparable to those in Worthing.
- 2.1.19 In the other plans, each Inspector not only examined these under the former NPPF but also relied upon evidence of on-going joint work of the SPB.
- 2.1.20 The conclusion of the Inspector of the Adur Local Plan published in September 2017 is particularly instructive in considering the position of the WLP. The Inspector provided four reasons why it was appropriate to progress the Adur Local Plan, namely, the commitment to LSS3, the reliance upon other LPAs to address the unmet needs, the benefit of implementing other policies in the Adur Local Plan, and the commitment to an early review of the Adur Local Plan.

¹¹ The South Downs Local Plan was examined under the transitional arrangements.

¹² See paragraph 35c.

¹³ See paragraph 27.

None of these now stand up to scrutiny in light of the subsequent amendments to national policy, and the subsequent progress on these documents.

- 2.1.21 Since the Adur Inspector's Report in 2017 no meaningful progress has been made on LSS3 and had the Inspector known that this would be the case, it may have been concluded that the continued reliance on a proposed document which has yet to even be drafted in the subsequent 4 years may not have been considered sufficient even under the former NPPF.
- 2.1.22 Whilst the Inspector concluded that Adur was reliant upon other LPAs addressing the unmet needs, paragraph 35c of the NPPF now requires that where there are such unmet needs, these should be addressed rather than being deferred, and so the Inspector's conclusion does not accord with the current NPPF.
- 2.1.23 The Inspector also considered that the benefits of progressing the Adur Local Plan outweighed any issues of soundness or procedural issues. Such benefits can never make an unsound or unlawful Plan sound, and in any event, such an approach would not apply to the WLP given that the proposals in the WLP including Policies SS4, SS5 and SS6 actively seek to constrain housing delivery and so are unbeneficial.
- 2.1.24 Finally, little progress, if any, has been made in respect of the early review of the ALP. The latest Adur LDS published in April 2018 states 'there is no formal timetable as yet'.
- 2.1.25 In summary, each of the justifications of the Adur and previous Inspectors within the sub-region are now unsupportable as a result of the new NPPF and the circumstances which prevail in Worthing.
- 2.1.26 It is now clear that the Government requires LPAs to work together to solve issues of joint responsibility. Currently, the only way this is tested is through the assessment of the duty at the Examination in Public of individual local plans. There is a collective failure of the SPB authorities to address housing need to date. Worthing may argue they have tried 'their best', but unless serious action is taken through the WLP or through the duty and housing needs are addressed rather than being deferred, the problem of not meeting the housing need will persist for years to come with the inevitable social, economic and environmental consequences.

Statements of Common Ground

- 2.1.27 Since the publication of the Regulation 19 Consultation, Worthing have published several signed SoCGs with neighbouring authorities: Adur DC, Arun DC, Brighton and Hove CC, Chichester DC, Crawley BC, Horsham DC, Lewes DC, Mid-Sussex DC, South Downs National Park, and West Sussex County Council. These are variously dated May or early June 2021. These have not been produced throughout the plan-making process as required by paragraph 27 of the NPPF but have rather been retrospectively agreed to address a fundamentally failing of the duty. As previously highlighted, there is also no SoCG with the Strategic Planning Board. Also, there are no SoCGs with LPAs outside of CWS&GB, despite the existence of an unmet need in the sub-region which would as a matter of necessity need to be considered by those LPAs outside the sub-region.
- 2.1.28 The signed SOCGs are largely a statement of relative positions of the authorities in the Plan making process. Only the SoCG with Horsham DC gives any positivity about meeting unmet needs, but it only commits to exploring the extent to which such unmet needs can be accommodated.
- 2.1.29 In the previous representations of Pegasus Group, the failings in respect of the publication of SoCGs was highlighted¹⁴. The new SoCGs do not address these failings.
- 2.1.30 The SoCGs do however include the following statement:
- “In summary, the parties agree that (inter alia): given the levels of housing shortfall acknowledged in the Worthing Local Plan, Worthing BC should continue to pursue every opportunity to deliver sustainable development and, if possible where opportunities arise, increase the level of housing delivery over the Local Plan period.”** (our emphasis)
- 2.1.31 As set out elsewhere in these representations, the WLP does precisely the opposite and seeks to introduce additional constraints to housing delivery, which prevent any opportunities for the development necessary to meet the needs of the present or those of the future, and thus Worthing DC have signed a SOCG at odds with their own submitted Plan.

¹⁴ See paragraph 7.31.

ISSUE 2 - Whether the Council has complied in all other respects with the legal and procedural requirements in preparing the WLP?

Sustainability Appraisal

2.2 Question 2: Has the formulation of the WLP been based on a sound process of sustainability appraisal (SA), as set out in the Submission SA Report [CD/H/14] and Draft Integrated Impact Assessment (DIIA) [CD/F/8]? In particular:

i. Has the SA been prepared in accordance with The Environmental Assessment of Plans and Programmes Regulations 2004?

ii. Does the SA test the Plan against reasonable alternatives in terms of the overall strategy for growth and development, site allocations and policies?

iii. Has the SA been robustly prepared with a comparative and equal assessment of each reasonable alternative?

iv. Is the SA decision making and scoring robust, justified and transparent?

v. Has the Council provided clear reasons for not selecting reasonable alternatives?

vi. Is it clear how the SA influenced the WLP strategy, policies and proposals and how mitigation measures have been taken account of?

2.2.1 Pegasus Group's representations regarding the Sustainability Appraisal are not contained within Schedule 1 of the Council's Statement of Consultation, and therefore Pegasus Group have not had the benefit of analysing the officers' response on this matter. Accordingly, there is no evidence that the Council has paid regard to these representations as required by Regulation 18(3) of the Town and Country Planning Act 2012 (as revised).

2.2.2 The failings of the Sustainability Appraisal are addressed comprehensively in the previous representations of Pegasus Group and so are not repeated here. However, some additional points are drawn out below in response to newly arising information.

2.2.3 As highlighted in the previous representations there is a disjoint between the DIIA 2018¹⁵ and the Submission SA Report 2021 (SA)¹⁶. In the Response to IL01 the Council concede that analysis was not carried forward from the DIIA into the SA, but 'cross reference is made to the earlier report in paragraph

¹⁵ CD/F/8.

¹⁶ CD/H/14.

5.2.2 of the Submission SA Report.' Table 6 of the SA details changes to the WLP and implications for the SA, rather than undertaking a full assessment. The Sustainability Appraisal has not therefore identified, described or evaluated the likely significant effects on the environment of implementing the WLP as required by Regulation 12(2) of the Environmental Assessment of Plans and Programs Regulations contrary to paragraph 32 of the NPPF. Of significant concern in this respect is that the WLP proposed housing requirement of 3,672 homes over the period 2020-36 has not been subject to a Sustainability Appraisal.

2.2.4 The DIIA (and by consequence the SA) fails to assess the impacts of meeting, or not meeting, the unmet need in other LPAs. At the very least it should be a factor in the assessment of Policy SP3.

2.2.5 The DIIA and SA limit the testing of reasonable alternatives by reference to site capacity within the Borough. This is particularly notable in relation to the provision of employment land (vis-à-vis housing provision). In response to the Inspectors' Initial questions the Council responded by stating 'it is considered that the approach taken in the Submission Draft Worthing Local Plan to setting the employment floorspace target was, given the limited land available, the only option available which provides an appropriate and sensible balance between housing and employment growth in line with NPPF requirements'. However as detailed above the lower housing requirement as proposed in the WLP has not been fully assessed through the SA. This in turn leads to doubts over the robustness of not assessing alternative employment floorspace targets.

2.2.6 The previous representations of Pegasus Group outline significant concerns as to the robustness of the DIIA overall¹⁷ in relation to site selection, particularly to the omission of the allocation of the site at Chatsmore Farm and are not repeated here. It is disappointing the Council has not addressed these significant concerns.

2.2.7 The DIIA is not consistent in its approach to site assessments. Table 10 of the DIIA in relation to Option 3 states:

"Option 3: Evidence led approach: This option has taken into account findings of evidence studies. As such the developable area of some sites has been reduced to allow

¹⁷ See paragraphs 6.7 to 6.13.

sufficient mitigation and buffers. In addition a number of sites included in Option 2 have been excluded. (emphasis added)

- 2.2.8 However, the Options appraisal for the site at Chatsmore Farm (PA2, page 57) is a binary choice between protecting the site and allocating the whole site. As such the site selection process demonstrably ignores the opportunities for different scales of development and potential enhancements and as such the WLP has not been positively prepared. It also does not take account of the opportunities for mitigation and so is not justified.

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1. INTRODUCTION

- 1.1.1 Pegasus Group welcomes the opportunity to submit representations to the examination of the emerging Worthing Borough Council Local Plan 2020-36 (WLP). These representations are made on behalf of Persimmon Homes and relate to the proposed residential development of land at Chatsmore Farm (aka Land North West of Goring Railway Station).
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2. **MATTER 2 – BROAD SPATIAL STRATEGY AND STRATEGIC POLICIES**

ISSUE 1 - WHETHER THE SPATIAL STRATEGY OF THE WLP HAS BEEN POSITIVELY PREPARED, IS JUSTIFIED, EFFECTIVE AND WILL ENABLE THE DELIVERY OF SUSTAINABLE DEVELOPMENT IN ACCORDANCE WITH NATIONAL POLICY?

The Overall Spatial Strategy

2.1 **Question 13: Is the spatial strategy for the broad location of development in Worthing, set out in Policy SS1, justified and appropriate for the sustainable development of the area when considered against reasonable alternatives? What alternatives were considered by the Council in terms of options for spatial distribution and why were these rejected?**

2.1.1 The WLP states¹ that in response to the need to meet as much as possible of the housing need, there is a need to look positively at the development potential. This proposal is laudable but is not taken forward into the Spatial Strategy. The strategy only provides for 26% of the housing needs of local communities and seeks to avoid meeting the needs of the remaining 74% without positively considering or facilitating other development options. As a result, Policy SS1 is not consistent with national policy, it does not provide for sustainable development, and does not meet any of the tests of soundness.

Modifications required

2.1.2 To provide a sound WLP, all options for the development necessary to better respond to housing need should be explored applying the tests of paragraph 11b of the NPPF. This is likely to result in the identification of additional allocations within the Borough. Any residual unmet needs should then be actively addressed under the duty to cooperate rather than being deferred in accordance with paragraph 35c of the NPPF.

¹ In paragraph 3.9.

2.2 Question 14: Is the strategic balance between development and the protection of the natural environment, including areas identified by policies SS4, SS5 and SS6, leisure and recreation uses and/or heritage assets appropriate and justified?

2.2.1 As highlighted elsewhere in these representations²:

- i. Paragraph 11b of the NPPF requires that as a minimum objectively assessed needs are met in full unless either specified policies in the NPPF³ provide a strong reason for restricting development, or any adverse effects would significantly and demonstrably outweigh the benefits;
- ii. No assessment has been undertaken as to whether either of these conditions are satisfied;
- iii. On some of the sites outside of the Built Up Area⁴, none of the specified policies of the NPPF provide a strong reason for restricting the scale of growth to the extent proposed and it would be unarguable to suggest that any limited adverse effects would come close to significantly and demonstrably outweighing the benefits, including environmental benefits, provided by such opportunities;
- iv. Accordingly, the balance between development and the protection of the environment⁵ required by the NPPF has not been applied, such that the balance proposed by the WLP is wholly unsustainable;
- v. This is then compounded by the unjustified and unsustainable proposed introduction of policies which serve to place an additional constraint on the delivery of housing to meet the exceptional housing needs⁶.

2.2.2 Therefore, the strategic balance between development and the protection of the natural environment is not positive, appropriate, justified or consistent with national policy.

² Under Matter 3.

³ Rather than those in adopted or emerging Development Plans.

⁴ Including Chatsmore Farm.

⁵ Even assuming that additional development would necessarily result in net adverse effects to the environment, notwithstanding that development can protect existing assets, provide net biodiversity gains, enhance flood protection, complement and reinforce the existing landscape, provide additional recreational opportunities, provide the opportunity to reduce the reliance on the private car etc, etc.

⁶ As recognised in paragraph 4.15 of the Council's Response to IL01.

Modifications required

2.2.3 As set out in response to Q13.

2.3 Question 15: Is the strategic balance between housing and other land uses appropriate and justified?

2.3.1 The WLP suggests that it will plan positively for sustainable economic growth, including fulfilling the sub-regional retail role of Worthing⁷ and promoting and enhancing the economic role of the town⁸.

2.3.2 As addressed in response to Matter 3, the constrained housing requirement will constrain the workforce, the disposable income and patronage, thereby constraining the economic growth of the Borough, contrary to the Vision of the WLP and paragraph 81 of the NPPF.

2.3.3 If notwithstanding the constraint in the resident workforce and the resident number of consumers, economic growth is able to be supported, this would require a significant number of additional trips from neighbouring authorities with implications for their own local economies. It would also be contrary to paragraph 105 of the NPPF as it would significantly increase the need to travel with consequent effects on emissions and congestion. Either way, as a result of the constrained housing requirement, the approach in the WLP to the balance between housing and other land uses is internally inconsistent, ineffective, unjustified, not positive and contrary to national policy.

Modifications required

2.3.4 To address this inconsistency, additional housing will need to be provided to support the economy as proposed.

2.3.5 Alternatively, the economic ambitions of the WLP will need to be modified accordingly, particularly Visions V1, V2, V5, Strategic Objectives SO3, SO8, SO9, SO10, SO14, SO20, Policies SS1a, SS1b, SS2b, SS3a, SS3b, SS3c, and DM10, but the provision of housing to facilitate economic growth must surely be the preferred approach.

⁷ See Policy SS3.

⁸ See paragraph 5.128.

2.4 ISSUE 2 - WHETHER POLICIES SP1, SP2 AND SP3 ARE JUSTIFIED, POSTIVELY PREPARED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY?

2.4 Question 21: Is Policy SP1 necessary and does it serve a clear purpose, or does it duplicate the policies in the NPPF on sustainable development and decision-making? What is the justification for suggested modifications M1 and M1(a) and are they necessary for soundness?

2.4.1 Policy SP1 embeds the presumption in favour of sustainable development within the WLP. Applications that accord with 11c or 11d of the NPPF will be considered to be in accordance with the Development Plan as a whole, ensuring that the presumption is more than just a material consideration. This is to be strongly supported.

2.4.2 Modifications 1 and 1a are necessary for the WLP to be consistent with national policy and to be sound.

2.4.3 However, the Policy still needs to be modified to accord with paragraph 11c of the NPPF.

Modifications required

2.4.4 The Policy needs to be reworded as follows:

“Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in made Neighbourhood Plans) will be approved without delay, ~~unless material considerations indicate otherwise.~~”

2.5 Question 23: In Policy SP3, what is the role of the Adur and Worthing Council's Public Health Strategy? Does this identify specific needs that should be reflected in the Plan? Is criterion a. justified in expecting all new development to address health and well-being needs?

2.5.1 Policy SP3 is ineffective and unsound as it fails to acknowledge the necessity of providing sufficient housing to support the health of communities. As referenced in the previous representations the relationship between poor health and lack of access to suitable housing is well documented and is rightly recognised in the WLP⁹.

Modifications required

2.5.2 A new clause should be inserted:

"Sufficient housing should be planned to meet the needs of all communities to reduce the health impacts associated with overcrowding, homelessness and unsuitable housing by taking advantage of additional opportunities for residential development where these arise."

⁹ See paragraph 2.24.

ISSUE 3 - WHETHER POLICIES SS4, SS5 AND SS6 ARE JUSTIFIED, POSITIVELY PREPARED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY?

Countryside and Undeveloped Coast (Policy SS4)

- 2.6 Question 25: Is criterion b. justified in expecting all development in the countryside to demonstrate that a countryside location is essential to the proposed use and that it cannot be located in the built-up area? Are there no forms of development that would be considered acceptable in principle within the countryside? In this regard, is Policy SS4 internally consistent and compatible with controls set out in policies SS5 and SS6?**
- 2.6.1 Policy SS4, and particularly part b is unjustified and unsustainable. It prevents any sustainable opportunity to respond to the exceptional unmet need being accommodated within the Borough on land outside the Built Up Area (BUA). Such a Policy will not only fail to meet the needs of the present or future but will actively constrain those needs being met.
- 2.6.2 Such a blanket ban on residential development is not only unsustainable, but it is contrary to paragraphs 72 and 78 of the NPPF¹⁰.
- 2.6.3 The identified justifications for Policy SS4 also do not stand up to scrutiny. It is not a very small resource which is necessary to provide access to open space and respite from urban activity as suggested in the WLP¹¹, given that there are significant areas of open space surrounding the town which provide this opportunity. Indeed, 24% of the Borough itself is within the South Downs National Park¹² which in totality extends to 1,627km² and provides very significant opportunities for access to open space and respite from urban activity.
- 2.6.4 Similarly, the suggestion that such land needs to be protected to provide environmental benefits is unjustified as it does not appreciate that development outside the BUA provides the opportunity to enhance these environmental benefits.
- 2.6.5 Policy SS4 is also inconsistent with policies SS5 and SS6. Policy SS5 permits development in 'exceptional circumstances', whilst inappropriate development in the LGS under Policy SS6 would be allowed in 'very special circumstances' according to paragraphs 103 and 147 of the NPPF. Policy SS4 however

¹⁰ As highlighted in paragraph 19 of the Inspector's Initial Letter (IL01).

¹¹ See paragraph 3.45.

¹² As set out in paragraph 1.40 of the WLP.

prevents any development other than that where a countryside location is essential to the proposed use. These inherent contradictions would make the application of these Policies virtually impossible, as either in exceptional or very special circumstances Policy SS4 would need to give way, or Policy SS4 would override Policies SS5, SS6 and national policy.

Modifications required

- 2.6.6 Policy SS4 needs to be modified or deleted to facilitate additional opportunities for sustainable development in accordance with the WLP¹³.

¹³ See paragraphs 1.51 and 3.9.

2.7 Question 27: What is the justification for suggested modification M7 and is it necessary to make the Plan sound?

2.7.1 Modification M7 proposes a further departure from national policy by requiring that any adverse impacts are avoided rather than minimised, and as such is unsound.

Modifications required

2.7.2 Modification M7 needs to be amended to be in accordance with paragraph 176 of the NPPF to state:

“M7 - f)and landowners. Any development within the setting of the National Park should be sensitively located and designed to avoid or minimise adverse impacts on the designated landscape area.”

Local Green Gaps (Policy SS5)

2.8 Question 28: Is the designation of Local Green Gaps (LGGs) positively prepared, justified and consistent with national policy? If so, have the boundaries of the LGGs been identified based on robust, proportionate and up-to-date evidence and a consistent approach to selection?

2.8.1 LGGs are a place-making tool in which appropriate development should be allowed providing this prevents the coalescence of settlements. Policy SS5 however proposes that development in the LGGs will only be allowed in exceptional circumstances, which unjustifiably has the effect of elevating these to the same status as a National Park or AONB.

2.8.2 Criterion ii requires that development does not detract from the openness of the area, without any consideration of the actual impacts arising from such developments. This in effect unjustifiably elevates the LGGs to the same status as Green Belts or LGS.

2.8.3 Owing to the accepted exceptional need for housing, it would be wholly unsustainable to introduce such unjustified constraints on undesignated sites, as this will simply serve to further constrain the ability of housing needs to be met.

2.8.4 The WLP¹⁴ references the LGG Policies in Arun and Adur. The Arun policy states:

"Policy 14: Local Green Gaps Local Green Gaps between the settlements of Lancing/ Sompting– Worthing, and Lancing-Shoreham-by-Sea, (as shown on the Policies Map), will be protected in order to retain the separate identities and avoid coalescence of these settlements. Within these areas any development permitted must be consistent with other policies of this plan, and must not (individually or cumulatively) lead to the coalescence of settlements."

2.8.5 The Adur Policy¹⁵ states:

"Development will only be permitted within the gaps if:

a. It would not undermine the physical and/or visual separation of settlements;

b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;

¹⁴ See paragraph 3.53.

¹⁵ Policy SD SP3.

- c. It cannot be located elsewhere; and**
- d. It maintains the character of the undeveloped coast;**
- e. or, if a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.”**

- 2.8.6 If SS5 is to be retained, it should reflect the wording of Arun LP Policy 14 or Adur Policy SD SP3 which were found sound and would provide a consistent approach across the authorities, rather than seeking to introduce an unjustified requirement to demonstrate that exceptional circumstances exist and that there is nil detriment to openness.
- 2.8.7 In respect of the boundaries of the LGGs, in the previous representations it is explained why the boundary to the LGG at Chatsmore Farm is unjustified. Most fundamentally, the designation is blind to the fact that coalescence has already occurred over 50 years ago. It ignores the fact that through careful master planning development on this site could enhance recreational opportunities and still maintain the indent between Ferring and Goring-by-Sea by leaving land north of the Ferring Rife undeveloped. It is also worth noting that the site was not subject to a gaps designation in previous plans. The question is what has changed more recently other than to limit remaining opportunities to deliver the housing need within the Borough?
- 2.8.8 The Council claim that they have taken a 'no stone has been left unturned' approach to accommodating development within the Borough. In reality, the Council has been highly selective in which 'stones to turn' and has not considered a form of development as proposed in the Indicative Masterplan for the site at Chatsmore Farm as a potential solution. Given the severe unmet housing needs of the Borough this is neither justified nor robust.

Modifications required

- 2.8.9 Policy SS5 needs to be deleted or if not modified to reflect the policies in neighbouring authorities or to:
- i. delete the requirement for exceptional circumstances as this is neither justified nor effective;
 - ii. allow any effects on the openness of the area to be weighed in the planning balance rather than having a nil detriment policy which is neither

justified, effective or positive, especially in light of the exceptional need for housing;

- iii. revisit the proposed boundaries, and/or the proposed justifications for those boundaries, to ensure that the LGGs meet the justifications proposed.
- iv. In particular we consider that the land at Chatsmore Farm should be deleted or the boundaries substantially revised to allow the site to accommodate much needed development (for the other reasons previous identified).

2.9 Question 30: Further to the above, parts of LGGs are also identified as Local Green Spaces (LGS). Paragraph 103 of the NPPF states that policies for LGS should be consistent with those for Green Belts. Where LGG and LGS coincide, is it justified for LGG policy to be more restrictive than that for Green Belt?

2.9.1 No it is not justified.

2.9.2 The PPG (37-011) states that 'different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.'

2.9.3 The primary reason of the LGG policy is to prevent coalescence.

2.9.4 The justification for the extent of the LGS at the Goring-Ferring Gap is made by reference to the function and qualities of the Gap itself¹⁶ and therefore duplicates the role of the LGG.

2.9.5 In effect, the justification for the LGG replicates that of the LGS and so one or other are unnecessary and unjustified. In the case of Chatsmore Farm, neither is justified.

¹⁶ As set out in paragraph 4.4.8 of CD/M/32.

2.10 Question 31: Is it clear to decision makers what might constitute 'exceptional circumstances' in this context? Is it sufficiently clear to decision makers how the four criteria would be assessed?

2.10.1 There is no clear explanation of what constitutes 'exceptional circumstances.'

2.10.2 The acknowledged exceptional need for additional housing development¹⁷ would clearly contribute very significantly to exceptional circumstances which would suggest that most development within the LGGs will be permitted providing any adverse impacts do not outweigh the benefits. As such, Policy SS5 is wholly ineffective.

Modifications required

2.10.3 Delete the requirement for exceptional circumstances as this will is ineffective.

¹⁷ As set out in paragraph 4.15 of the Response to IL01.

Local Green Spaces (Policy SS6)

2.11 Question 33: Are the Local Green Spaces identified in Policy SS6 justified and consistent with paragraph 101 and 102 of the Framework, the latter of which states that such designations should only be used where the green space is:

- i. in reasonably close proximity to the community it serves;**
- ii. demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and**
- iii. local in character and is not an extensive tract of land.**

2.11.1 The designation of LGS is contrary to paragraph 101 of the NPPF which only countenances the identification of LGS where they complement the provision of sufficient homes to provide for sustainable development. Clearly this is not the case where there is a such an exceptional unmet need for housing need of 10,488 homes and the Council are proposing to designate virtually all undeveloped land as LGS.

2.11.2 Paragraph 101 also states that LGS should be capable of enduring beyond the end of the plan period. If designated it would effectively mean that Worthing would not be able to respond to its housing needs during or beyond the plan period. This is not credible, it is not justified, effective, positive or consistent with national policy and actively constrains the sustainable development necessary to meet the needs of current and future generations. Worthing would effectively have no meaningful role in meeting future housing needs.

2.11.3 As detailed in the previous representations¹⁸ the proposed LGS at Chatsmore Farm also fails on criteria i and ii of NPPF paragraph 102. The site is in private ownership and is not publicly accessible, save for the public footpath which follows the railway line to the south, and a section of public footpath which crosses the southwest corner of the site. In landscape terms it is not locally significant and currently is of little, if any, ecological, recreational or historic significance. Furthermore, the designation of the LGS would deny the opportunity for any development to enhance such significance and provide increased public access.

¹⁸ See paragraphs 12.6 to 12.15.

- 2.11.4 In respect of criterion iii of NPPF paragraph 102, PPG (37-015) states that 'blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.'
- 2.11.5 In the Response to IL01 on this matter the Council refer to the LGS Assessment¹⁹, and LGS designation in other Local and Neighbourhood Plans. The fundamental difference between these examples to that of Worthing is that they were proposing to meet their housing needs in full and they were not seeking to designate a significant part of the undeveloped land within the Borough. Furthermore, in the case of Cheltenham BC, the areas of the LGS were reduced following additional work requested by the Inspector.
- 2.11.6 It is evident from the NPPF, PPG and the findings of Inspectors elsewhere that the designation of LGS at the expense of meeting housing needs is unsustainable and that the 30ha of land at Chatsmore Farm and the 62ha at Goring-Ferring Gap are extensive tracts of land that are not appropriate for designation.

Modifications required

- 2.11.7 In order for the WLP to be positively prepared, effective, justified or consistent with national policy it will as a minimum be necessary to either delete Policy SS6 or modify the boundaries significantly to only identify areas worthy of such designation.
- 2.11.8 For the reasons outlined previously in our representations the designation of a LGS at Chatsmore Farm should be deleted.

¹⁹ CD/M/32.

2.12 Question 34: Paragraph 103 of the NPPF states that policies for maintaining Local Green Space should be consistent with those for Green Belts. Further to this, and the Council's response to my Initial Letter, how does the policy address exceptions to 'inappropriate development' as set out in paragraphs 149 and 150 of the NPPF? Paragraph 11.11 of the response to my letter also recognises that inappropriate development should only be permitted in 'very special circumstances'. How is this reflected in Policy SS6? Is the policy therefore consistent with national policy?

2.12.1 Paragraph 103 of the NPPF states 'policies for managing development within a Local Green Space should be consistent with those for Green Belts'. Policy SS6 does not include any indication of how development will be managed in the Goring-Ferring Gap other than in relation to recreational development nor any indication at Chatsmore Farm. For this reason, the Policy does not accord with national policy, and the WLP is unsound.

2.12.2 As drafted, in applying Policy SS6, the decision maker must presumably defer to paragraphs 148 to 150 of the NPPF. The alternative is to assume all unspecified development in the LGS²⁰ is not permitted, including that which is not inappropriate, which would afford greater protection to the LGS than would be afforded to the Green Belt and would not accord with national policy.

2.12.3 Policy SS6 also does not recognise that development should be allowed in the LGS in very special circumstances and therefore does not accord with national policy for yet another reason.

Modifications required

2.12.4 The wording of Policy SS6 needs to be modified to:

- i. provide policies for managing development within the LGS;
- ii. identify development opportunities that would not be classified as inappropriate development; and
- iii. to reflect the fact that in very special circumstances inappropriate development should be allowed.

²⁰ And thereby all development at Chatsmore Farm.

WORTHING LOCAL PLAN 2020-2026 EXAMINATION

MATTER 3 OF THE INSPECTOR'S INITIAL MATTERS, ISSUES AND QUESTIONS TO THE COUNCIL

ON BEHALF OF: PERSIMMON HOMES

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

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1. INTRODUCTION

- 1.1.1 Pegasus Group welcomes the opportunity to submit representations to the examination of the emerging Worthing Borough Council Local Plan 2020-36 (WLP). These representations are made on behalf of Persimmon Homes and relate to the proposed residential development of land at Chatsmore Farm (aka Land North West of Goring Railway Station).
- 1.1.2 An outline planning application (ref: AWDM/1264/20) for the mixed use development of this site comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre with associated car parking, car parking for adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities was refused by the LPA and is currently the subject of a S78 appeal. It will be heard at a public inquiry in January 2022.
- 1.1.3 These representations on Matter 3 summarise and build upon those set out in response to the consultation on the Submission Draft of the WLP as well as addressing some newly arising issues. These do not replace and should be read alongside the previous representations.
- 1.1.4 Separate Hearing Statements in respect of Matters 1, 2 and 5 accompany these representations.

2. **MATTER 3: HOUSING PROVISION**

Housing Need

2.1 Question 35: The Housing Implementation Strategy Topic Paper (HIS) concludes that the Council's Objectively Assessed Housing Need (OAHN), based on the standard method calculation of local housing need, is 14,160 between 2020 and 2036. This equates to 885 dwellings per annum (dpa). Is there any evidence to suggest that this is not a robust assessment of OAHN?

2.1.1 Paragraph 61 of the NPPF identifies that the minimum number of homes needed should be informed by the standard method unless exceptional circumstances justify an alternative approach. There is no evidence of any exceptional circumstance which suggests that the need is any lower than this minimum.

2.1.2 The number of homes needed can clearly be in excess of this minimum¹ including for example where there is an unmet need arising from neighbouring authorities², where there is a need for affordable housing that generates a greater housing need³ or where the needs of different groups may be greater than the need identified by the standard method⁴.

2.1.3 For the purposes of this examination, it is not considered necessary to assess whether any of these factors indicate that the housing need is greater than that identified by the standard method, as even against the minimum housing needs of the standard method there remains a substantial shortfall in housing supply.

¹ In the absence of exceptional circumstances.

² As set out in the third bullet point of the PPG (2a-010).

³ As set out in the final sentence of the PPG (2a-024).

⁴ As set out in the PPG (67-001).

Housing Requirement and Overall Supply

2.2 Question 36: Is the Council's housing requirement justified having regard to recognised constraints, including but not limited to land availability, viability and infrastructure? In particular:

i. Does the evidence base support the restrictions on development outside the defined built-up area, including Local Green Gaps? Are they a justified constraint on development?

2.2.1 No. Paragraph 11b of the NPPF requires that strategic policies should as a minimum provide for objectively assessed needs unless:

- the application of the policies identified in footnote 7⁵ provide a strong reason for restricting the scale of development; or
- any adverse effects of meeting housing needs would significantly and demonstrably outweigh the benefits.

2.2.2 No assessment has been carried out by the LPA to demonstrate that either of these conditions are met as would be required to justify the proposed constrained housing requirement.

2.2.3 For example, the only footnote 7 policies that apply to Chatsmore Farm are paragraph 176 and 202 of the NPPF relating to the setting of the National Park and the less than substantial harm to heritage assets. Nowhere within the evidence base is any consideration given to whether:

- a sensitively located and designed development on part of this site could be provided which avoided or minimised adverse impacts on the National Park as required by paragraph 176 of the NPPF;
- the benefits arising from development on this site would outweigh any residual harm (after mitigation) even when great weight given to conserving and enhancing landscape beauty in National Parks as required by paragraph 176 of the NPPF;
- the public benefits arising from development on this site would outweigh the less than substantial harm to the significance of designated heritage assets as required by paragraph 202 of the NPPF.

⁵ Footnote 7 explicitly identifies that this includes only national policies rather than Development Plan policies such as proposed Policies SS4, SS5, and SS6 once adopted.

- 2.2.4 Similarly, nowhere within the evidence base is any consideration given to whether any adverse impacts of better responding to housing needs through the development of this site⁶ would significantly and demonstrably outweigh the benefits.
- 2.2.5 The substantial benefits, including the better response to addressing housing needs, has not been taken into account and the planning balances required by paragraphs 11b, 176 and 202 have not been undertaken. As such, not only will the proposed housing requirement be ineffective in responding to housing needs, it is also unjustified and inconsistent with national policy, and it has not been positively prepared.
- 2.2.6 Rather than applying national policy, the WLP unsustainably proposes not to address housing needs and it intends to introduce additional restrictive policies which have been formulated without any regard being paid to the housing need which they serve to prevent being met⁷. This is not only contrary to national policy, it is also a circular justification.
- 2.2.7 Had national policy been applied, it is clear from a consideration of Chatsmore Farm alone that the housing requirement should be greater than proposed owing to the fact that:
- i. A sensitively located and designed development on this site is possible in accordance with paragraph 176 of the NPPF.
 - ii. The proposed development on this site will not materially detract from the character, setting or special qualities of the National Park given that:
 - it falls within an area characterised by significant urban development,
 - it is visually distinct from and shares none of the landscape characteristics of the National Park,
 - it is heavily influenced by the surrounding urban area, being enclosed by housing and a mainline railway line on three sides. Its fourth side

⁶ These adverse impacts could include the effects of development outside of the built-up area and the effects of development in a location proposed to be designated as Local Green Gap.

⁷ Including for example Policies SS4, SS5 and SS6.

is defined by the A259 which physically and visually severs the site from the wider countryside,

- Development would not extend any closer to the National Park than the existing pattern of development in the area. It is effectively a large infill site.
 - whilst it would be visible in some of the views from the National Park, it will not be intrusive and will form a well-considered extension to the existing urban area.
- iii. The substantial benefits arising from such a development including contributing to the housing needs of 74% of the population in need of housing would clearly outweigh any very limited harm to the National Park⁸,
- iv. Accordingly, paragraph 176 does not provide a strong reason for restricting the overall scale of development,
- v. The proposed development would result in a negligible level of harm at the very lowermost end of less than substantial harm to the significance of designated heritage assets⁹,

⁸ It should be noted that on page 37 of the Statement of Consultation, the Council suggest that the proposed development would result in "substantial adverse landscape and visual effects on the...landscape setting to the National Park". This is an untenable position as the proposed development would not be visible from the vast majority of the National Park, and even where there is inter-visibility the site would be viewed in the context of the surrounding urban form which characterises the landscape of the low lying coastal plain. It cannot rationally be suggested that such a development would have a substantial effect on the setting of the National Park which extends to 1,627km².

⁹ Similarly, on page 37 of the Statement of Consultation, the Council suggest that the proposed development would have "substantial adverse landscape and visual effects on the...setting to... Highdown Hill scheduled Monument and Conservation Area" notwithstanding that there is no historical or functional relationship between the site and the scheduled monument and the site forms a very small part of the outlying agricultural landscape of the conservation area, such that the Built Heritage Statement prepared in support of the planning application concludes that there is no harm to the significance of the scheduled monument, and negligible harm at the very lowermost end of less than substantial harm to the significance of the conservation area. The Council's assessment that the harms are substantial is untenable given that the courts (see *Nuon*) and the PPG identify that substantial harm is a high test, which is simply not triggered in this instance.

- vi. The substantial benefits arising from such a development including contributing to the housing needs of 74% of the population in need of housing would clearly outweigh any minor harm to heritage assets,
- vii. Accordingly, NPPF paragraph 202 does not provide a strong clear reason for restricting the overall scale of development,
- viii. The potential adverse impacts arising from the proposed development comprise¹⁰:
- The loss of an area of undesignated and undistinguished farmland,
 - The very limited effect on the character of the National Park,
 - The reduction of the indentation between the already coalesced settlements of Goring-by-Sea and Ferring¹¹,
 - The loss of habitats of negligible conservation interest¹²,
 - The minor level of harm to the significance of heritage assets.
- ix. The benefits¹³ arising include:
- A significant contribution towards addressing the housing needs of households¹⁴ seeking the 10,488 homes which the emerging Local Plan does not propose to address,
 - A significant contribution towards addressing the high level of need for affordable housing¹⁵,
 - Expenditure and investment arising from the proposed development¹⁶,

¹⁰ These potential harms provide the justification for the proposed restriction on any development outside of the built-up area, and for the proposed Local Green Gaps and Local Green Spaces.

¹¹ Again, it should be noted that on page 37 of the Statement of Consultation, the Council suggest that the proposed development would “substantially close the gap between Goring by Sea and Ferring” seemingly oblivious to the fact that these settlements coalesced in the 1950’s.

¹² As set out in paragraph 5.79 of the Landscape and Ecology Study of Greenfield Sites.

¹³ Many of these opportunities are recognised in paragraphs 5.91 and 5.92 of the Landscape and Ecology Study of Greenfield Sites and are responded to as part of the proposed development.

¹⁴ As required by Policy SS1a).

¹⁵ As acknowledged on page 18 of the submission draft WLP.

- Jobs generated during the construction phase and permanently in the local centre,
 - An increase in economically active residents providing an additional disposable income to support local services both of which will be required to attract businesses and grow the town's economy¹⁷ and to support the vitality and viability of Worthing's town centres¹⁸,
 - Additional car parking next to the railway station providing the opportunity to reduce reliance on the private car¹⁹,
 - Increasing the opportunity for recreation through the provision of significant areas of public open space,
 - Enhancing biodiversity within the site²⁰,
 - Undergrounding of high voltage cables and removal of pylons with benefits to the character and appearance of the area, and
 - Providing additional public views to the National Park from the public open space,
 - Contributions towards off-site infrastructure which will be available to the local community.
- x. In light of the above it would be wholly untenable to suggest that the limited adverse impacts would come anywhere near significantly and demonstrably outweighing this multitude of benefits, many of which are worthy of substantial or significant weight in their own right.

2.2.8 In summary, it is unarguably the case that national policy has not been applied, and had it been there are no grounds for constraining the housing requirement to the extent proposed.

Modifications required

¹⁶ Which should be afforded significant weight as prescribed by paragraph 81 of the NPPF.

¹⁷ As required by Vision V1.

¹⁸ As required by Policy DM13a).

¹⁹ In accordance with paragraph 124c of the NPPF.

²⁰ In accordance with paragraph 179b of the NPPF.

2.2.9 It will be necessary to apply paragraph 11b to determine how much of the objectively assessed need for housing can be met and revise the housing requirement of Policy SS2 accordingly.

2.2.10 If, having applied national policy, it is concluded that there remains an unmet housing need, then several additional modifications will be required including:

- The addition of a caveat to Vision V1 and Strategic Objective SO14 to provide clarity that Worthing will continue to attract high calibre businesses and significant inward investment that will help the town's economy to grow and to improve its regional competitiveness "insofar as this is possible given the constrained housing requirement" and the resultant constraint on investment, economically active residents, patronage and disposable income. This is evident from the fact that:
 - Paragraph 5.142 of the WLP suggests that as a minimum 32,560 sqm of employment floorspace will be provided and this is necessary to ensure that business growth potential is not constrained²¹, although Policy SS2 proposes a minimum of 28,000 sqm and Modification M4 proposes to reduce this to 24,000 sqm either of which will constrain economic growth contrary to paragraph 81 of the NPPF.
 - The WLP therefore requires that either 82,100, 77,540 or 73,540 sqm more of employment floorspace is proposed than will be able to be supported by constrained housing requirement.
 - The evidence base indicates that 32,560 sqm of employment floorspace would accommodate an additional 7,500 jobs²², and it would therefore be expected that the delivery of either 28,000 or 24,000 sqm required would accommodate somewhere below but approaching 7,500 jobs.
 - In contrast, the SHMA²³ identifies that the delivery of 246 homes per annum (rather than the 230 proposed in the housing requirement) would result in a net loss requirement of 2,047 jobs over the plan

²¹ According to paragraph 4.17 of the Response to IL01.

²² According to Table 2.1 of CD/J/2.

²³ Table 4.17 of CD/I/1.

period, such that 49,540 sqm less employment floorspace would be required than currently exists²⁴.

- The number of jobs that are intended to be accommodated by the WLP, will therefore either not be supported and will further constrain the economy contrary to paragraph 81 of the NPPF as a result of the constrained workforce arising from the constrained housing requirement, and/or will need to be supported by up to 9,547 additional workers in-commuting contrary to paragraph 105 of the NPPF.
- The addition of caveats to Strategic Objectives SO6 and SO7 to provide clarity that the health and wellbeing of communities will be supported and inequalities reduced “insofar as this is possible given the constrained housing requirement” and the resultant significant adverse effects on the health and wellbeing of communities²⁵ and increases in inequality²⁶.
- The correction of paragraph 2.4 to provide clarity that the WLP does not aim to meet the identified needs of all its users.
- The addition of a caveat to Strategic Objective SO9 and Policy SS3a) to provide clarity that the objective is for Worthing Town Centre to fulfil its sub-regional role “insofar as this is possible given the constrained housing requirement” and the resultant constraint on patronage, footfall and disposable income.

iii. Does the evidence base demonstrate there are no other developable sustainable sites within the plan area during the plan period, including sites allocated for other uses?

2.2.11 No. See response to question 36i above.

²⁴ According to Table 2.9 of CD/J/2.

²⁵ See paragraph 3.2 of the previous representations.

²⁶ As housing becomes even less affordable to those in greatest need.

2.3 Question 42: Should the Plan specify the level of unmet housing need and set out how the issue is expected to be addressed?

2.3.1 Paragraph 3.13 of the draft WLP identifies the minimum housing need and Policy SS2a identifies the housing requirement such that the unmet need is easily calculable from the draft WLP and does not need to be specified.

2.3.2 Paragraph 35c of the NPPF identifies that in order to be considered effective, plans will need to be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred. Similarly, paragraph 21 requires that Development Plans set out strategic policies to address the strategic priorities of the area and any relevant cross-boundary issues.

2.3.3 The unmet need of 10,488 homes is clearly a strategic cross-boundary issue²⁷. To accord with national policy, the WLP is therefore required to address this matter rather than defer it, either through allocating sufficient sites within the plan area or addressing this through the duty to cooperate. The draft WLP does neither of these and therefore cannot be considered to be positively prepared, justified, effective or consistent with national policy.

Modifications required

2.3.4 It will be necessary to either identify sufficient sites within Worthing to meet housing needs, or to address the unmet needs through the duty to cooperate.

²⁷ As recognised in paragraph 3.7 of the Council's Response to IL01.

5-year Housing Land Supply

2.4 Question 44: What is the most up to date 5-year housing land requirement?

2.4.1 The latest five-year land supply assessment reflects the period 2020-25²⁸. At present paragraph 74 of the NPPF requires that the five-year requirement is calculated using the standard method for 885 homes per annum with an additional 20% buffer which provides for a requirement for **5,310 homes**.

2.4.2 However, following adoption, the five-year requirement will be calculated using the adopted housing requirement with an additional 20% buffer²⁹. Assuming that notwithstanding the preceding representations the proposed housing requirement is found to be sound this would produce a requirement for **1,380 homes**³⁰.

²⁸ As set out in Appendix 7 of the Housing Implementation Strategy and the latest Annual Monitoring Report.

²⁹ Unless subsequent Housing Delivery Test results justify the application of a 5% buffer.

³⁰ As set out in Appendix 7 to the Housing Implementation Strategy.

2.5 Question 45: Appendix 7 of the HIS suggests the supply of deliverable housing land stands at 2068 dwellings. Are assumptions on deliverability appropriate, justified and consistent with national policy?

- 2.5.1 The supply comprises commitments, an allowance for small windfalls, and proposed allocations.
- 2.5.2 Some of the committed sites will be subject to outline planning permission for major development and all of the proposed allocations can only be considered deliverable where there is clear evidence that completions will begin on site within five-years.
- 2.5.3 Paragraph 10.13 of the Response to IL01 identifies that the deliverability of the committed sites with outline planning permission are assessed by the Council, but no evidence let alone clear evidence is provided to demonstrate that these are deliverable. Furthermore, the evidence base does not identify how many dwellings fall in this category.
- 2.5.4 Similarly, paragraphs 10.16 to 10.19 of the Response to IL01 indicates the work that has been undertaken to assess the deliverability of proposed allocations, but does not provide any evidence, let alone clear evidence that these are deliverable.
- 2.5.5 In the absence of such evidence, all of the above sites cannot be considered deliverable. Pegasus Group reserves the right to comment when the necessary evidence is made available.

2.6 Question 46: Would the Council be able to demonstrate a 5-year supply of deliverable housing land on adoption of the Plan and a rolling 5-year supply throughout the Plan period? In responding, could the Council ensure the most up-to-date trajectory of the supply is provided?

2.6.1 This depends on the housing requirement in the adopted version of the WLP and the deliverability of sites for which the evidence is currently not available.

Housing Mix & Policy DM1

2.7 Question 47: Paragraph 62 of the NPPF expects planning policies to reflect the assessed housing needs for different groups in the community. Is the WLP positively prepared, justified and effective in reflecting the needs of different groups in terms of size, type and tenure of housing?

2.7.1 The SHMA identifies that there is a need for 7,106 rented affordable homes across the period 2019-36³¹.

2.7.2 It is therefore apparent that the proposed housing requirement does not provide a sufficient number of homes to meet affordable housing needs even if 100% of homes were delivered as affordable housing.

2.7.3 This constraint will also adversely affect the affordability of housing such that a greater proportion of existing households, and of newly forming households are likely to fall into affordable housing need, as well as the likelihood of fewer relets, such that the affordable housing needs will be substantially greater than that identified as a direct result of the constrained housing requirement. It will also result in a different mix of households arising in Worthing than have occurred in the past and which are assumed in the SHMA. The evidence base and the WLP do not reflect this and are therefore not positively prepared, justified, effective or consistent with national policy.

Modifications required

2.7.4 It will be necessary to assess the likely affordability impacts of the proposed housing requirement and identify the affordable housing need³² that arises, and then to respond accordingly in the WLP and through the duty to cooperate.

³¹ Table 5.13.

³² By size, type and tenure.

Affordable Housing and Policy DM3

Criterion a. of Policy DM3 establishes a variable rate of affordable housing provision for flatted development on previously developed land (PDL), other types of housing on PDL and housing on greenfield sites.

2.8 Question 66: Approximately how many affordable homes is the WLP expected to deliver across the plan period? How does this compare to the identified need for affordable housing?

2.8.1 The WLP identifies a plan period supply of 3,672 homes, of which 871 are anticipated from small site windfalls which would not provide any affordable housing³³, leaving a supply of at most 2,801 homes.

2.8.2 Policy DM3 requires that between 20% and 40% of these are delivered as affordable housing which would provide for between 560 and 1,120 affordable homes in response to the identified need for 7,106 rented affordable homes³⁴ and 1,224 affordable ownership homes³⁵.

³³ Similarly, committed sites of less than homes will not make any contribution and so the actual amount of affordable housing delivered will be lower than set out in these calculations.

³⁴ Table 5.13 of the SHMA.

³⁵ Table 5.19 of the SHMA.

2.9 Question 67: In addition, how does this compare to previous performance? How many affordable homes have been provided as a percentage of total delivery in the past 5-10 years?

2.9.1 The preceding figures equate to an average supply of between 35 and 70 affordable homes per year. This compares to the delivery of an average of 68 affordable homes per year in the preceding five years or 59 per annum in the preceding decade³⁶. This compares to a net need of 422 affordable homes per annum³⁷.

³⁶ According to DLUHC Live Tables.

³⁷ Tables 5.13 and 5.19 of the SHMA

WORTHING LOCAL PLAN 2020-2026 EXAMINATION

MATTER 5 OF THE INSPECTOR'S INITIAL MATTERS, ISSUES AND QUESTIONS TO THE COUNCIL

ON BEHALF OF: PERSIMMON HOMES

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1. INTRODUCTION

- 1.1.1 Pegasus Group welcomes the opportunity to submit representations to the examination of the emerging Worthing Borough Council Local Plan 2020-36 (WLP). These representations are made on behalf of Persimmon Homes and relate to the proposed residential development of land at Chatsmore Farm (aka Land North West of Goring Railway Station).
- 1.1.2 An outline planning application (ref: AWDM/1264/20) for the mixed use development of this site comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre with associated car parking, car parking for adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities was refused by the LPA and is currently the subject of a S78 appeal. It will be heard at a public inquiry in January 2022.
- 1.1.3 These representations on Matter 5 summarise and build upon those set out in response to the consultation on the Submission Draft of the WLP as well as addressing some newly arising issues. These do not replace and should be read alongside the previous representations.
- 1.1.4 Separate Hearing Statements in respect of Matters 1, 2 and 3 accompany these representations.

2. MATTER 5 – SITE ALLOCATIONS

Site Selection Methodology

2.1 Question 86: Is the approach to the assessment and selection of sites, as summarised in the Council's response to my Initial Letter, justified? Does the submitted evidence demonstrate that the sites have been selected based on a robust, consistent and objective basis? Are the reasons for selecting some sites and rejecting others clearly set out and justified?

2.1.1 No. The Response to IL01 appears to suggest that the site selection process is entirely based on the SHLAA. If this is the case, this would clearly be contrary to the relevant guidance and/or the Regulations which identify that:

- Each of the proposals in an emerging Local Plan, including the sites selected, must be informed by SA/SEA¹; and
- It is not the role of a SHLAA to determine which sites should be allocated in an emerging Local Plan².

2.1.2 The latter point is confirmed in paragraph 2.6 of the SHLAA Methodology (CD/I/10), and yet it is now apparent that the Council's site selection process has relied upon the SHLAA to determine which sites should be allocated contrary to national guidance and the explicit wording of the SHLAA.

2.1.3 Whilst the methodology of the SHLAA is clearly set out, this methodology does not appear to have been applied or at least if it has it is not comprehensible. For example:

- In paragraph 10.45 of the Response to IL01 we are told that a filtering exercise is undertaken to exclude sites based on Table 2 of the SHLAA Methodology. However, nowhere within the SHLAA of 2020 does this exercise appear to have been undertaken and the sites which may have been excluded at this stage are not set out;
- In paragraph 10.49 we are told that the suitability of sites is considered by reference to the constraints identified in Table 4 of the SHLAA methodology. Once again, nowhere within the SHLAA of 2020 does this

¹ See Section 19 of the Planning and Compulsory Purchase Act 2004 and the PPG (11-001).

² See the PPG (3-001).

exercise appear to have been undertaken to explain why some sites have been proposed for allocation and others rejected.

2.1.4 Furthermore, the SHLAA methodology does not accord with national policy for the allocation of sites³. For example:

- Table 2 of the SHLAA methodology acknowledges that national policy indicates that sites which are subject to certain designations should only be developed in exceptional or very special circumstances, but then simply excludes these without any consideration as to whether exceptional or very special circumstances exist. If such circumstances do exist, as may be the case given the extent of unmet needs although this will depend upon the extent of any adverse impacts, then these sites should be allocated in accordance with paragraph 11b of the NPPF, rather than simply disregarded.
- Table 4 suggests that the conformity of sites with the adopted Local Plan is taken into account, without paying any regard to the fact that the adopted Local Plan provides no capacity to respond to the needs over the emerging plan period. This approach if applied would simply maintain the out-of-date policies of the currently adopted Development Plan rather than seeking to respond positively to meet current needs. All sites beyond the BUA would be rejected.
- The SHLAA does not consider and pays absolutely no regard to the exceptional need for housing, which is clearly the background against which sites should be selected. Such an approach does not provide for sustainable development and is contrary to paragraphs 11a and 11b of the NPPF.

2.1.5 Notwithstanding the inadequacies of this approach, had this been applied to Chatsmore Farm:

- The site would not have been excluded owing to the constraints identified in Table 2, as it is not permitted or allocated, it provides for more than 5 dwellings it is not within the functional floodplain or a historic park or garden, it would not have an adverse effect on an SSSI, or give rise to

³ Even if it accords with national guidance on the preparation of a SHLAA (which should not determine whether sites should be allocated).

substantial harm to a scheduled monument, or result in the loss or deterioration of ancient woodland, and it is not currently designated as LGS.

- It would reduce the need to travel by the private car both as a result of being adjacent to a train station, and through the provision of additional car parking to encourage the use of the train station, and it has good access to a range of facilities such that it provides a sustainable location for development.
- It would not result in the loss of a designated retail area, office location, employment site, community facility, playing pitches, open space and it would be compatible with surrounding uses in landscape terms such that it would be assessed as suitable under 'Policy Restrictions'.
- It has no physical constraints.
- Whilst it would have a limited impact on heritage assets and on landscape, the proposed development would still nonetheless accord with national policy in both regards.

2.1.6 Therefore, had the SHLAA been fairly applied to Chatsmore Farm, and this was the only process by which sites were selected, the exclusion of Chatsmore Farm as an allocation is entirely unjustified.

2.1.7 The SHLAA however simply dismisses Chatsmore Farm⁴ owing to factors which are firstly not set out in the SHLAA Methodology and secondly do not stand up to scrutiny namely:

- Alleged substantial harm to the continued separation of the two settlements;
- A suggestion that the Landscape and Ecology Study found that the Goring-Ferring Gaps were the least suitable for development;
- The proposed designation of the site as LGG and LGS.

2.1.8 The allegation of substantial harm to the continued separation of settlements that coalesced decades ago is simply untenable.

⁴ As set out at the bottom of page 14 of CD/I/12.

- 2.1.9 The suggestion that the Landscape and Ecology Study found this site to be amongst the least suitable for development is:
- not the test to be applied according to national policy, which in circumstances where the full housing need is not be met, requires that all opportunities for development are to be supported unless specified policies of the NPPF provide a strong reason for preventing such development or the adverse impacts significantly and demonstrably outweigh the benefits;
 - unfounded as illustrated on the final page of CD/M/17 which shows that Zones B and C of this site are equally as suitable for development as proposed allocations A6, A13 and A15, and more suitable than many other sites that were tested, and that Zone A is more suitable than other tested sites; and
 - a partial assessment as the Landscape and Ecology Study does not take account of the opportunities for mitigation or enhancement provided by the development of this site, which has been designed to maintain the indent between the settlements, compatible with surrounding uses in landscape terms, improve views to the National Park, enhance the opportunities for recreation, and enhance biodiversity.
- 2.1.10 The suggestion that the site should not be allocated as it is proposed to be designated as LGG and LGS is entirely circular and unjustified.
- 2.1.11 The approach adopted in the SHLAA has therefore been misapplied, is contrary to national policy and is based on factually incorrect information.
- 2.1.12 Even if as required by the regulations⁵, paragraph 32 of the NPPF and the PPG (11-001), the site selection process is revised to be informed by Sustainability Appraisal⁶, the published Sustainability Appraisal similarly does not apply with the requirements of paragraph 11b of the NPPF, is based on factually incorrect or misrepresentative information and does not take account of the opportunities for mitigation and enhancement. In particular, the DIIA suggests that Chatsmore Farm has:

⁵ Section 19 of the Planning and Compulsory Purchase Act 2004.

⁶ Unlike the current site selection process according to the Council's response to Q22 in the Response to IL01.

- Some negative constraints in terms of Water Quality notwithstanding the fact that there are no objections to the current planning appeal on these grounds;
- Some negative constraints in terms of Biodiversity notwithstanding that the proposed development provides for a net gain;
- Some negative constraints in terms of Flooding based on the factually incorrect position of the DIIA that the majority of the site is within Flood Zone 2 contrary to Appendix C of the SFRA and notwithstanding that there are no objections to the current planning appeal on these grounds;
- Some negative constraints in terms of Surface Water notwithstanding that this only affects a small proportion of the wider site and there are no objections to the current planning appeal on these grounds;
- Significant constraints in terms of Groundwater notwithstanding that there are no objections to the current planning appeal on these grounds;
- Significant constraints in terms of the setting to the National Park notwithstanding that the National Park Authority has not objected to the current planning appeal on these grounds;
- Significant constraints in terms of coalescence notwithstanding that the settlements coalesced decades ago, and the proposed development maintains an indent between these; and
- Significant constraints in terms of the principle of development outside the BUA, notwithstanding that some proposed allocations are outside the existing BUA, and the fact that this is an entirely circular and unjustified argument.

2.1.13 In summary, the site selection process is clearly contrary to national policy and guidance, and it is based on factually incorrect information. As a result, the WLP is not consistent with national policy or justified and is therefore unsound.

Modifications required

2.1.14 It will be necessary to re-commence the site selection process including:

- Correcting the numerous factual errors within both the SHLAA and the SA;

- Applying the criteria of paragraph 11b of the NPPF throughout the site selection process, unless of course more than sufficient sites are identified to meet housing needs in full;
- Considering the sites through an updated SA; and
- Applying the assessment criteria on an equitable basis using a transparent process.

2.1.15 This is likely to result in the allocation of additional sites, which would need to be addressed through Main Modifications and subject to consultation.