

## **Report to Worthing Borough Council**

**by Steven John Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Date: 14 October 2022

---

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the Worthing Local Plan 2020-2036**

The Plan was submitted for examination on 11 June 2021

The examination hearing sessions were held between 2 and 17 November 2021

File Ref: PINS/M3835/429/9

## Contents

Abbreviations used in this report .....	3
Non-Technical Summary .....	4
Introduction .....	5
Context of the Plan.....	6
Public Sector Equality Duty .....	6
Assessment of Duty to Co-operate.....	7
Assessment of Other Aspects of Legal Compliance .....	9
Assessment of Soundness.....	13
Issue 1 – Overall Spatial Strategy and Distribution of Growth.....	13
Issue 2 – Housing Need, Site Selection and Housing Requirement.....	20
Issue 3 – Allocations .....	25
Issue 4 – Housing Supply.....	41
Issue 5 – Housing Type and Mix, Affordable Housing and Gypsies, Travellers and Travelling Showpeople .....	43
Issue 6 – Employment Requirement and Supply .....	48
Issue 7 – Employment Policies .....	49
Issue 8 – Retail Need and Supply, Policies for Retail, Leisure and Shopping Hierarchy .....	50
Issue 9 – Transport Policies .....	53
Issue 10 – Infrastructure Policies .....	54
Issue 11 - Quality of Built Environment and Heritage.....	56
Issue 12 - Climate Change, Flood Risk and Pollution.....	59
Issue 13 - Green Infrastructure, Natural Environment and Local Green Spaces.....	63
Overall Conclusion and Recommendation .....	68
Schedule of Main Modifications.....	Appendix 1

## Abbreviations used in this report

DtC	Duty to Cooperate
GI	Green Infrastructure
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LGG	Local Green Gap
LGS	Local Green Space
LWS	Local Wildlife Site
NPPF	National Planning Policy Framework
OAHN	Objectively Assessed Housing Need
PCPA	Planning and Compulsory Purchase Act 2004
PPG	National Planning Policy Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SEA	Strategic Environmental Assessment
SDNP	South Downs National Park
SPA	Special Protection Area
WLP	Worthing Local Plan
WMS	Written Ministerial Statement – March 2015

## Non-Technical Summary

This report concludes that the Worthing Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Worthing Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing sessions, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. Where necessary, I have amended their detailed wording and/or added consequential modifications. I have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deleted Site A13 – Titnore Lane
- Deleted Local Green Spaces at Chatsmore Farm and the Goring- Ferring Gap
- Modified policies SS4, SS5 and SS6 to remove internal inconsistencies and ensure consistency with national policy.
- Modified Policy SS6 to ensure compliance with national policy on Local Green Space
- Introduced a Housing Trajectory to ensure consistency with national policy
- Included the shopping centre hierarchy within Policy DM13
- Modified Policy DM14 to clarify requirements for digital infrastructure to ensure consistency with national policy
- Modified employment and retail floorspace requirements to reflect deliverable supply
- Modified site-specific allocations policies to ensure clarity and internal consistency; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Worthing Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is compliant with other legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant plan. The Worthing Local Plan 2020-2036, submitted in June 2021 is the basis for my examination. It is the same document as was published for consultation in January 2021.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearing sessions, the Council prepared a schedule of proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the

submission Policies Map comprises the set of plans identified as the Worthing Local Plan Map<sup>1</sup> and Town Centre Inset Map<sup>2</sup>.

6. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified, and changes are needed to ensure that the relevant policies are effective.
7. These further changes to the Policies Map were published for consultation alongside the MMs as document 'MOD4 – Policies Map Modifications'. In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in Worthing Local Plan Map and Town Centre Inset Map and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

## **Context of the Plan**

9. The Worthing Local Plan (2020-2036) is proposed to replace the policies set out in the Worthing Core Strategy (2011) and the saved policies of the Worthing Local Plan (2003). The Plan does not cover the whole of the Worthing local authority area. The parts of the Borough that lie within the South Downs National Park (SDNP) are subject to a separate Local Plan.
10. Worthing lies on the south coast and is bordered by the SDNP and Horsham to the north, Adur to the east and Arun to the west. Worthing is one of the largest towns in West Sussex, with a resident population of around 110,700 and a working population of approximately 60,000.

## **Public Sector Equality Duty**

11. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including whether there is a need to provide sites to meet the needs of Gypsies, Travellers and Travelling Showpeople and accessible and

---

<sup>1</sup> CD/H/2

<sup>2</sup> CD/H/3

adaptable housing. These matters are discussed in more detail in the assessment of soundness that follows.

## Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. The Consultation Statement<sup>3</sup>, the Duty to Cooperate statement<sup>4</sup> and its Addendum<sup>5</sup> set out the different ways in which the Council has engaged with neighbouring planning authorities and other prescribed bodies, such as National Highways. The Council's response to my initial letter<sup>6</sup> provides additional explanation. These are all complemented by signed Statements of Common Ground (SoCG)<sup>7</sup> with nearby authorities and various relevant bodies. These documents set out the strategic matters that have arisen during the preparation of the Plan such as meeting housing and employment needs, the effect of development on the Strategic Road Network (SRN)<sup>8</sup> and the SDNP.
14. Meeting housing needs, not only in Worthing but across the West Sussex Coastal authorities as a whole, is unarguably the most important and pressing of all strategic issues facing the Councils. The lack of land availability has similar connotations for employment land. As discussed later, the Plan falls some way short of meeting Worthing's full housing or employment needs. It is clear that this is a long-standing issue, and much time and effort has been dedicated to it through a range of formal Member and officer groups, including the West Sussex and Greater Brighton Strategic Planning Board and associated officer groups. This is just one example and there is substantial evidence of other formal and informal consultation, engagement and feedback from all neighbouring and nearby authorities.
15. The Councils are collectively working on measures to help deliver housing and employment. They are also in the process of preparing an updated Local Strategic Statement (LSS). Version 3 of the document will explore options for meeting unmet needs across the area and will develop a long-term strategy for

---

<sup>3</sup> CD/H/5

<sup>4</sup> CD/H/10

<sup>5</sup> CD/H/11

<sup>6</sup> WBC-E-02 – Response to IL07 (August 2021)

<sup>7</sup> CD/H/13

<sup>8</sup> The SoCG with National Highways was only agreed after submission. A draft of the agreement was submitted alongside the Plan. This is evidence of on-going engagement and does not suggest any failure with regard to the Duty.

the sub-region for the period 2030-2050. This will be a non-statutory strategic framework to guide the future location and delivery of development. While this may not be the solution that everybody wishes to see, it is nevertheless clear evidence of long-term and ongoing engagement between authorities on strategic matters.

16. This activity has clearly not resulted in any agreement to meet Worthing's unmet housing or employment needs in other authority areas. However, this in itself does not mean they have failed the Duty. It is generally accepted that the DtC is not a duty to agree, but rather a process of constructive, active and on-going engagement between local planning authorities and other bodies to maximise the effectiveness of plan preparation. In this respect, the Council cannot force nearby authorities to help meet their needs. Furthermore, the evidence suggests those Councils are having similar problems in meeting their own needs. In my view, the Council has done everything it can reasonably be expected to do to meet the Duty with regard to housing and employment needs.
17. Concerns were raised that a failure to agree a solution to housing need in Worthing, and the remainder of the West Sussex area, is a sign of collective failure of the Duty. In particular, that this is evidence of strategic matters being 'deferred', contrary to paragraph 35c of the NPPF. However, while a solution to the housing problem has not been reached, the Council has still sought to address the issue of housing with nearby authorities. In doing so, I am satisfied it did not seek to defer finding a solution or defer the matter of housing to a subsequent plan update.
18. Furthermore, there is no indication that failing to resolve any outstanding strategic matters results in the automatic failure of the DtC. National guidance<sup>9</sup> clearly states that where an authority has been unable to secure the cooperation necessary, this should not prevent the authority from submitting a plan for examination. To conclude otherwise would be illogical as it would effectively prevent any Council in Worthing's situation from submitting a legally compliant plan.
19. The Council has also produced extensive evidence of its activities in relation to other strategic matters, including highways. I am therefore satisfied that the Council has also met the Duty with regard to these matters and their engagement with prescribed bodies.
20. I am therefore satisfied that the Council has submitted comprehensive and robust evidence of the efforts it has made to cooperate, and the outcomes achieved. They have done everything they realistically could to gain assistance from other authorities and thus comply with the expectations of national guidance. In this regard, they have sought to maximise the effectiveness of plan

---

<sup>9</sup> PPG ID:61-022-20190315



preparation. The Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

### **Sustainability Appraisal**

21. The Environmental Assessment of Plans and Programmes Regulations (2004) requires environmental reports to identify, describe and evaluate the likely significant effects on the environment of implementing the plan and reasonable alternatives considering its objectives and geographical scope.
22. The publication of the Draft Local Plan (October 2018) was supported by the Draft Integrated Impact Assessment (DIIA)<sup>10</sup>. This incorporated the requirements of SA. It also incorporated the Habitat Regulations Assessment (HRA), which I refer to below. The document considered reasonable alternatives for the spatial strategy, though these were limited to a brownfield only option versus the preferred option of a mix of brownfield development and urban extensions. Given the nature of Worthing and the constraints it faces, this is both understandable and acceptable in principle.
23. The report also considered different levels of housing growth. These included a 'need' based approach, a 'supply' based approach and an 'evidence' based approach. The latter two were differentiated by the anticipated scale of delivery from potential sites. Again, I am content that the options considered represent a robust approach and unreasonable options were ruled out for sensible reasons. The DIIA also assessed options relating to Local Green Gaps (LGG) and potential allocations and, where appropriate, options for thematic development management policies.
24. The Council did not however consider any alternatives for the employment land requirement. The only option they considered 'reasonable' was to maximise delivery of employment land on suitable sites. As this was already unlikely to meet the 'need' identified, it was not considered reasonable to consider other higher options as they would not be deliverable. 'Lower' options, or those suggesting an existing oversupply, were also deemed unreasonable as they would not have delivered any form of economic growth, which would have been in conflict with national policy. I am also content that in this context other options would not be 'reasonable'.
25. The Publication version of the Plan was published for consultation in January 2021. It was accompanied by an individual SA Report<sup>11</sup>. This generally did not

---

<sup>10</sup> CD/F/8

<sup>11</sup> CD/H/14

repeat what was in the DIIA. It did, however, assess the preferred strategy, allocations and the policies of the Plan. It also identified any changes that had taken place between the Draft and Publication versions of the Plan and considered the effects of this and any additional mitigation necessary. A significant change was in the anticipated housing requirement, which fell from 4,232 dwellings to 3,672. This was ostensibly as a result of further analysis and refinement of the earlier growth options and sites. The report also set out how the SA had been taken account of in the preparation of the Plan.

26. It is acceptable in principle for the SA to be split into separate documents, provided it does not result in a 'paper chase' and there is clear signposting between documents. To that end, I raised some concerns in my post-hearing letter<sup>12</sup> that the Publication version of the SA did not always fully explain how alternatives or policies evolved or had been refined between the Draft and Publication versions of the Plan. Moreover, the SA was not always clear about the reasons for any changes, why resulting options had been selected or why there had been no change in likely effects between the Draft and Submission versions of the Plan.
27. Importantly, my concerns were not with whether a full or thorough assessment of reasonable alternatives had been carried out, but that the 'narrative' could have been clearer. I therefore recommended that an addendum to the SA should be prepared to provide further clarity. This was published for consultation alongside the Main Modifications. It was not intended to introduce new evidence, or retrospective justification for policies or allocations, but rather was a means of ensuring existing evidence was clearly referenced and brought together.
28. Concerns have been raised throughout the examination about the accuracy or consistency of the scoring for strategic options and individual sites. Disputes about such things are to be expected. These are due to differences in planning opinions and judgements and do not undermine the SA process. Furthermore, decisions about the content of the Plan have not been made solely on the basis of the SA. The SA is a high-level document focussing on the likely significant effects of the Plan. Taken as a whole, it allows a range of considerations affecting the sites to be assessed in a coherent way but does not remove the need for the exercise of judgement by the decision maker.
29. The SA has also been criticised for not carrying out the assessment set out in paragraph 11b of the NPPF. This is whether the adverse impacts of meeting the objectively assessed needs for housing significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. However, it is also not the role of the SA to carry out this balancing exercise. The SA is part of the process, but it is not used in isolation to

---

<sup>12</sup> IL07

determine the strategy or which sites should be allocated. Judgements about the content of the Plan are appropriately made *using* the SA; they are not made *by* the SA.

30. Overall, I am satisfied that the SA process was proportionate, objective, underpinned by relevant and up-to-date evidence and compliant with legal requirements and national guidance.

### **Habitats Regulation Assessment**

31. The Plan was subject to Habitats Regulations Assessment (HRA) during its preparation, as required by the Conservation of Habitats and Species Regulations 2017 (as amended). There are no protected sites within the Borough. The Arun Valley Special Protection Area (SPA) and Duncton and Bignor Escarpment Special Area of Conservation (SAC) are within 15km from the Borough boundary. The assessment also considered potential effects on Castle Hill SAC (over 20km away) and Ashdown Forest SAC (over 35km away).
32. As noted above, the initial screening exercise was contained within the DIIA<sup>13</sup>. An HRA Screening Addendum was published in 2021<sup>14</sup>. Both exercises concluded that the Plan would not lead to any likely significant effects on protected sites, alone or in conjunction with other plans and projects. It was therefore not necessary to carry out Appropriate Assessment of any part of the Plan.
33. Natural England were involved and consulted in the process and have raised no objections or concerns about the HRA methodology, the content of the various documents or their conclusions. No other statutory consultees dispute the findings of the assessment. I am therefore satisfied that the relevant legal requirements relating to HRA have been met.

### **Climate Change**

34. Climate change is embedded into the Vision and Strategic Objectives of the Plan. The Spatial Strategy seeks to focus development in the existing built-up area, or in sustainable urban extensions that ought to minimise the need to travel. Policy SP2 sets out a range of measures relating to minimising carbon use, maximising carbon sequestration and adapting to or mitigating the effects of climate change. These strategic objectives and policy are supported by a range of thematic policies which seeks to avoid or mitigate flood risk, promote sustainable travel, protect and enhance green infrastructure (GI) and biodiversity and support energy efficiency and renewable energy production.

---

<sup>13</sup> CD/G/9

<sup>14</sup> CD/H/26

35. I am satisfied that, when read as a whole, the Plan includes policies designed to secure that the development and use of land in the area contributes to the mitigation and adaptation to climate change.

### **Consultation**

36. Section 19(3) of the 2004 Act requires Councils to comply with their Statement of Community Involvement<sup>15</sup> (SCI). The Council's Consultation Statement sets out the process of consultation as part of the Plan's preparation. It also includes details of how representations were considered and how they shaped the strategy. At publication stage, all consultees, anyone who had made comments during the previous stages of consultation, as well as anyone who had requested to be kept informed were notified of the consultation.
37. Inevitably, consultation at Regulation 19 was affected by the COVID-19 pandemic and thus it was not possible for documents to be viewed in person. This was however consistent with the changes to national regulations which temporarily removed requirements to make certain development plan documents available for inspection at premises and to provide hard copies on request. An Interim Addendum<sup>16</sup> to the Joint Statement of Community Involvement<sup>17</sup> (2019) was published in January 2021 (further revised in August 2021). Consultation on both the Plan and MMs were carried out in accordance with this document. I am therefore content that consultation met the necessary statutory requirements.

### **Strategic Priorities**

38. Section 19(1B) and 19(1C) of 2004 Act requires the local planning authority to identify its 'strategic priorities'. The Plan's vision and objectives set out the Council's high level strategic priorities. These are addressed through subsequent policies in the Plan. Taken as a whole, the Plan includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. The requirements of the Act have therefore been met.

### **Superseded Policies**

39. Regulation 8(5) of the Regulations<sup>18</sup> requires a Plan to identify any policies that are intended to be superseded. Paragraph 1.5 of the Plan clearly states that, when adopted, it will supersede all of the policies in the Worthing Core Strategy (2011) and saved policies of the Worthing Local Plan (2003). The requirements of the regulations have therefore been satisfied.

---

<sup>15</sup> CD/G/20

<sup>16</sup> CD/G/21

<sup>17</sup> CD/G/20

<sup>18</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

## Local Development Scheme

40. Finally, the Plan conforms to the scope, subject matter and timescales set out in the Local Development Scheme<sup>19</sup> (LDS). The area of Worthing within the South Downs National Park (SDNP) is excluded from the Plan area. This is logical given the National Park Authority produces a separate local plan for the SDNP as a whole.

## Conclusion

41. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## Assessment of Soundness

### Main Issues

42. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing sessions, I have identified 13 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors and focusses instead on the main issues of soundness.

### Issue 1 - Is the overall spatial strategy and distribution of growth positively prepared, justified, effective and consistent with national planning policy?

#### Strategic Policies

43. Paragraph 21 of the NPPF states that the Plan must clearly set out which policies are strategic. **MM1** confirms that the policies in Chapter 2 and 3 are those which are strategic. This provides the clarity required by national policy.

#### Policy SP1 – Presumption in Favour of Sustainable Development

44. Policy SP1 is a 'catch-all' policy which reflects the 'presumption' set out in paragraph 11 of the NPPF. Criterion a) is superfluous and does not assist in decision making. Consequently, it is in conflict with paragraph 16d of the NPPF. This paragraph is more suited to supporting text, where it explains the principles of the 'presumption'.
45. While seeking to reflect the NPPF, criteria b) and c) diverge from its wording to the extent that aspects are no longer consistent with it. In particular, the wording

---

<sup>19</sup> CD/W/8

implies more stringent requirements than exist in national policy, which are not justified. **MM2** is therefore necessary to ensure consistency with national policy.

## The Spatial Strategy and Policy SS1

46. Policy SS1 establishes the broad spatial strategy for development in the Borough. This seeks to direct growth to land within the defined built-up area and a number of edge-of-town sites. It also seeks to protect remaining areas of open countryside and identifies four Local Green Gaps as being strategically important for maintaining the separation of settlements and retaining Worthing's identity. The strategy also seeks to increase the rate of housing delivery from small sites, deliver regeneration opportunities, particularly in the town centre and seafront, and to meet the needs of the community by providing or protecting local services and employment sites.
47. The Plan explains that the spatial strategy effectively continues that set out in the Worthing Core Strategy. The focus on previously developed land, with some urban extensions, is consistent with the thrust of the NPPF which, at paragraphs 119 and 120, encourages the use of brownfield land while also recognising the benefits of rural land for both development and other functions, such as wildlife, recreation and food production. Areas outside the built-up area are relatively scarce and many are subject to other constraints which make them valuable resources for a variety of reasons. On this basis, the Plan also sets out a high level of protection for the remaining areas of countryside. This is appropriate in Worthing's context.
48. When modifications (detailed elsewhere in this report) are taken into account, the strategy is supported by 14 allocations, five of which are urban extensions. There will always be disagreement about the sites that have, or have not, been allocated for development and/or the level of protection provided to certain locations. However, there are few, if any, alternatives to the broad spatial strategy proposed. The only realistic options available relate to the scale of development on the edge of the built-up area. I consider this issue in more detail below. However, in summary, I am content that all reasonable alternatives and options for growth have been considered and the overall spatial strategy is sound.
49. Turning to Policy SS1 itself, it is necessary to modify criterion a) to include provision for delivering 'high quality development'. This will ensure the overall strategy is consistent with paragraph 130 of the NPPF and provide clarity about the Council's intentions. A consequential change is also needed to reflect the deletion of the Titnore Lane allocation, discussed later in this report (**MM5**).

## Development in the Countryside – Policies SS4 and SS5

50. Policy SS4 defines anywhere outside the defined built-up area as 'countryside and undeveloped coast'. Outside the SDNP, there remain only pockets of countryside within the Borough. These are generally valued, and have value, as areas of open land which provide relief from the dense urban form or provide other benefits such as food production and agriculture, biodiversity, flood management and recreation. The undeveloped coast is similarly valuable in terms of shoreline management, biodiversity and recreation. The strategy for the countryside is one of protection. This is achieved both in general terms, through Policy SS4 and more specifically through the designation of Local Green Gaps in Policy SS5. The Plan also seeks to identify Local Green Spaces, which I deal with in relation to GI under Issue 13.
51. The NPPF does not advocate blanket restrictions on development in the countryside. However, it does recognise its importance, both in terms of landscape and local character but also in a functional perspective. The limited opportunities for growth in Worthing generate commensurate pressures on the countryside that remains. I therefore consider a cautious approach to development justified in this case.
52. However, it is important to recognise that Policy SS4 does not impose a blanket restriction on all development in the open countryside. While limited in nature, it does allow for some development to take place. However, as submitted, even development which had demonstrated a need to be in the open countryside would still have to demonstrate it could not be located within the built-up area. This is an unduly onerous and unjustified approach. There may be uses, such as those relating to agriculture or recreation, that would be suitable in the countryside without resulting in harm to the strategy. While demonstrating a need for a countryside location may be legitimate in the context of this Plan, demonstrating that such uses cannot be located in the built-up area should not be a necessity. The policy should be modified to remove this requirement **(MM8)**.
53. Paragraph 72 of the NPPF states that local authorities should support the development of entry level exception sites, suitable for first time buyers or those looking to rent their first home, unless the need is already being met within the authority's area. By definition, such sites are located in the countryside on the edge of settlements. Given the restrictions on the scale of delivery in Worthing, it is unlikely that specific needs for first time buyers will be fully met by existing allocations or windfalls. This makes the need to be supportive of such development all the more important. Notwithstanding the constraints that exist, to ensure consistency with national policy, the Plan should make provision for entry-level exceptions in appropriate circumstances **(MM8)**.

54. Criterion f) highlights the importance of the SDNP and the need for development to respect dark skies and improving access to the park. However, there is nothing in this policy which recognises the importance of the setting of the SDNP in landscape character terms. Making it clear that development in the countryside should be sensitively located and designed to avoid or minimise impact on the national park would ensure the policy's overall effectiveness **(MM8)**.
55. The Plan identifies four areas as Local Green Gaps. These are the Goring-Ferring gap, Chatsmore Farm, Brooklands Recreation Ground and land at Upper Brighton Road. The areas differ in size, form and existing use but all are designed to help maintain the physical and visual separation of settlements and to preserve the separate characters and identities of Worthing as distinct from Adur and Arun. I consider this is particularly important as there are few breaks in development between Brighton and Chichester and those in Worthing are demonstrated to be fragile. The LGGs are therefore a fundamental part of the Plan's spatial strategy.
56. The Council acknowledges that there is no single element of national policy which provides a basis for designating LGGs. However, the aims of the LGG reflect a number of different policies relating to making efficient use of land, which includes recognising the benefits of undeveloped land for wildlife, recreation, food production or improving public access to the countryside. They also support national policy objectives relating to the protection of open land of public value, creating high quality, beautiful and sustainable places and those which seek to protect and enhance the natural and local environment. Though the Council were at pains to point out that LGGs are not landscape designations, they nevertheless still have importance to local character, not least in providing an antithesis to the built-up area.
57. The principle of a 'gap' policy is well-established in the West Sussex area, going back to at least Structure Plans of the 1980s. The West Sussex Structure Plan of 2005 defined 'strategic gaps' as did the Worthing Local Plan of 2003. In response to prevailing national and regional planning guidance, formal 'gaps' were not specifically identified in the Worthing Core Strategy. However, that Plan still contained general protections for areas outside the built-up area. Thus, the intention to protect the open countryside and maintain existing 'gaps' remained extant. In response to changes made to national planning guidance and with greater development pressures, the Council determined that it needed to reinstate a specific gap policy in this version of the Plan.
58. The Local Plans of the neighbouring authorities of Adur and Arun (adopted in 2018 and 2017 respectively) both contain equivalent policy designations. The Goring-Ferring and Chatsmore Farm gaps (the western gaps) are contiguous with those in Arun. The Brooklands Recreation Ground and Upper Brighton Road gaps (the eastern gaps) are contiguous with those in Adur. The NPPF has



been updated since these plans were adopted. However, there has been no significant change in policy which suggests these gaps would no longer be considered acceptable in principle.

59. The arguments in favour of maintaining this long-standing policy approach and providing a degree of consistency with neighbouring plans is compelling. Even with the extensive development pressure in Worthing, maintaining a sense of place and identity remains a justifiable strategic objective. I saw for myself that there are few breaks in the built form along the coast and those which exist are not all significant in size. I am therefore content that the definition of LGGs is sound.
60. In terms of the specific designations, and with reference to a proposal for housing development not included in the plan, it was put to me that the Chatsmore Farm does not function as a 'gap' and is rather an indentation in an otherwise continuous pattern of development. It is true to say that between the proposed Chatsmore Farm and Goring-Ferring gaps there is a block of development which already joins Goring and Ferring, with housing estates and a school located either side of Goring Way. Notwithstanding this, the western gaps clearly provide breaks in the built form and help prevent the sense that the two areas have merged completely or lost their own identities.
61. This is particularly the case for Chatsmore Farm when viewed from the SDNP and Highdown Hill looking down the slope into Worthing. The same applies when looking north across the Goring-Ferring gap. The built form which segregates the gaps is not the dominant feature in these views and is also absorbed to an extent by landscaping. The predominant sense when viewing the gaps is one of relief from the continuous built form running east to west.
62. The Chatsmore Farm gap is also separated from the existing built form by the A259 to the north and east, and the railway line to the south. The field boundary also creates a strong 'edge' to the west, albeit the presence of housing highlights the vulnerability of encroachment from Arun. The area is largely self-contained and enclosed agricultural land. When travelling along the A259, it provides a very obvious break to the settlement pattern and allows for a sense of arrival or departure from Worthing. It also allows the countryside to penetrate into Worthing from the SDNP to the north. This helps to soften the hard edge of the road that currently exists and makes a positive contribution to the setting of the SDNP. The area also provides a degree of recreation value from public rights of way around the edge of the site. Although the SDNP and coastline are not too distant, it still provides scope for local residents to have access to the countryside and the benefits this provides.

63. Based on the evidence before me, my own observations of the area and the overall strategy being proposed, I am satisfied that this land is justified as a LGG.
64. Following the close of the hearing sessions, outline planning permission was granted on appeal for 475 dwellings on a large proportion of the Chatsmore Farm designation<sup>20</sup>. It was put to me through the MM consultation that I should reconsider the designation of the LGG as a result of this decision. However, subsequently this permission has been quashed by the High Court on 1 August 2022<sup>21</sup>. Given that my conclusions above take account of the evidence before me in respect of a potential housing development on the land there is no need to consider the implications of a specific permission for such a development.
65. The Goring-Ferring Gap is varied in character, with a mixture of agricultural land and other uses, including formal recreational facilities. The area also includes public rights of way. The gap here is clearly defined by a strong tree line to the north, which softens the visual impact of housing beyond, and the housing to the east. The designation continues in Arun to the west but housing is clearly visible which provides a hard edge to the gap as a whole.
66. Although my visits can only provide a snapshot of normal activities, I saw that the area as a whole was used for a range of leisure purposes. It also seamlessly links to the sea front, which adds both to the recreational value of the area and local character. The break in the built-up sea front is keenly felt here and the obvious link with the 'gap' on the Arun side of the border only adds to its cumulative importance in maintaining Worthing's identity. The Goring-Ferring gap clearly performs the strategic function intended for a LGG.
67. Whether or not the western gaps are called gaps, buffers, wedges, indentations or some other description is somewhat semantic. What is important is their character, role and function, which are clearly consistent with the aims of the spatial strategy. Their definition as LGGs is therefore justified.
68. Brooklands Recreation Area effectively creates a wedge between Worthing and Lancing in Adur, starting at the coastline and heading roughly northwest to the railway line and the Borough boundary. Adur's gap is to the north of this. The area is predominantly in formal recreation use, but also plays an important biodiversity role. The area is quite varied in landscape and character, with different areas of open grassland, more formal areas of parkland and ponds, woodland, formal play areas, car parks and other complementary facilities. As

---

<sup>20</sup> Appeal reference: APP/M3835/W/21/3281813

<sup>21</sup> Worthing Borough Council v SSLUHC & Persimmon Homes (Thames Valley) Limited [2022] EWHC 2044 (Admin)

well as these, it still performs the function of maintaining physical and visual separation and thus the principle of a LGG is acceptable.

69. The Upper Brighton Road gap is the smallest of the four designations. It would provide a small buffer between the edge of the A15 allocation and the boundary with Adur. Beyond this is a larger 'gap' designation. The defined area also includes an easement strip which accommodates cabling from the Rampion offshore windfarm. This already precludes any form of development and creates a natural edge to the potential built-up area in Worthing. It thus also forms a natural and logical extension to the gap in Adur which will help to bolster its strategic value. The principle of the LGG here is also justified.
70. While I am satisfied that the principle of LGGs is sound, Policy SS5 still needs to be modified to ensure effectiveness. Firstly, the distinction between LGG and Local Green Spaces (LGS) must be recognised. There is overlap between the policies in places. LGS are subject to the same policies as Green Belt. As submitted, the LGG policy was potentially more restrictive than that for Green Belt. As such, proposals acceptable in principle in a LGSs may have fallen foul of LGG policy. This would not have been justified. **MM9** gives precedence to LGS policy where there is overlap. This does not negate the value of identifying the area as a LGG, as the strategic importance of the gap will still be recognised.
71. **MM9** also removes the requirement for 'exceptional circumstances' to be needed for any form of development in a LGG. This is a high bar to meet and could effectively have placed a blanket ban on development coming forward. However, the purpose of the LGG is to maintain visual and physical separation, not to maintain openness. There may be forms of development that can be accommodated within the gaps without undermining their purpose. To that end, criterion ii) needs to be modified to remove reference to 'openness' and 'unobtrusive' as these are not factors which relate to the strategic purpose of the gap. 'Openness' in particular is more akin to Green Belt, which the policy should not be seeking to replicate.
72. **MM9** replaces this with alternative wording relating to the 'integrity' of the gap which is consistent with policies of the neighbouring authorities and allows the Council to consider whether the purpose of the gap would be undermined by development. The removal of reference to 'coalescence' in criterion i) also better reflects the purpose of the LGG in terms of physical and visual separation and is consistent with policies of neighbouring authorities. This is important as some designations cross boundaries and so a consistent approach to considering proposals is sensible. These modifications are necessary to ensure the policy is justified and effective.

73. To ensure Policy SS5 is effective, amendments are also needed to the inset map on page 61 (**MM11**). The Goring-Ferring and Brooklands gaps are incorrectly shown as extending to the coastline. This should be amended for accuracy. The Brooklands designation also includes areas that may be required for operational reasons by Southern Water. This was included in error and could prejudice future works. Accordingly, it is not justified. Associated amendments to the Policies Map will also be necessary to reflect this change.

### **Plan Period**

74. Paragraph 22 of the NPPF states that strategic policies should look ahead over a minimum 15-year period from adoption. As submitted, the Plan period runs from 2020 to 2036. It was anticipated that the Plan would be adopted in 2021 and thus would have met this requirement.
75. The Plan has been prepared during the COVID-19 pandemic, which has had understandable consequences in terms of the preparation and submission of the Plan. This means that the Plan will now be adopted in 2022 and will thus have a lifespan of around 14 years. Although the period will now fall marginally short of the 15 years recommended by the NPPF, I conclude that this does not render it unsound. Delaying the adoption of the plan to address any implications for extending the period would be more likely to frustrate, rather than accelerate the delivery of new housing and employment in Worthing. This would be contrary to the Government's objective of significantly boosting the supply of housing and for Councils to have up-to-date plans in place.
76. On balance, a plan period of up to 2036 would remain broadly consistent with the aims of paragraph 22 of the NPPF in allowing adequate time for the Plan's strategic policies to take effect.

### **Conclusion**

77. I am satisfied that, subject to the indicated MMs, the overall spatial strategy and distribution of growth is positively prepared, justified and consistent with national planning policy.

## **Issue 2 – Is the Plan informed by a robust and objective assessment of housing need, is the process for selecting allocations robust and is the housing requirement justified and positively prepared?**

### **Objectively assessed housing needs**

78. Paragraph 61 of the NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a housing need assessment conducted using the standard methodology, unless exceptional

circumstances justify an alternative approach. I agree with the findings of the Strategic Housing Market Assessment<sup>22</sup> (SHMA) which confirms there are no such circumstances here. The standard methodology results in an objectively assessed housing need (OAHN) for Worthing of 885 dwellings per annum or 14,160 over the Plan period.

### Site Selection Process

79. The Council's approach to site selection is summarised in their response to my initial letter<sup>23</sup>. The identification of potential housing sites was informed by the Strategic Housing Land Availability Assessment (SHLAA) (August 2020) and Update (December 2020). These were themselves informed by a 'call for sites'; a process which never formally closed, thus providing a wider scope for potential sites to be put forward. A range of other sources were also used to identify potential allocations, including unimplemented permissions, brownfield sites register, review of Council assets and unimplemented allocations. The SHLAA included any site capable of accommodating 5 or more dwellings.
80. This is not a borough blessed with a surfeit of options and opportunities for housing or employment development. Nevertheless, I am satisfied that the Council considered all reasonable options as part of the process. I am also content that the assessment of sites, carried out using the criteria in the SHLAA and supplemented by the SA and various specific and bespoke evidence base documents, provided a proportionate and robust basis on which to identify allocations. As with the SA, there are disagreements about the Council's conclusions on these matters, but these are inevitable. The Council is entitled to exercise its own planning judgement.
81. In identifying sites, the Council must also provide a balance between delivering housing, delivering new employment opportunities, protecting or enhancing the quality of the environment and ensuring its residents have access to all services and facilities they need. The identification of suitable sites has no doubt been a challenging task for the Council. It is heavily built up, with relatively few undeveloped areas and, of those, most have some importance in terms of their existing recreational use, biodiversity, landscape character or a combination of these factors. The Council has also identified others as being important to the overall spatial strategy. The area is also constrained by the presence of the SDNP and the coast, issues relating to traffic, in particular the A27, and flood risk.
82. As discussed under Issue 3, this means that the majority of sites considered, and ultimately allocated, are subject to some form of constraint, including flooding and drainage, potential contamination, access and highways, sensitive

---

<sup>22</sup> CD/I/1

<sup>23</sup> WBC-E-02

landscape considerations or the presence of existing uses and users that may need to be removed or relocated. Any consideration of the robustness of the site selection process must be set in this context, as well as the significant need that exists for development.

83. Taking the totality of the evidence into account, I am satisfied that the allocations were selected on the basis of a proportionate, consistent and robust assessment of all potential sites. As set out in more detail under Issue 3, I am also content that the Council properly considered the potential effects of development on viability, flooding and drainage, transport, biodiversity, pollution, local character and consistency with the spatial strategy. They also assessed the capacity and deliverability of each site in a sensible and pragmatic manner. The site selection process was therefore sound.

### **Capacity to accommodate objectively assessed housing needs and the housing requirement**

84. Policy SS2 establishes a housing requirement of 3,672 dwellings or 230 per annum. This is very clearly some way short of the OAHN. Paragraph 11b of the NPPF states that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 7 of the NPPF sets out the areas or assets of particular importance which provide a strong reason for restricting the scale of development. These include National Parks, areas of flood risk and coastal change.
85. The Council considers there to be insufficient capacity to meet all of the OAHN within the Plan area based on an assessment of a range of constraints and opportunities. The Borough is squeezed between the SDNP to the north and sea to the south and its boundaries are also drawn tightly to the east and west. The current built form takes up the vast majority of the Plan area and thus the scope for suitable expansion is limited. When considering that much of the land outside the built-up area also forms part of the environmentally sensitive coastline, it is clear that the challenges facing Worthing are both real and significant. These constraints, and the effect they have on development, are long standing and well-rehearsed. Indeed, there was no serious suggestion by any interested party that Worthing would be able to realistically meet its full OAHN.
86. The question is more whether enough has been done to maximise the level of housing delivery and/or whether enough has been done to seek to meet the

needs in neighbouring areas. I have already determined that the DtC has been complied with. However, in the context of paragraph 35c of the NPPF, concerns were raised that the issue of meeting housing needs had been 'deferred' and thus the Plan is not sound as a result.

87. A phrase used often in the examination hearings was whether 'every stone had been unturned' in allocating sites. I have already concluded that the Council has done everything it could realistically do to identify potential sites. Very few alternatives were identified and those were all considered thoroughly by the Council. Planning judgements were made about the suitability of the 'omission' sites for development and the harm that would result, either to the Council's underlying strategy or to other planning matters of considerable importance, including the landscape character and function of the Borough. There will always be disagreement about such judgements. Nevertheless, when the evidence base is considered as a whole, there can be little doubt as to why the Council considered the sites not worthy of allocation.
88. It is also important to note that many of the sites allocated are subject to significant constraints that may have ruled them out in some local authority areas. An example of this is the degree to which many are subject to some form of flood risk. These and other constraints are such that it is clear to me that identifying realistic opportunities for growth has not been a straightforward task. There is nothing to suggest that this process has shied away from difficult decisions. Indeed, I conclude elsewhere that one of the allocations at Titnore Lane would not be suitable for allocation for a number of reasons. I have had regard to paragraph 11 of the NPPF in coming to that conclusion.
89. As noted above, nobody realistically believes that it would be possible for Worthing to meet the overall need within its own boundaries. Including all omission sites would make a relatively small difference to the overall shortfall. While I acknowledge that every house delivered is important, and substantial weight should be given to delivering as much housing as possible, national planning policy does not expect housing needs to be met at the expense of all other planning matters.
90. There is no evidence to suggest that the Council has failed to understand the importance of housing delivery or the need to maximise capacity and delivery. A local plan must find a balance between providing land for housing and other uses. A local plan must also strive to meet the NPPF's objectives in relation to the quality of the built environment, the recognition of the intrinsic beauty of the countryside, protection of the natural environment and ensuring the residents of the Borough live in well-designed, beautiful and safe places with accessible services and open spaces. Housing delivery is important, but it is not the be-all and end-all of a Plan's role.

91. The Council has concluded that identifying the last few remaining opportunities that exist for housing would result in a degree of harm to the overarching spatial strategy and character of the Borough which would significantly and demonstrably outweigh the relatively limited additional benefits. This is a judgement the Council is entitled to make, and I have found nothing unreasonable or irrational in how they reached this conclusion.
92. The 'effective' test of soundness requires the Plan to be deliverable over the Plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by statements of common ground. With regard to the first element of this, I am satisfied that, subject to MMs, the housing sites allocated have a good prospect of being delivered in the Plan period. My conclusions on the DtC demonstrate that I am satisfied there has been effective cross-boundary working on housing matters.
93. In terms of 'deferral', the housing 'issue' has been dealt with through the plan making process. It has not been ignored or set aside for consideration through a future plan. Clearly, there are very significant strategic matters to address. Progress is being made on these through the LSS3, though perhaps not as expediently as many would wish or would be ideal. Nevertheless, there is no obvious immediate solution to meeting *all* of Worthing's housing needs or those of other West Sussex Coastal districts.
94. Moreover, even had I accepted the arguments relating to additional capacity, it would not have resulted in all needs being met. If I were to agree with the view that failing to meet the OAHN was a sign of 'deferral', then the Council would have no way of demonstrating the Plan is effective and no way I could find it sound. This would be irrational and fly in the face of the PPG and the NPPF, both of which allow for situations where overall needs cannot be met.
95. The Council were also criticised on the basis that the evidence base did not explicitly refer to paragraph 11b of the NPPF or spell out the weight given to the harms and benefits of development. This is not decisive. Planning judgements are not mathematical or tick-box exercises where decisions are based on the 'totting up' of scores or checklists and it would be wrong to criticise the Council for not assessing alternatives in this way. Moreover, I must consider the evidence as a whole, including the oral submissions of the Council at the hearing sessions. There can be little doubt about the Council's conclusions in terms of NPPF paragraph 11b. I am content that their reasoning in this regard is justified.
96. I am therefore satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity that exists in the Borough. To that end, the housing requirement set out in Policy SS2 is positively prepared



and justified. Modifications to Policy SS2 are still necessary, however, to reflect the deletion of the Titnore Lane site and other consequential changes resulting from my conclusions on sites A6 and A10 (**MM6**).

## **Conclusion**

97. I am satisfied that, subject to the main modifications set out above, the Plan has been informed by a robust and objective assessment of housing need, the process for selecting allocations was robust and the housing requirement is justified and positively prepared.

## **Issue 3 - Are the specific allocations justified, effective and consistent with national planning policy?**

98. The following complements the consideration of the site selection process and constraints associated with land supply under Issue 2 and considers whether the allocation of specific sites was justified. This starts with general cross cutting issues which relate to all potential allocations and is followed by consideration of each allocation individually.

### **Allocations – General Matters**

#### *Viability and Delivery*

99. NPPF paragraph 34 states that the Plan should set out the contributions expected from development and that such policies should not undermine the deliverability of the plan. National guidance<sup>24</sup> explains that this should be informed by a proportionate assessment of viability that considers all relevant policies and other requirements, such as Community Infrastructure Levy (CIL).

100. The viability and delivery of the strategy was assessed through the Strategic Viability Assessment<sup>25</sup> (2021). The methodology used was robust and followed national guidance. With certain policy measures in place, including a variable approach to affordable housing, the assessment concluded that the housing sites and policies of the Plan have good prospects of delivery. There is nothing to suggest I should come to a different conclusion.

101. The position on commercial development was more varied. However, the assessment concluded this was not due to any policies in the Plan, but more general market conditions. This is largely outside the control of the Council. Moreover, there is no evidence that policies of the Plan will undermine its delivery. Importantly, the Council also recently adopted a CIL which did not include charging on non-residential development. The Council are therefore

---

<sup>24</sup> PPG ID:10-009-2019509

<sup>25</sup> CD/G/14

'cutting their cloth' in order to not discourage employment or other commercial growth. Subject to modifications, the Plan also contains mechanisms that allow for flexibility where developers can demonstrate development is not viable.

102. Where new services or facilities are necessary, the Plan contains policies to ensure that appropriate supporting infrastructure is provided and/or upgraded as part of new developments. These issues have been identified as part of the site selection process and are fully acknowledged in the development requirements for each relevant site. There is no substantive evidence to suggest existing infrastructure cannot accommodate the scale of development proposed by the Plan, or that mitigation cannot be put in place to address any issues arising.

### *Flooding and Drainage*

103. The Strategic Flood Risk Assessment (SFRA) (2020) identified the constraints associated with flood risk in the Borough. These are significant. Indeed, the majority of allocations are either partially or fully within Flood Zones 2 (a medium risk of flooding) or Flood Zones 3a/3b (a high risk of flooding). As required by paragraphs 161-162 of the NPPF, the Council has carried out a sequential test<sup>26</sup> to determine whether there are any preferable sites to deliver growth. However, with the general paucity of supply, even if other sites were considered suitable for development, it would not negate the need for the allocations that have been made. As such, the sequential approach required by paragraph 161 of the NPPF has been adhered to.
104. Where necessary for housing and mixed-use sites, the Council also considered the 'exception test' in line with paragraphs 163 and 164 of the NPPF. This considered whether development would provide wider sustainability benefits that outweigh the flood risk, whether development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. This exercise concluded that the relevant sites all 'passed' the exception test.
105. I am satisfied the Council's approach to the issue of flooding is consistent with national policy and robust. With appropriate controls in place, there should be no undue risk to occupants of affected sites or those nearby. However, **MM13** is necessary in this context to provide clear explanation as to the flooding context in the Borough and the basis on which the sites have been identified. This will also help provide clarity in terms of how allocations are considered, thus ensuring policies are both justified and effective.
106. Nevertheless, several sites are still subject to flood risk to one extent or another. While this has not resulted in any being considered unsuitable for development in principle, main modifications are necessary to ensure an effective and

---

<sup>26</sup> CD/G/13

internally consistent approach which properly reflects the requirements of national policy.

107. In some cases, the site-specific policies refer to applicants carrying out a sequential test. However, paragraph 166 of the NPPF states that sites allocated in a Plan through the sequential test need not apply it again. Seeking to limit or mitigate flood risk by directing development to lower risk areas *within* sites is consistent with paragraph 167 of the NPPF. However, reference to a sequential approach or test is still misleading. MMs are required to remove this reference. Moreover, there are examples of some sites where this wording has been omitted, but where similar issues still exist. MMs are therefore needed to include these criteria for completeness, internal consistency, certainty and effectiveness.
108. In addition, to be effective, it should be made clear in affected site policies that development will only be permitted where it can be made safe and would not increase flood risk elsewhere. This will also provide comfort for local residents and clarity for decision makers and applicants. Consequential changes to the supporting text are also needed to better explain the flood risk context for each site and the Council's likely requirements (**MM17, MM19, MM20, MM21, MM22, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).

### *Transport*

109. The Worthing Local Plan Transport Assessment<sup>27</sup> (2018) and Addendum<sup>28</sup> (2021) assessed the likely impact of the Plan on the SRN. This work concluded that the scale and location of development proposed would not have any significant harmful effects. Capacity issues around the A27 in particular are acknowledged. However, both the Highway Authority and National Highways are content, subject to MMs, that the Plan will not result in severe cumulative transport issues. Where there are local issues, the evidence outlines appropriate potential mitigation measures. I am therefore satisfied that in selecting sites, the Council has robustly considered transport matters and both the strategy and sites are consistent with national policy, in particular NPPF paragraph 111.
110. I have however recommended MMs to provide greater detail and certainty in relation to the mitigation that would be needed. These have all been based on the findings of the above assessments and will provide clarity and certainty for decision makers and applicants. The modifications are therefore necessary in the interests of effectiveness (**MM16, MM17, MM19, MM21, MM22, MM24, MM26**).

---

<sup>27</sup> CD/L/1

<sup>28</sup> CD/L/2

### *Biodiversity*

111. A number of allocations have the potential to impact on biodiversity assets either within, or adjacent to, the site. I am satisfied that, apart from A13 (Titnore Lane), development should not result in impacts on biodiversity assets that cannot be avoided or mitigated. This is often reflected in the individual site policies by a requirement to be informed by up-to-date ecological information. While this would obviously be necessary, the policies provide no guidance on how this information would be used, what the objectives should be in relation to biodiversity or whether there would be any circumstances in which development would not be permitted. The relevant site policies are therefore ineffective in this regard.
112. To address this, new criteria have been included where necessary to replace this text and highlight the need to protect or enhance existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. This cross reference will provide clarity and certainty. The revised criteria also incorporate any detailed biodiversity requirements already set out in policy (**MM17, MM19, MM20, MM21, MM22, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).
113. A number of allocations may also be at risk of contamination, including A3 (Centenary House), A4 (Civic Centre), A9 (Lyndhurst Road), A10 (Martlets Way) and A14 (Union Place). There is nothing to suggest that risks are so significant that they should rule the site out of being allocated. The policies for these highlight the need for assessment of potential risks, but do not set out any requirements for resulting issues to be mitigated. With particular regard for those sites near to existing residential areas, MMs are necessary to rectify this omission so as to give certainty to development and comfort for local residents. The relevant allocation policies also do not always follow a consistent approach to this issue and thus MMs are also needed to remove any ambiguity. Collectively, the modifications will provide certainty and effective policies (**MM19, MM20, MM25, MM26, MM30**).

### *Character and appearance*

114. The site selection process considered the likely effect on landscape and character. Several of the housing allocations in the Plan are greenfield sites on the edges of the existing built-up area. As a result, there will be an inevitable degree of encroachment into the countryside and an urbanisation of existing open and undeveloped land. This is unavoidable in seeking to contribute to housing needs and there is no presumption against greenfield development in the NPPF.
115. Furthermore, where necessary, the Plan contains measures which seek to minimise the impact of development on local character, such as controls over

layout and landscaping. Although the Plan seeks to keep this to a minimum, there will however be an inevitable degree of harm to the existing character resulting from the development of greenfield sites. Apart from in relation to site A13 (Titnore Lane), I am content that this is not sufficient to render any allocation unsuitable for development in principle.

116. There is however an inconsistent approach within the site policies to the issue of layout, design and impact on the living conditions of nearby residents. While there are general policies relating to these issues, it may not be clear to decision makers, developers or the local community, why some sites are subject to specific criteria and others are not. A lack of clarity in this regard diminishes the effectiveness of the Plan. MMs are therefore necessary to make it clear what the Council will expect in terms of design and what it will consider in relation to the effect of development on living conditions (**MM19, MM20, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).

#### *Type of Development and Capacity*

117. In the context of Worthing's land supply, it is legitimate for the allocations to require a 'minimum' number of dwellings or floorspace provision. This helps to provide a degree of certainty about what development is likely to come forward without limiting a developer's ability to deliver higher numbers where possible. Apart from in relation to sites A5 and A6, where capacity has been reassessed, the scale of development proposed on each site appears to be reasonable. There is clearly likely to be some uncertainty about what may come forward on some of the mixed-use brownfield regeneration sites. Nevertheless, the assumptions are justified starting points, they provide some certainty in terms of minimum delivery and the policies provide sufficient flexibility to accommodate different proposals should they come forward.
118. MMs are however necessary for each allocation to clearly set out in policy what scale and type of development is proposed. Although these are set out in the supporting text, this does not have the same status as policy. MMs are therefore necessary in the interests of effectiveness and to provide certainty for applicants, decision makers and the local community. Subject to MMs, the scale of development proposed on each site is therefore sound (**MM16, MM17, MM19, MM20, MM21, MM22, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).
119. Similarly, in terms of ensuring clarity about the Council's expectations and how the Plan is intended to be used, **MM14** amends paragraph 4.8 such that it provides absolute certainty about the role of site allocation policies. Again, this ensures a clear and effective approach to determining proposals on allocation sites.

## Specific Site Allocations

120. The following considers each of the allocations in turn and the modifications needed to make them sound. For the avoidance of doubt and duplication, I do not intend to repeat any discussion set out above about MMs that apply to multiple sites. The following concentrates on unique or specific issues.
121. Site A1 (Beeches Avenue) is allocated for around 90 dwellings. It is predominantly made up of an open field at the end of a suburban residential street. Part of the site is in use as a car repairer. The SDNP boundary abuts the site to the north, with dwellings to the south and west. Worthing United Football Club's ground sits to the east. While a sensitive site in relation to the setting of the SDNP, there is nevertheless already a significant amount of development in the vicinity of the site. The site does not form an important gap and, considering the nature of Beeches Avenue, it would form a natural extension to the existing built form.
122. Design and layout must have regard to the SDNP but is not an impediment to relatively small-scale development. A main modification is however needed to criterion d) to strengthen the guidance relating to the effect of development on the SDNP. In particular, the need to have regard to the transition between the national park and built form, the effect of artificial lighting and the need to have regard to the Worthing Landscape and Ecology Study<sup>29</sup>, which identifies specific mitigation measures. This is in addition to general modifications on design and layout and will ensure the policy is effective (**MM16**).
123. The A27 is accessed from Beeches Avenue. Congestion on the A27 is a recognised issue. For this reason, direct access cannot be taken from Beeches Avenue itself, but must be from Lyons Way. Neither the Highway Authority nor National Highways raised any objections in principle to this or the effect of development on the operation of the highway network. There is also no convincing evidence to suggest such an access could not be achieved. In terms of other transport mitigation, there is no specific justification for requiring the delivery of a car club in this location. While there are local issues relating to the A27 and associated Air Quality Management Area (AQMA), this requirement is unduly prescriptive. **MM16** therefore replaces this requirement with a more general requirement for a travel plan that will improve accessibility and sustainability. This will allow developers and the Council to identify the most suitable mitigation measures through the development management process.
124. The site is in a Source Protection Zone. Criterion f) sets out requirements in relation to the provision of sustainable drainage. For effectiveness, a modification to this criterion is necessary to ensure clarity and accuracy about

---

<sup>29</sup> CD/M/2

what is required in terms of assessing risks to groundwater supply and quality (**MM16**).

125. Criterion g) refers to giving consideration to the suitable relocation of the car repairers. However, while it might be preferable for an existing business to relocate within the Borough, there is no justification for this to be a pre-requisite. Moreover, the criterion is imprecise as it only requires an applicant to 'give consideration' to the issue and does not give any guidance as to what this might mean in practice. Criterion g) is therefore both unjustified and ineffective and should be deleted (**MM16**).
126. Site A2 (Caravan Club, Titnore Way) is allocated for around 100 dwellings. It is currently in use as a caravan park and thus, while there is paraphernalia associated with the use, it is generally open and relatively verdant. It is, however, well related to an existing residential area immediately to the south. There are constraints associated with flooding and drainage, the proximity of the Titnore & Goring Woods Local Wildlife Site (LWS) and the setting of the SDNP. None of the constraints caused by these designations are insurmountable. The allocation is therefore acceptable in principle.
127. In addition to modifications referred to above in relation to flooding, criterion b) should also include a reference to providing a buffer to the nearby lake. This is necessary for effectiveness and to ensure certainty for applicants and decision makers. Additional modifications are also necessary to clarify and strengthen provisions designed to protect the setting of the SDNP. These will provide more certainty about expectations for any proposal. Similarly, provisions relating to the protection of the adjacent LWS need to be modified to make it clear that development should seek to enhance, as well as safeguard, the biodiversity asset. This will ensure consistency with paragraph 179 of the NPPF, as well as the Plan's overall strategy (**MM17**). The site is of sufficient scale that the proposed development can be accommodated without undue harm to the woodland.
128. The site is in close proximity to a composting site. To be effective, a modification is necessary to criterion i) to clarify the requirements in relation to this; in particular that any development should not prejudice the safeguarding or operation of the facility. In addition to general modifications to transport mitigation measures, criterion k) should be amended to provide a requirement to improve accessibility to the site and promote a travel plan. This is both in the interests of effective mitigation and internal consistency with the remainder of the Plan (**MM17**).
129. Finally, the policy refers to the need to protect and support the continued use of the land to the north as a caravan site. The leaseholder has recently decided not to renew the lease for that part of the site. Criterion g) is therefore no longer

necessary or justified. At the time of the hearing sessions, the Council had not had the opportunity to fully consider the options for this part of the site. While residential development may be one potential use, there is insufficient evidence to justify its allocation at this stage.

130. Delaying the adoption of the Plan to consider the future of this site, particularly when there is no guarantee that residential development would be an appropriate use, is not appropriate. Accordingly, criterion g) should be deleted to remove the unjustified reference, along with consequential changes to supporting text and inset map (**MM17, MM18**). The modification will also give the Council some flexibility in how it might consider windfall proposals prior to any review of the Plan. A consequential modification to the Policies Map is also necessary to reflect this change.
131. Site A3 (Centenary House) is a relatively large and prominent brownfield site, currently in use as offices for the police and West Sussex County Council. There is an operational need for replacement office space on site, but the overall scale of this is under review as a result of the COVID pandemic. Redevelopment of the site for a mix of uses is acceptable in principle.
132. Main modifications are needed in the interests of providing an effective policy framework. In addition to the general modifications described above, constraints associated with wastewater infrastructure should be highlighted in the policy to ensure developers are aware of potential layout and phasing issues. Finally, there is the potential for archaeological remains and the policy should recognise this and the need to carry out any necessary mitigation measures (**MM19**).
133. Site A4 (Civic Centre, Stoke Abbot Road) is allocated for a new integrated health hub. It was previously used as a car park for office staff and is well related to various Council offices and other public services, such as the library and museum. Planning permission has already been granted for the health centre use and is in the very early stages of construction. This renders it unavailable for alternative uses.
134. The following modifications are also necessary to ensure the policy will be effective if ever called upon. Criterion b) should be modified to include reference to the provision of green infrastructure. This is to ensure internal consistency with other policies on brownfield land and to properly reflect the Council's expectations. The policy only requires 'consideration' to be given to protection of neighbouring listed buildings and other assets. This is inconsistent with national policy on heritage and is unclear. A modification to criterion e) is necessary to ensure development does not result in unacceptable harm. Criterion f) is vague and should be modified to be clear as to what is meant by 'sufficient' parking (**MM20**).



135. Site A5 (Decoy Farm) is a large former landfill site that sits on the edge of the built-up area and adjacent to an existing industrial estate. It is an appropriate site and location for large scale employment development. There is no convincing evidence to suggest it should, or could, be used for alternative uses. As submitted, the site is allocated for a minimum of 18,000 sqm of new employment floorspace. The Council has reassessed the likely delivery from the site and concluded it was unduly optimistic about the scale of likely delivery. I agree that the 18,000 figure is not justified and should be modified to identify a minimum delivery of 14,000 sqm of employment floorspace. This would not preclude higher levels of floorspace coming forward in appropriate circumstances (**MM21**).
136. Further changes are necessary to provide clarity about the potential impact of any development on the nearby household waste recycling site. In particular, criterion f) should be modified to make it clear that development should accord with the West Sussex Waste Local Plan and should not prejudice current or future operations. The scale of the Decoy Farm site is such that this requirement should not have any particular impact on delivery (**MM21**).
137. For effectiveness, modifications are also necessary to enhance the protection given to existing waterbodies by ensuring all affected features are retained, protected and enhanced. The revised wording to criterion h) expands protection to all watercourses, including the Teville Stream. Moreover, criterion h) should be modified to remove the unnecessary requirement to remove culverts. How waterbodies can, or should, be enhanced is a matter best left to the determination of any application and can be considered under the modified criterion. To better reflect the Council's expectations for the site, the policy should refer to the creation of new wetland habitats. This will provide necessary clarity and is consistent with the NPPF's objectives of enhancing biodiversity assets and delivery of net gains (**MM21**).
138. Site A6 (Fulbeck Avenue) is a greenfield site allocated for 120 units. The site already has planning permission for 152 units and is currently in the early stages of construction. The permission demonstrates that the capacity figure of 120 dwellings was not justified and thus **MM22** increases this to 152. The site is well related to the existing built form on Fulbeck Avenue, recent development to the north and the A2 (Caravan Club) allocation. It is a verdant greenfield site on the edge of the built-up area and thus would result in a degree of encroachment into the countryside. It does not however form part of an important gap and is relatively contained by the Caravan Club site, pond and road network. The allocation is consistent with the overall spatial strategy and is suitable for development.
139. In addition to general modifications relating to biodiversity, criterion a) should also set out what would be necessary in terms of woodland retention and provision of green infrastructure. This will ensure consistency with national

policy and the spatial strategy set out in policies SP1-SP3. A modification to criterion g) is also necessary to require development to safeguard and consider opportunities for enhancement of the adjacent LWS. These are necessary for clarity, consistency with the strategic policies of the Plan and consistency with paragraph 179 of the NPPF (**MM22**).

140. Modifications are necessary to provide additional clarity in relation to site specific issues of protecting and enhancing water bodies, including the creation of new wetland habitats and the provision of a buffer to the lake. Consequential changes to other parts of the policy are necessary to accommodate these changes. Criterion i) refers to the safeguarding of the composting site located to the west of the site. There is little likelihood of any development having an impact on this facility and thus this criterion should be deleted as being unjustified (**MM22**).

141. Site A7 (Grafton) is allocated as a mixed-use housing and commercial development. It is in a prominent seafront location and is currently in use as a multi-storey car park, bowling alley, retail units and service yards. While in use, the building is ostensibly coming to the end of its useful life. The principle of regenerating this site is therefore sound. It is in a sustainable location; the evidence does not suggest that the loss of existing parking will result in severe transport problems and flood risk should be able to be satisfactorily mitigated. The site also provides scope for significant aesthetic, environmental and economic improvements to the seafront.

142. In addition to general modifications, it is necessary for criterion f) to be amended to emphasise the requirements for pedestrian accessibility improvements. This is a key objective for the Council and would be important in terms of town centre vitality and viability. Thus, the requirement should also be reflected in policy for certainty and effectiveness. The supporting text also identifies the 430-space car park as a constraint, which may imply either a need to deliver replacement spaces or that the loss of parking may stymie development. Neither of these are accurate and thus this reference is unjustified and should be deleted (**MM23**).

143. Site A8 (HMRC Offices) is allocated for a minimum of 250 dwellings, provision of a care home and the retention of some existing employment uses. It is currently in use as offices and offers a good opportunity for regeneration in a location well related to the existing built form and Durrington railway station. I am content that all constraints on the site, including flooding, can be satisfactorily mitigated. The allocation is therefore sound in principle. **MM24** is necessary for effectiveness and addresses matters of design, layout, flooding and drainage, transport mitigation and contamination, as set out above.

144. Site A9 (Lyndhurst Road) is allocated for a minimum of 150 dwellings. It is a previously developed site in the built-up area that is currently being used for

temporary parking. It is in an area with a mix of residential and other uses and is well related to nearby shops and the hospital. This is a suitable location for housing in principle but is subject to constraints, including a medium risk of flooding, contamination, the proximity of nearby dwellings, the hospital and other commercial uses. Subject to suitable controls and mitigation, none of these are sufficient to suggest the site cannot, or should not, be delivered for housing.

145. The scale of development envisaged will require a high density of development. However, this is consistent with the spatial strategy. There is no reason in principle why high-density development should necessarily be harmful. The modifications described above will however provide greater certainty to developers about what is expected and comfort to local residents that a high quality of design and layout is expected that will not result in unacceptable harm to their living conditions.
146. An additional criterion is however needed to recognise the proximity of nearby heritage assets and the need to protect their settings. This will provide certainty and consistency with national policy (**MM25**). I am satisfied that the modified policy will provide an appropriate and effective framework for ensuring the suitable regeneration of the site.
147. Site A10 (Martlets Way) is allocated primarily for employment uses. This is a brownfield site that was previously used as a wastewater treatment works and gasholder. It is adjacent to the Goring Business Park and is well related to Durrington railway station. It is an appropriate location for industrial development. As with many sites, there are potential constraints associated with flood risk and contaminated land. Nevertheless, there is a reasonable prospect that these can be mitigated and do not result in the site being unsuitable for development.
148. The policy and supporting text refer to the potential for some residential development on part of the site known as 'the nib'. While criterion g) could be read to mean that residential development will be required, there is no indication of the Council's expectations in terms of scale. Moreover, there is no reference in Policy SS2 of the likely contribution from this site. Discussions at the hearing concluded that the site could accommodate around 30 dwellings, and this is what the Council expect to be delivered. In the interests of clarity, certainty and effectiveness, the policy should therefore be modified to reflect this. Consequential changes to Policy SS2 will also be necessary. As well as general matters described above, criterion g) should also be modified to be precise about the point of access to the employment element of the site (**MM6, MM24**). Collectively, these modifications will ensure the policy is clear and effective.

149. Site A11 (Stagecoach, Marine Parade) is a large mixed-use housing and employment allocation on the seafront. The site is currently in use as a bus depot. There are a number of constraints, including proximity to listed buildings and conservation areas, protected trees, potential for contamination and flood risk. Nevertheless, there is no evidence to suggest that these issues cannot be satisfactorily addressed through careful and considerate design. Given its scale and prominent seafront location, it provides an obvious opportunity for regeneration for a range of uses, including residential.
150. Any development would be dependent on the relocation of the existing facility. Discussions are on-going about this and there is every reason to believe these will be successful in the longer term. Given the Council's sensibly cautious approach to timescales, there is also no reason to conclude that the site is not developable within the plan period. Modifications are mainly only necessary to address the general matters raised above and to ensure an internally consistent approach to the scale of development, biodiversity and layout.
151. Criterion a) sets out an unduly prescriptive approach to the mix of commercial floorspace that is neither justified nor effective. **MM27** therefore brings the scope of the policy into line with changes proposed under Policy SS2. A more flexible approach is warranted in this case given the sustainable town centre and seafront location. Further MMs are necessary to criterion f) and j) to ensure the effect of development on heritage and archaeological assets are properly considered. In particular, it is not necessarily achievable for development to 'enhance' the significance of nearby heritage assets. Such a requirement sets an unjustifiably high bar that may stymie acceptable forms of regeneration. In this context, it is appropriate to ensure development does not result in unacceptable harm to the setting of nearby assets. Taken together, **MM27** provides an effective policy framework to guide the regeneration of this site.
152. Site A12 (Teville Gate) is a prominent, largely cleared brownfield site on the edge of the town centre. It is allocated for a mix of residential and commercial development. This is entirely appropriate for the location and nature of the site. The Council has recently acquired the site in order to facilitate development. Therefore, while there is a history of proposals not coming forward, the Council's involvement should provide fresh impetus. There is no obvious reason why this site should not be able to be delivered for the type and scale of development envisaged and any constraints should be able to be addressed through appropriate layout and design.
153. In addition to the general MMs referred to above, criterion d) needs to be modified to reflect the fact that it may not be possible, or necessary, to 'enhance' the setting of nearby heritage assets. Setting an unachievable requirement is neither justified, effective or consistent with national policy. It is however important to ensure that development does not result in unacceptable harm. Modifications to criterion e) are necessary to provide clarity about the

Council's expectations with regard to accessibility and provision of Green Infrastructure. Flooding and drainage issues are a known constraint. A specific additional criterion is needed in this case to draw developers' attention to the culverted watercourse that runs through the site and how this might affect development. This gives weight to the reference in the supporting text and allows the Council more control over what is delivered. **MM28** is therefore necessary as a whole for clarity, effectiveness and consistency with national policy.

154. Site A13 (Titnore Lane) is made up of two open arable fields, bordered on three sides by Ancient Woodland. This is also designated as the Titnore and Goring Woods Complex LWS. Part of the LWS runs roughly through the middle of the site, separating the fields. Mature hedgerow runs along the western boundary. Notwithstanding the pylons that run across the site, it has a particularly attractive character. The submitted policy for the site also identifies several other constraints, including surface water flooding and the setting of the SDNP.
155. These constraints are obviously not entirely unusual for sites allocated in the Plan. However, the specific relationship between the LWS and developable area is such that, even with the policy requirements in place, the risk of harm to the integrity of the woodland and wildlife site is significant. This is particularly the case when considering that any internal distributor road would have to cut through the designated LWS. While this would be in the gap in trees created by the pylons, the land remains part of the LWS and may still have biodiversity value. Both the construction, and on-going operation of the road, could have direct and indirect impacts on the trees and associated wildlife within the LWS. There appears to be no other way of providing internal access and distribution without resulting in greater potential harm.
156. Any development of the site would also be visually and physically separate from the existing built form and settlement pattern. Filtered views through trees might be possible from the east, but this would not constitute a close interrelationship with existing housing. The sense of separation would be emphasised by accessing the site from Titnore Lane, which is not associated with existing residential development in this location. Even with improved public rights of way to the east, the siting of the vehicular access is such that development here would still not relate well to the existing estate to the east or any other housing. It would therefore be seen and function as a physically and visually isolated adjunct to the existing built form.
157. It is not unusual for allocations in the Plan to encroach into the countryside. In this case, I consider the disconnected nature of the site and its obvious aesthetic qualities are such that development here would have the potential to cause very significant harm to the character and appearance of the area. Indeed, I am concerned that any housing would appear to have been unacceptably squeezed into the spaces between the woodland with little scope

for mitigation. While visual impact would be localised, it would nevertheless be very significant in nature.

158. Development of this site therefore raises significant risks and concerns about the impact on ancient woodland and the integrity of the LWS. The likely harm to the character of the area adds to my concerns. I acknowledge that the proposed policy sets out many requirements that seek to mitigate the impacts. However, I am not persuaded that these would be sufficient to ensure a satisfactory form of development. Indeed, these tend to highlight the difficulty in which a suitable form of development could be achieved.
159. In my view, the allocation conflicts with NPPF paragraph 179, which seeks to promote the conservation of priority habitats. It also conflicts with paragraph 174 which expects planning policies and decisions to recognise the intrinsic character and beauty of the countryside, including the benefits of trees and woodland. I also have concerns in relation to paragraph 180 which, though related to planning applications, highlights that development resulting in the loss or deterioration of ancient woodland should be refused unless there are wholly exceptional reasons, or a suitable compensation strategy exists. There is a high probability that any subsequent development of the site could not meet this requirement.
160. I acknowledge that sites A2 and A6 are also closely related to the same LWS. However, they are not effectively surrounded, or intersected by the designation. They are also of sufficient scale to be able to avoid unacceptable harm to the woodland. I do not have the same confidence about this site.
161. Given Worthing's housing supply situation, I do not take the deletion of a housing site lightly. However, while housing delivery is of substantial importance, it does not trump all other matters. In this instance, I consider that the likely adverse impacts from developing the site for 60 dwellings would significantly and demonstrably outweigh the benefits. Consequently, the allocation is not justified or consistent with national policy and is deleted from the Plan by **MM29**. Consequential changes will also be needed to Policy SS2, the sites map and legend on pages 70 and 71 (**MM6, MM15**) and the Policies Map.
162. Site A14 (Union Place) is allocated for around 150 dwellings and 700 sqm of leisure and commercial uses. It is a predominantly cleared previously developed site, some of which is in use as a car park. It is in a highly sustainable location, well related to shops and services. The location, type and scale of development proposed is justified and sound in principle. **MM30** sets out the general modifications relating to biodiversity, design and layout, contamination, flooding and drainage. These are necessary for clarity, consistency and effectiveness. Criterion b) only asks developers to give careful consideration to the protection

of heritage assets. This is not effective or consistent with national policy and other relevant policies in the Plan. To address this, the criterion should be modified to ensure nearby heritage assets and their settings are not unacceptably harmed (**MM30**).

163. Site A15 (Upper Brighton Road) is allocated for around 123 dwellings in two parcels on either side of the road. This is a greenfield site on the edge of the existing built-up area and close to the boundary with Adur. It abuts an easement strip associated with cabling for the Rampion offshore windfarm.
164. The Adur Local Plan identifies a strategic 'gap' on its side of the boundary. Although there are pockets of development within this, including linear development associated with Sompting Conservation Area, it still retains a largely open and rural character. Development would reduce the size of the gap and bring housing in Worthing nearer to that in Adur. However, the Plan identifies its own LGG between the site and district boundary. While this is not as significant in scale as the others, it would still provide a buffer. Moreover, while the gap on the Worthing side would be reduced, that on the Adur side still allows for a significant degree of visual and physical separation. The integrity and function of the gap as a whole would remain intact.
165. The policy also precludes development from encroachment into the easement strip and emphasises the importance of the gap. To bolster this further, and better reflect the Council's expectations, criterion b) should be modified to make it clear that development should protect or enhance the distinctive character of the gap. I have modified the Council's suggested modification to refer to protect 'or' enhance, as protecting 'and' enhancing may not be achievable or necessary to achieve an acceptable form of development. Nevertheless, the modification is needed for the policy to be effective (**MM31**).
166. Again, it is not unusual for a site in Worthing to be affected by the setting of the SDNP. However, the two parcels of land are not separated from the existing estate by large roads or other significant physical barriers and thus any development would appear as a relatively modest continuation of the existing housing. The scale of development proposed is unlikely to have any significant impact on the setting of the SDNP or views into Worthing from the national park. The policy also requires a buffer of open space along the northern edge of the site and planting to help mitigate any impacts.
167. This would be reinforced by modifications to criteria b) and d) that require development to protect the distinctive character of the LGG and to conserve the setting of the SDNP. These changes are necessary to ensure the policy is effective and provide certainty about the Council's expectations. The MM consulted on referred to development *enhancing* the setting of the SDNP. On reflection, this may not necessarily be achievable and thus I have amended

**MM31** to allow for development to conserve *or* enhance the setting of the SDNP. This does not change the intent of the policy to effectively ensure development does not harm the setting of the national park.

168. Concerns were raised about the impact of any development on the setting of nearby heritage assets, including Sompting Village Conservation Area and Upton Farmhouse. There may be some encroachment on the settings of these assets, but I see no reason why development here would be unacceptably harmful in principle. The setting already includes residential development and there is no evidence before me which suggests the site has any historic connection or importance to these assets. The policy also refers to protecting the setting of these assets. A modification is necessary to this requirement, however, to provide further detail and clarity about the Council's expectations and internal consistency with other policies (**MM31**). This will aid effectiveness.
169. The site is near to the A27 and thus any development will add to the pressure on that road. This is an inevitable consequence of almost any development in Worthing. The scale of development proposed here is unlikely to result in severe transport problems in its own right or cumulatively with others. Upper Brighton Road narrows in the vicinity of the site and does not have a footway. However, I see no reason why a suitable form of access could not be achieved. The policy also requires improvements to public rights of way on parcel B, that already provides access to the existing estate and school. Pedestrian access through the existing estate should also be possible into parcel A. This should reduce any need for pedestrians to use Upper Brighton Road in this location. There is therefore no reason to conclude that development will lead to road or pedestrian safety issues.
170. Given the constraints that exist, and potential air quality issues in the locality, it is necessary for criterion l) to draw attention to the need for a travel plan. This is consistent with the content of the Air Quality Action Plan and ensures clarity, consistency and effectiveness. The development may also affect nearby water bodies. The policy recognises this in criterion e). A modification is necessary however to provide greater certainty about the need to protect the Winterbourne chalk stream. Again, this is necessary for clarity and effectiveness (**MM31**).
171. The policy requires development to provide a playing field for Bramber First School. However, this has already been delivered. Criterion n) is therefore no longer justified and should be deleted (**MM31**). This should also be deleted from the inset map and aerial photograph on page 100 (**MM32**). Consequential changes to the Policies Map will also be needed to ensure consistency with the policy.
172. Finally, following the MM consultation, I have amended the suggested modification relating to 'site constraints'. This provides a more accurate



description of flood risk on the site and thus ensures there is no misunderstanding. It does not however alter the requirements of the policy or the related modifications that are needed for effectiveness (**MM31**). With these modifications in place, I am content that site A15 is acceptable in principle and the policy sound.

## **Conclusion**

173. I am satisfied that, subject to the recommended main modifications, the specific allocations are justified, effective and consistent with national planning policy.

## **Issue 4 – Is there is a reasonable prospect of there being a five-year supply of deliverable housing sites on adoption of the Plan, and will the policies and allocations in the Plan be effective in ensuring the housing requirement will be met?**

### **Five-year housing supply on adoption**

174. Paragraph 74 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been a significant under delivery over the previous three years.

175. The Council acknowledge that the number of completions over the last three years warrants the use of a 20% buffer. Based on the overall requirement of 3672 dwellings over the Plan period (or 230 per year), the basic five-year requirement would be 1,528. Even accounting for completions since the Plan was submitted, the updated Housing Trajectory, attached as Appendix 1 to the MM schedule, indicates that from the likely year of adoption, the deliverable supply would stand at around 2,306 dwellings.

176. I am satisfied that this is a reasonable assessment of likely deliverable supply. This comfortably exceeds the likely five-year housing land requirement. It is possible that some sites may stall or take longer to start delivering new housing, especially taking into account uncertainties surrounding the outcome of Brexit and COVID-19. However, there is sufficient headroom to be reasonably confident that a five-year supply of deliverable housing land would exist at adoption.

177. The overall supply, and some of the five-year supply, includes a windfall allowance of 67 dwellings per annum. NPPF paragraph 71 states that where an allowance is to be made for windfalls, there should be compelling evidence that they will provide a reliable source of supply.

178. The Housing Implementation Strategy<sup>30</sup> sets out the evidence for the windfall allowance. This looks back at windfall completions from 2006/7 to 2019/20. The average over this period is around 67 units. While there is some variance in the annual completions over this period, use of the average figure is not unreasonable. The built-up area character of Worthing provides significant scope for small infill development and changes of use. Policy SS1 allows for development in principle within the built-up area. There are no unusual or stringent restrictions on windfall development coming forward in this area. Changes to permitted development rights also provide greater scope for changes of use. Clearly, the Council will need to monitor windfall development, but I am satisfied that there is compelling evidence that an average of 67 dwellings per year is likely to come forward. I am also content for this to form part of the 5 year deliverable supply.

### **Overall housing land supply – will requirement be met?**

179. Having regard to the trajectory set out in Appendix 1 of the MM schedule, the Plan allocates land for 1753 dwellings. Taking account of completions, commitments and the agreed windfall allowance, the overall scale of delivery equates to 3680. Given the relationship between the housing requirement and supply, there is inevitably little to no headroom between the overall supply figure and the requirement. Had any additional suitable supply been identified, this would have added to the overall requirement.

180. The specific context of Worthing and the restrictions on available supply and opportunities for development, justify this approach. The Council has identified all opportunities for development that have a reasonable chance of coming forward and would not result in unacceptable harm or undermine the spatial strategy. The phasing of development, as with much of the Plan, is driven by the availability of suitable land.

181. In any event, the Council is also obliged to review the Plan after 5 years. Given the requirement to return to the 'standard' methodology for determining the 5-year housing land supply after this period, there is nothing for the Council to gain in not maintaining an up-to-date plan. It is, of course, also open to the Council to prepare a new plan at any time if it considers it necessary to do so.

182. NPPF paragraph 74 states that the strategic policies should contain a trajectory illustrating the expected rate of housing delivery over the Plan period. This is missing from the submitted Plan. **MM6** and **MM57** rectify this by adding the trajectory as an appendix.

---

<sup>30</sup> CD/H/16

## Conclusion

183. I am satisfied that there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption and the policies and allocations of the Plan will be effective in ensuring the housing requirement will be met.

## Issue 5 – Is the approach to the type and mix of housing positively prepared, justified, effective and consistent with national planning policy?

184. Paragraph 62 of the NPPF expects the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. The SHMA carries out this assessment. The results of this, and other relevant evidence, are effectively addressed by policies DM1, DM2, DM3 and DM4.

### Policy DM1 – Housing Mix

185. Policy DM1 is a general policy which seeks to facilitate meeting the housing needs of different groups of people. It is written very much in the context of the constraints on the overall housing land supply. Accordingly, the Plan does not set out specific requirements for different types of housing, but rather creates a framework within which different types of housing can come forward to help meet all needs. Setting out specific requirements for certain types of development could have the effect of limiting delivery for other types of housing. Given the constrained nature of the supply, imposing limits on delivery of any kind would be counterproductive. The policy remains supportive of housing for older people, self-build and custom build. Combined with the requirements of criterion a) to consider up-to-date evidence on housing needs and demand, Policy DM1 therefore establishes an appropriately pragmatic approach.

186. Modifications are however necessary for effectiveness and consistency with national policy. Criterion a) requires development to deliver sustainable, mixed and balanced communities. The criterion expects applications for new housing to consider the most up-to-date evidence of housing needs and demands. A modification is necessary to make it clear how the information will be used and what other factors, including location and character, will be considered in determining the appropriate mix of dwellings (**MM32**).

187. In this regard, paragraph 5.8 of the supporting text stipulates that 3-bedroom homes should be prioritised on larger sites and on flatted schemes. As criterion a) requires the consideration of the most up-to-date information, this paragraph seems to pre-judge any outcome. This may not be justified in the long term or provide an effective approach. **MM33** therefore removes the prescriptive requirements and allows greater flexibility. Further to this, other modifications are needed to the supporting text to paragraphs 5.14 and 5.15 to ensure the

definitions of housing products for older people are clear and accurate. This will remove any ambiguity and aid interpretation and implementation of the policy.

188. Footnote 49 of the NPPF states that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. National guidance<sup>31</sup> states that local plans should clearly state what proportion of new dwellings should comply with the requirements.
189. Policy DM1 requires all new dwellings to meet optional standard M4(2). The SHMA forecasts that around 43% of Worthing's population will be over 65 by 2036. This is from a starting point of approximately 22% in 2018. The SHMA also estimates that the need for 1,601 additional market and affordable homes to provide housing with support or housing with care and a maximum of additional care bed spaces. The Plan does not, and cannot, realistically identify specific site allocations to meet these needs. To do so would be likely to restrict the delivery of other types of housing.
190. On this basis, I am satisfied that ensuring all new dwellings are M4(2) compliant will help to meet demand for those households who will continue to live in mainstream housing. While not a complete solution to meeting the needs of the elderly population, it will provide some assistance by ensuring future housing stock is more capable of meeting wider needs. The policy has been tested as part of the Whole Plan Viability Assessment and there is no suggestion it would result in any impediment to delivery. However, national guidance states that local plan policies should also take account of factors that might make a site less suitable for M4(2). To ensure consistency with this, **MM33** includes provisions to allow the practicality and viability of providing M4(2) to be considered.
191. Finally, paragraph 5.25 sets out various requirements and considerations relating to the provision of live/work units. These are acceptable in principle but have no formal status. To rectify this, and to ensure effectiveness, **MM33** moves this text into the policy.

### **Policy DM2 – Density**

192. Policy DM2 requires development to make the most efficient use of land. It also states that this will usually mean developing at densities higher than those in the immediate area. It is legitimate for the Council to seek to maximise the level of delivery on sites coming forward. There is no reason to assume that increasing densities would automatically have a detrimental impact on the character of the Borough. The Plan also contains sufficient controls to ensure an innovative

---

<sup>31</sup> PPG ID: 56-008-20160519

approach to housing delivery can be suitably integrated with the existing built form and to resist development that would be harmful.

193. Paragraph 125 of the NPPF advocates the use of minimum densities. In this regard, the Council has identified a minimum density of 35 dwellings per hectare (dph) for family housing and 100 dph for flatted development and proposals in the town centre or close to public transport interchanges. These are appropriate in principle and should not stymie development. In addition, the policy provides scope for flexibility for family housing in appropriate circumstances. However, this scope does not extend to higher density proposals. There is no justification for two different approaches and thus criterion c) should be modified to allow for the same degree of flexibility (**MM34**).
194. Further modifications are needed to alter the flow of the policy so that it is clear that the starting point is the minimum density. Consideration of the 'optimum' density will then flow from this and be based on a range of listed factors. The modification also consolidates the range of different issues that need to be considered into a single list for clarity. Taken together, **MM34** will provide an effective framework that will be easier for applicants and decision makers to interpret.
195. Footnote 49 of the NPPF states that policies may make use of the Nationally Described Space Standard (NDSS) where the need for an internal space standard can be justified. Although not exhaustive, national guidance<sup>32</sup> provides an overview of the type of evidence that might be used to demonstrate the justification for use of the NDSS. This includes evidence on the size and type of dwellings currently being built in the area.
196. The Council has ostensibly applied a SPD on space standards for many years. Although not policy, they consider this document has still been successful in encouraging developers to deliver housing of an acceptable standard. On this basis, it is understandably difficult for the Council to provide evidence which shows that new housing is generally not being provided under the required standard. Indeed, this is likely to be the case for many Councils who wish to maintain an existing approach that has proven successful. However, the Council also suggested that there have been cases where the lack of formal policy has resulted in development that was below the national standards. The totality of the evidence on this issue, including that heard at the hearing, suggests this is a valid concern.
197. I am also conscious that a number of allocations are for higher density forms of development and that Policy DM2 seeks to promote higher density development. This may be used as a justification by some developers to provide smaller units. In my view, this adds to the justification for adopting NDSS. The

---

<sup>32</sup> PPG ID: 56-020-20150327

Council's viability assessment also factored in the NDSS standards and there is nothing to suggest that the policy would impede delivery. Under criterion e) there would also be scope for the Council to allow some flexibility in exceptional circumstances.

198. On balance, I am therefore satisfied that there is sufficient justification to adopt the NDSS in this instance. Criterion e) should however be modified to remove reference to the specific examples of 'exceptional circumstances' the Council will consider. What constitutes an 'exceptional circumstance' should be determined on a case-by-case basis. Pre-judging this is neither a justified nor effective approach. Finally, criterion d) refers to the Council's local standards for external space. However, these are not included in the Plan and thus cannot be determinative. To be effective, this criterion should be modified to make it clear that development should 'have regard' to the relevant SPD in terms of outdoor space (**MM34**).

### **Policy DM3 – Affordable Housing**

199. The SHMA concludes that there is an affordable housing need of 490 dwellings per annum. In the same way as overall needs, there is no realistic way to ensure this scale of affordable housing can be provided. This is an unfortunate reality. Policy DM3 sets out the approach and requirements in relation to affordable housing. This sets out to maximise delivery through a variable approach, with a 20% requirement on previously developed land involving flats, 30% for all housing on previously developed land and 40% for development on greenfield land. This is based on the findings of the Whole Plan Viability Assessment.

200. I am satisfied that this is a robust assessment and that a variable approach is justified. Setting the requirement to the lowest common denominator of viability would inevitably result in even less provision than might otherwise be achieved. The evidence is clear that different forms of housing and locations of development can accommodate different levels of affordable housing provision. This is particularly important given that overall affordable housing needs will clearly not be met.

201. Nevertheless, there may be situations where individual proposals cannot provide the required level of affordable housing on-site. The policy provides the necessary flexibility to allow off-site provision in certain circumstances and, where provision is not viable, for applicants to demonstrate this through an open-book approach. This is an entirely sensible and robust approach.

202. Some modifications are however necessary to ensure compliance with national policy. In particular, criterion c) needs to be amended to better reflect paragraph 65 of the NPPF and the need for 10% of homes be available for affordable

home ownership. This will not adversely affect the viability of development<sup>33</sup>. To provide for a more flexible approach on tenure split and size of units, additional provisions should also be made to the policy to allow some negotiation on a case-by-case basis. This will allow the specific characteristics of a site to be considered in the interests of effectiveness (**MM35**).

203. As referred to above, the NPPF and PPG advocate adoption of optional standards for accessible and adaptable homes where there is a justified need. As submitted, criterion d) establishes that where there is a need for a wheelchair accessible dwelling, the provision of affordable homes constructed to optional standard M4(3) will be a matter for negotiation taking account of the suitability and viability of the site. National guidance<sup>34</sup> states that local plans should clearly state the proportion of housing that will be subject to any standard. As submitted, the policy conflicts with this guidance.

204. However, paragraph 5.51 refers to the SHMA's recommendation that 3% of households need to meet the needs of wheelchair users. The evidence produced in the SHMA is robust and provides a reasonable basis on which to establish the proportion of housing that will be subject to this requirement. **MM35** brings this requirement into policy, while making it clear that it would only apply where the Council is responsible for allocating or nominating a person(s) to live in that dwelling. This is necessary to ensure the policy is positively prepared, justified and effective.

#### **Policy DM4 – Gypsies, Travellers and Travelling Showpeople**

205. The Plan does not include a specific requirement, or any allocations, for Gypsies, Travellers and Travelling Showpeople. The 2019 Coastal West Sussex Gypsies and Travellers Accommodation Needs Study<sup>35</sup> found that there was no need for Gypsy, Travellers or Travelling Showpeople plots or pitches in Worthing. Consequently, the Plan does not include a specific requirement. There is nothing to suggest this is not a robust assessment of need. As such, I am content that the Council's approach is justified.

206. It is, however, necessary for there to be a policy in place to determine any windfall applications that may be submitted. Policy DM4 fulfils that role and is broadly consistent with the national Planning Practice for Traveller Sites guidance. Modifications are still necessary for effectiveness. To that end, criterion b) is a vague and generalised comment relating to best practice that serves no particular purpose. It should therefore be deleted. While criterion c) is justified in seeking to safeguard any sites that come forward for this use, this should not necessarily be in perpetuity. A modification is necessary to allow

---

<sup>33</sup> WBC-E-19

<sup>34</sup> PPG ID: 56-008-20160519

<sup>35</sup> CD/I/14

consideration of 'release' where it can be demonstrated the use is no longer needed. This will provide a degree of flexibility (**MM36**).

## Conclusion

207. I am satisfied that, subject to the recommended MMs, the approach to the type and mix of housing is positively prepared, justified, effective and consistent with national planning policy.

## Issue 6 – Has the Plan been informed by a robust, objective assessment of employment needs and is the employment requirement justified and positively prepared?

### Employment Land Requirement and Supply – Policy SS2

208. The Council's Employment Land Review Focussed Update<sup>36</sup> (2020) considered four scenarios for potential employment land growth. Of these, the Council determined that the only reasonable option was to use the 'Baseline Labour Demand' scenario. This is consistent with the recommendations of the study and resulted in an overall 'need' of around 32,650 sqm of employment floorspace in total. The assessment was based on a robust approach and that this is a reasonable and realistic basis on which to determine the 'need' for new floorspace.

209. As with housing, there is a paucity of suitable or available sites to fully address employment land needs in the Borough. The need to provide a balance between housing and employment also limits the opportunities that exist with housing potentially being considered the priority in some circumstances. This led to a suggested requirement of 28,000 sqm. While this is still below the suggested level of 'need', this allows for a reasonable level of growth and delivery across a number of significant employment sites.

210. A reassessment of the capacity of Site A5 (Decoy Farm) also suggests that the site would be unable to deliver 18,000 sqm of employment floorspace. This figure is therefore not justified and should be reduced to 14,000 sqm to properly reflect likely delivery (**MM6, MM21**). This has the effect of reducing the overall requirement to 24,000 sqm. There are no realistic alternatives that could be allocated without resulting in unacceptable harm. For this reason, I am satisfied the amended employment land requirement remains acceptable and appropriate in the Worthing context. This should not stifle economic activity or growth to any significant degree; there are still sites in the supply that can provide a substantial amount of new floorspace.

---

<sup>36</sup> CD/J/2



211. In addition, **MM6** removes the specific requirements for industry, warehousing or offices on each allocated employment or mixed-use site. Given the shortage of land in Worthing it is unnecessarily restrictive and unjustified to limit the types of employment development that may come forward on different sites. It is sufficient for allocations to be for 'employment' uses. This will provide flexibility and give as much scope as possible for different types of use to come forward. Consequently, this will assist in supporting economic growth.

## **Conclusion**

212. I am satisfied that, subject to the MMs referred to above, the Plan has been informed by a robust and objective assessment of employment needs and the employment requirement is justified and positively prepared.

## **Issue 7 - Is the approach to employment development justified, effective and consistent with national planning policy?**

### **Policy DM10 – Economic Growth and Skills**

213. Policy DM10 sets out how the Council intends to support, promote and enable economic growth and development in the Borough. The policy is consistent with national policy and would provide an effective framework for employment related development. However, for effectiveness modifications are necessary to the policy's supporting text to correct a factual error and to reflect other MMs to the employment land requirement (**MM42**).

### **Policy DM11 - Protecting and Enhancing Employment Sites**

214. Policy DM11 sets out the Council's approach to protecting existing employment sites. It identifies 'protected' employment and 'key' office location and sets out how proposals within these areas will be considered. The locations listed in criteria b(i) and (ii) have been identified on the basis of a robust approach. The principle of providing a degree of protection to existing employment sites is reasonable, particularly in a context where it may not be possible to meet all future needs. In this context, the policy sets a justifiably high bar to allowing alternative uses. Nevertheless, there is a sufficient degree of flexibility to ensure sites with little or no chance of being used for employment are not protected unnecessarily. This is consistent with paragraph 82 of the NPPF.

215. As submitted, criterion c) seeks to delegate important policy matters to a 'Sustainable Economy' Supplementary Planning Document (SPD). To ensure effectiveness, **MM43** brings these matters into the policy and thus provides clarity about the different factors that will be taken into account. This modification also removes any ambiguity about which locations the second part of the policy applies to. I have made a minor alteration to the published MM to

make it completely clear that criterion d) applies to the sites in criterion b). This does not change the essence of the policy.

216. In order for the policy to be effective, modifications to the Policies Map will also be necessary, including correcting the boundary of the Meadow Road Industrial Estates and Broadwater Business Park. This will ensure the Plan protects the correct areas. The A5 (Decoy Farm) and A10 (Martletts Way) allocations are adjacent to existing 'protected' employment sites. Once complete, they will form logical extensions to these areas. To ensure they are subject to the same policies in the longer term, it is necessary to extend the existing 'protected' designations around these sites. This is necessary for the policy and strategy to be effective.

### **Policy DM12 – The Visitor Economy**

217. The visitor economy is clearly very important to Worthing and Policy DM12 sets out an appropriate framework for promoting new attractions and dealing with the potential loss of existing facilities. The approach is consistent with the spatial strategy and national policy and is thus sound in principle.

218. The reference to the Sustainable Economy SPD in criterion b) is however misleading, as it implies there are additional measures to those set out in criteria i)-v) that would have to be adhered to. This is not the case, and the policy already fully reflects the requirements of the SPD. To ensure the policy is clear and effective, **MM44** removes the superfluous reference to the SPD and any resulting ambiguity.

### **Conclusion**

219. I am satisfied that, subject to the recommended MMs, approach to employment development is justified, effective and consistent with national planning policy.

## **Issue 8 – Is the approach to retail, leisure and the shopping centre hierarchy justified, effective and consistent with national planning policy?**

### **Policy SS2 – Retail Need and Supply**

220. NPPF paragraph 86d requires Councils to allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking forward at least 10 years. The Council's Retail and Town Centre Uses Study<sup>37</sup> (2017) and Update<sup>38</sup> (2021) conclude that there is a minimum need for around 9,200 sqm of comparison floorspace and 1,250 sqm of convenience

---

<sup>37</sup> CD/K/2

<sup>38</sup> CD/K/1

floorspace up to 2026. Although it does not look forward the full 10 years, the assessment was carried out on a robust basis and thus these figures represent a reasonable starting point.

221. Policy SS2 identifies an overall requirement of 10,000 sqm for retail. However, prior to submission, a modification was proposed to reduce this to 9,200 sqm. This was based on a reassessment of the potential capacity of allocations. The shortfall of supply against need is once again an indication of the lack of realistic options available to the Council. In this case, this is unlikely to result in any substantive shortfall in new floorspace. The Plan does however justify potential sites and opportunities within, or on the edge, of the town centre which will allow needs to be met to a significant extent.
222. Given the uncertainties relating to the long-term implications of the COVID-19 pandemic on the retail market, which was already in a period of rapid change prior to the pandemic, the Council's approach to meeting retail needs is pragmatic. The Plan provides sufficient scope for new retail development to meet the vast majority of needs for the foreseeable future. I am also conscious that the situation 'on the ground' is changing rapidly and there remain quite significant vacancies in the town centre, the occupation of which should arguably take priority over delivering new floorspace.
223. Any deviation from national policy is minor and unlikely to result in residents being unable to meet their needs or harm the Council's aspirations for town centre vitality and viability. In the current context, I am content that the Council's approach is positively prepared and justified. **MM6** is however necessary to better reflect the reality of what is likely to come forward and ensure Policy SS2 is justified and effective.

### **Policy SS3 – Town Centre Strategy**

224. Policy SS3 sets out the overarching Town Centre strategy from which other policies flow. This sets out a positive strategy for the future of the Town Centre, in line with paragraph 86b of the NPPF. It establishes the Town Centre as the primary location for new retail, leisure and office uses; establishes the objective of improving the public realm and improving accessibility. These are important in terms of ensuring developers understand the Council's aspirations and in providing strategic context for specific requirements set out in other allocation and thematic policies.
225. As drafted, it is not clear how criteria b) to f) would be implemented. **MM7** addresses this by amending their wording such that each criterion represents a clear action by the Council. This will make sure the policy is clear and effective. An additional criterion should also be included relating to green infrastructure and biodiversity. This will make the strategy for the town centre consistent with other policies of the Plan and highlight the importance of these issues as part of

the overall vision. This will also ensure consistency with paragraphs 174 of the NPPF, which seeks to promote the importance of green infrastructure and biodiversity in all aspects of development (**MM7**).

### **Policy DM13 – Retail and Town Centre Uses**

226. Policy DM13 provides additional detail on how the strategy set out in Policy SS3 will be implemented. This refers to a shopping centre hierarchy comprising Worthing Town Centre and a number of District and Local Centres. These are made up of medium and small-scale centres. The hierarchy is justified but, to ensure effectiveness and consistency with paragraph 86 of the NPPF, it should be set out in the policy rather than just supporting text (**MM45**).
227. It is reasonable to assume that an over concentration of hot food takeaways or other food and drink uses in certain parts of defined centres could undermine their vitality and viability. An additional criterion is therefore needed under criterion b) to ensure the policy is effective in preventing such an occurrence (**MM45**). For clarity and effectiveness, a modification is needed to criterion c) to make it clear what the relationship is between Town Centre Strategy under Policy SS3 and Policy DM13. For the same reason, modifications are also necessary to criteria d) and e) to make the role and function of the Town Centre Character Areas clear (**MM45**). To ensure the policy is effective, the Town Centre Character Areas should also be identified on the Policies Map.
228. The Council is justified in seeking to ensure 65% of units in primary frontages are in retail use. This is based on robust evidence and recommendations of the Town Centre Retail Study Update. This will provide an appropriate balance between maintaining the function of the primary frontages and allowing a degree of flexibility. However, the threshold is only expressed in supporting text and thus would not have the weight of policy itself. **MM45** includes the threshold in the policy, thus ensuring effectiveness and an internally consistent approach.
229. The broad approach to district and local centres is justified. However, criterion g) requires modifications to improve the clarity of the policy. In particular, the final sentences under criteria g)i) and g)ii) should be deleted as they effectively repeat what is in the first part of the criterion and could lead to unnecessary confusion. As drafted, criterion g) would also be unduly rigid and inflexible by establishing the criteria as determinative, rather than being part of the wider consideration of vitality and viability. This is inconsistent with paragraph 86a of the NPPF, which expects centres to be allowed to grow and diversify in a way that can respond to rapid changes. **MM45** makes it clear that the factors in g)i) – iii) are issues the Council will have regard to in coming to a decision, rather than a rigid set of requirements. This provides the Council with the scope to consider each case on its merits. This is particularly important given the changing nature of retail, particularly in smaller centres, and the need to ensure they remain viable.

230. Other modifications are needed to reflect changes made to the Use Class Order in September 2020 which introduced Class E and replaced Classes A1, A2, A3, A4 and A5. Reference to these use classes is not justified (**MM45**).

## **Conclusion**

231. I am satisfied that, subject to the recommended MMs, the approach to retail, leisure and the shopping centre hierarchy justified, effective and consistent with national planning policy

## **Issue 9 – Is the approach to transport and accessibility positively prepared, justified, effective and consistent with national planning policy?**

### **Policy DM15 – Sustainable Transport and Active Travel**

232. I have already concluded that the transport implications of the spatial strategy and allocations have been robustly assessed and should not lead to severe transport issues. Moreover, the overall spatial strategy is broadly consistent with national policy in terms of the distribution of growth and promotion of more sustainable transport options.

233. Policy DM15 provides more detailed decision-making criteria to ensure the strategy is delivered in practice. The policy sets out an objective of promoting an integrated transport network, alternatives to the car and use of public transport, walking and cycling. It also explains how proposals will be assessed and the likely evidential requirements in terms of transport assessments and statements and travel plans. The policy also sets out the Council's broader transport strategy and the measures it intends to pursue to deliver a safe, efficient and sustainable transport network. All of this is broadly consistent with paragraphs 104 and 105 of the NPPF.

234. Criterion iv) is not justified in requiring proposals to 'accord with' the West Sussex County Council guidance, particularly in relation to parking standards. If the Council wished to rely on parking standards, then they should be set out in the Plan and not delegated to another document that does not form part of the development plan. **MM47** therefore amends this such that it becomes a document to have regard to, rather than something determinative.

235. A new criterion is necessary to introduce the need for the design of street, parking areas and other transport elements to have regard to the guidance included within the National Design Guide and National Model Design Code. This will ensure consistency with paragraph 110 of the NPPF and address an omission in the Plan's policies on design and character. A modification is also needed to include an additional criterion which makes it clear that proposals which might prejudice highway improvement schemes will not be permitted.

This provides necessary clarity to developers and helps ensure the policy is an effective tool for managing and mitigating the effects of transport in the longer term (**MM47**).

236. Finally, criterion b) v) relating to air quality and Air Quality Management Areas should be moved to be placed under criterion a). This is a more logical place for this element of policy to sit as it relates to the effects of development and should be part of the decision-making criteria, rather than a Council activity. This is necessary in the interests of overall clarity and effectiveness (**MM47**).

## **Conclusion**

237. I am satisfied that, subject to the recommended MMs, the approach to transport and accessibility is positively prepared, justified, effective and consistent with national planning policy.

## **Issue 10 – Is the approach to infrastructure provision, including health and community facilities positively prepared, justified, effective and consistent with national planning policy?**

### **Policy SP3 – Healthy Communities**

238. Policy SP3 sets out a broadly sound approach to ensure development of all types helps achieve the Council's objectives in terms of promoting healthy lifestyles and a safe environment. The principle of the policy is consistent with the NPPF, particularly paragraph 92 which seeks to support healthy lifestyles. MMs are however necessary to ensure the policy is justified and effective.
239. Criterion a) refers to the Adur & Worthing Public Health Strategy. This does not form part of the Development Plan and thus cannot function as policy. Reference to this document should be moved to the supporting text. For clarity, this reference should also be updated to reflect the most up-to-date position regarding public health in Worthing. Further modifications are needed to the supporting text to provide clarity about the role of health impact assessments for major development. This will ensure effectiveness by providing the necessary guidance to allow applicants and decision makers to properly understand what is expected from any development (**MM4**).

### **Policy DM8 – Sustainable Communities / Community Facilities**

240. Policy DM8 sets out requirements for the provision and protection of community facilities. It is generally sound, though a modification is necessary to criterion e)i) to make it clear that only one of the two criteria needs to be met to justify the loss of an existing facility. A modification to the supporting text is also necessary to clarify the existence and role of the Developer Contributions SPD. These

modifications will provide the necessary clarity to make the policy effective (**MM40**).

### **Policy DM9 – Delivering Infrastructure**

241. Paragraph 34 of the NPPF states that plans should set out the contributions expected from development. The Plan as a whole meets this requirement. Policy DM9 fulfils the role of a 'catch-all' that fills any gaps in specific policies. In this way, it sets out the broad approach to infrastructure delivery and provides absolute certainty for developers and decision makers about what will be expected from them.
242. Criterion c) suggests that infrastructure will always be provided prior to the development becoming operational or being occupied. While a reasonable 'preference', this will not always be possible or desirable, particularly in larger phased developments. It may also stymie otherwise acceptable proposals from coming forward. As such, this requirement is not justified. **MM41** provides a degree of flexibility to the policy and further explanation as to how the Council's approach will work in practice.
243. Paragraph 5.123 sets out the Council's desire for legal agreements to include 'clawback' mechanisms. This provides a way of enabling development with viability issues to go ahead, while still giving comfort that full mitigation could be provided in the fullness of time. This is a pragmatic and justifiable approach. However, to give it full policy effect, the provisions in paragraph 5.123 should be transferred into the policy. Consequential changes to the supporting text are also necessary to reflect this modification (**MM41**).

### **Policy DM14 – Digital Infrastructure**

244. NPPF paragraph 114 expects plans to support the expansion of electronics communications networks. Policy DM14 seeks to promote this locally. In principle, this is justified and consistent with national policy. However, there are elements which are unclear, unduly onerous or are not justified. In particular, the requirements for all residential and employment development to enable fibre to premises (FTTP) on first occupation. This may not always be achievable. Criterion d) also effectively contradicts criterion b) by opening up possibilities where FTTP might not be practical. Criterion c) is not justified in expecting development to exceed Building Regulations relating to FTTP infrastructure. The whole approach is unduly onerous and unclear, which renders the policy ineffective.
245. **MM46** seeks to address these issues by setting out a clearer and more flexible approach. This still promotes the use of FTTP or superfast broadband and/or future proofing development, while accounting for situations where this may not

be feasible. The modifications will result in a clear and effective approach that would not affect the viability of development.

246. Criterion e) expects developers to demonstrate there is sufficient mobile telecommunications coverage. It would generally be outside the scope of a housing or commercial developer to provide mobile telecommunications coverage. Existing or future levels of coverage would also be outside their control, and it would be unreasonable to expect them to address any gaps that might exist. This is completely within the purview of telecommunications providers. Moreover, solutions to any under provision, such as new masts, might not always be appropriate. Refusing development on this basis would not be justified. **MM46** deletes this criterion as it is neither justified nor effective.
247. Criterion g) refers to information that would be required in relation to telecommunications applications. This includes reference to those made for prior approval. However, the content of any application in this context is governed by the General Permitted Development Order (GPDO). This reference is therefore not justified or effective and should be deleted (**MM46**).
248. Consequential changes are necessary to the supporting text to provide further information and clarity about the aims of the policy, how it will be implemented and useful sources of information for applicants and decision makers. This will solidify understanding of expectations and thus assist in making the policy an effective tool (**MM46**).

## **Conclusion**

249. I am satisfied that, subject to the recommended MMs, the approach to infrastructure provision, including health and community facilities, is positively prepared, justified, effective and consistent with national planning policy.

## **Issue 11 – Is the approach to the quality of the built environment and heritage assets justified, effective and consistent with national planning policy?**

### **Policy DM5 – Quality of the Built Environment**

250. Policy DM5 would, in principle, make adequate provision for high quality inclusive design in accordance with the requirements of the NPPF. However, some modifications are necessary to ensure the policy is fully consistent with national policy and effective for applicants and decision makers.
251. Firstly, criterion a)ii) lists various features of the local area to which attention should be paid. Reference to tree canopy should be included in this list to better reflect changes made to national policy in July 2021 and ensure consistency



with the overall strategy set out in policies SP1-SP3. The modification also allows for the possibility that it may not always be possible for development to enhance the setting of heritage assets. Failure to do so should not necessarily result in development being unacceptable in principle, particularly where the significance of an asset is being preserved. This should be the minimum requirement and is consistent with national policy and any statutory requirements, particularly in relation to listed buildings and conservation areas (**MM37**).

252. Criterion a)viii) sets out what the Council will consider in relation to effects on living conditions of neighbouring residents. Modifications are necessary to ensure clarity about the circumstances in which the Council will have concerns, particularly in relation to impacts from noise, traffic and loss of open space. As submitted, the policy precludes any negative impacts. However, there may be circumstances where some harm occurs which does not result in development being unacceptable. The policy should be amended to reflect this and avoid unintended consequences (**MM37**).
253. A cross reference to Policy DM7 is also necessary to ensure internal consistency and clarity with regard to the circumstances in which open space may be lost. Criterion a)ix) seeks to ensure development respects existing natural features. To ensure consistency with NPPF paragraph 131, a modification is necessary here to refer to the need to protect and integrate existing trees and green infrastructure into new development (**MM37**).
254. It is consistent with NPPF paragraph 175 for the policy to seek to ensure the quality of development is not diminished through changes to approved schemes. Criterion c) should however be modified to remove reliance on conditions alone as a mechanism for ensuring this. It is possible that developers will choose other avenues to amend schemes and thus the recommended modification will ensure a more effective approach is adopted that covers all possibilities (**MM37**). This would not preclude the use of conditions in appropriate circumstances.
255. Finally, an additional criterion is needed to reflect changes to the NPPF, and which emphasise the importance of good design, innovation and the use of design guides and codes. Consequential modifications are necessary to the supporting text to reflect paragraphs 127 to 129 and 134 of the NPPF with regard to the preparation and importance of local design codes, the National Design Guide and National Model Design Code. A modification is also necessary to paragraph 5.72 to highlight the Council's intention to prepare SPD on design. **MM37** therefore aids the interpretation of the policy and ensures effectiveness and consistency with national policy.

## Policy DM6 – Public Realm

256. Policy DM6 sets out the Council's approach to the public realm. The aims and intentions of the policy are broadly consistent with national policy on achieving well-designed places and promoting healthy communities. Modifications are however necessary to ensure the policy is effective. Criterion a) could be read as a statement of intent by the Council, rather than a development requirement. **MM38** removes any ambiguity about the scope or intent of the policy. Further to this, criterion c) should be amended such that the Council's 'Public Realm Strategy and Seafront Investment Plan' is a document to 'have regard to' rather than something that is determinative. This document is not part of the Development Plan and thus cannot act as policy (**MM38**).
257. Criterion e) sets out very detailed and prescriptive requirements relating to the nature of illuminated advertising. These are neither justified nor effective and should be deleted. The effects of individual proposals can be assessed on a case-by-case basis and can be controlled by condition if necessary. Finally, under criterion f) it will not always be possible or appropriate for all major development to provide public art. As submitted, this criterion is not justified and should be modified to provide a degree of flexibility (**MM38**).

## Policies DM23 and 24 – Historic Environment

258. Policy DM23 sets out the strategy for the historic environment, as required by paragraph 190 of the NPPF. This is broadly sound with the only modification necessary to criterion b)ii). This includes reference to a review of lists of Local Interest Buildings. This is necessary for effectiveness and to clearly reflect the strategy the Council intends to pursue (**MM55**).
259. Policy DM24 sets out how the Council will consider applications which affect designated and undesignated heritage assets. Criterion c) does not properly reflect paragraphs 201-202 of the NPPF in terms of establishing the difference between 'substantial' and 'less than substantial' harm or how any harm will be considered. Moreover, the criterion does not provide effective protection of heritage assets as it only mentions the setting of designated heritage assets, and not the assets themselves. Similarly, criterion g) does not set out how harm to non-designated assets will be considered. This is inconsistent with NPPF paragraph 203 and ineffective. **MM56** is necessary to rectify these issues and ensure consistency with national policy.
260. Finally, criterion i) refers to the protection of important views. While not inherently problematic, the wording is vague in terms of how and when such views will be identified. As such, it is unclear when the policy would be implemented. Moreover, the criterion is written in a way that applicants could have no certainty about whether or not a view is 'important' until an application was submitted. This creates unwelcome uncertainty both for applicants and

decision makers. The provisions of the criterion are also not limited to heritage assets. They are so wide-ranging in potential scope that they are also already addressed in other general policies on design and landscape.

261. **MM56** therefore deletes this criterion and relevant supporting text to ensure clarity and effectiveness. Additional supporting text is inserted by this MM to highlight the role views can *potentially* have in the setting of heritage assets. This is in keeping with the scope and intent of this policy and will ensure the Council's underlying objectives are understood and met. The MM does not weaken any protection of landscape quality or heritage assets.

## Conclusion

262. I am satisfied that, subject to the recommended MMs, the approach to the built environment and heritage assets is positively prepared, justified, effective and consistent with national planning policy.

## Issue 12 – Is the approach to climate change, flood risk and pollution justified, effective and consistent with national planning policy?

### Policy SP2 – Climate Change

263. Policy SP2 sets out the Council's overall approach to climate change. It establishes broad principles relating to carbon reduction, maximising carbon sequestration and climate change mitigation and adaptation, which are taken forward by subsequent policies. The policy is sound in principle.

264. Paragraph 179 of the NPPF states that plans should safeguard components of local wildlife rich habitats and wider ecological networks. As well as protecting biodiversity assets for their own sake, this can also assist in the Council's approach to climate change adaptation and mitigation. To this end, an additional criterion, and associated supporting text, is needed to make it clear that development must not compromise land that is required to deliver a nature recovery network. This will ensure effectiveness by establishing the broad strategy and internal consistency with other elements of the Plan (**MM3**).

### Policy DM16 – Sustainable Design

265. Policy DM16 builds on the strategy set out in Policy SP2 by seeking to ensure that development meets a number of standards relating to carbon emission, overheating and minimising waste. Collectively, these are important in helping to achieve the Council's objectives in relation to climate change. However, there may be situations where it is genuinely not possible or practical to adhere to all aspects of the policy. Criterion a) therefore needs to be modified to recognise

this and provide a degree of flexibility. This will ensure the policy is justified and effective (**MM48**).

266. The Written Ministerial Statement (WMS) of March 2015 precludes Councils from adopting any optional standards for housing which go beyond those set out in national policy. Criterion b) seeks to adopt the Government's optional standards on energy efficiency. However, by seeking to achieve a 31% reduction in carbon dioxide emissions, this goes well beyond the optional standard. The 31% requirements are therefore in conflict with the WMS. Accordingly, the MM consulted on removed the 31% figure and referred only to the 20% reduction against Part L of the 2013 Building Regulations. This figure reflects the optional standard and is thus justified (**MM48**).
267. The Council's intent was to pre-empt and reflect anticipated changes to Building Regulations. At the time of publication and submission, these had not been confirmed by Government. New Building Regulations were published in December 2021 relating to carbon reduction which now supersede Part L of the 2013 standards. These came into force on 15 June 2022. The MM consulted on did not reflect this change in circumstance. It did, however, anticipate that the change was intended at some point. The modification to criterion b) is clear that new housing should meet the 20% reduction in carbon emissions compared to Part L of the 2013 standards *unless superseded by national policy or Building Regulations*. While this has already technically occurred, the modified policy remains clear and thus does not need any further modification.
268. Similarly, criterion c) also seeks to achieve a 31% reduction for all major development, which will include residential. Accordingly, this criterion also needs to be modified such that it refers only to non-residential development. In this instance the figure of 31% should also be modified to 27%. This reflects what was anticipated through Building Regulation changes. The WMS places no restriction on setting standards for commercial development and thus, in this case, it is acceptable to refer to the higher figure. However, to ensure consistency with criterion b) I have amended the MM to include reference to Building Regulations being superseded. This will ensure long term clarity and effectiveness (**MM48**).
269. For the same reasons as above, criterion f) needs to be modified to remove reference to residential and mixed-use development for achieving BREEAM very good as a minimum rating. This effectively seeks to impose additional standards which would be contrary to the requirements of the WMS (**MM48**).

### **Policy DM17 – Energy**

270. Policy DM17 relates to energy and energy efficiency. This is part of the Council's overall approach to climate change and is broadly consistent with the provision of paragraphs 153 to 157 of the NPPF.

271. Criterion c) seeks to encourage major development to connect to heat network opportunity clusters. This ties into criteria a) and b) and is a reasonable requirement in principle that is consistent with paragraph 157 of the NPPF. However, as submitted, the policy is unduly onerous in *requiring* connections and/or expecting development to maximise opportunities for the development of a future district heating network. **MM49** therefore addresses this by seeking to ensure developers can demonstrate how they have considered connecting to a district heating network. This would provide a reasonable degree of encouragement and flexibility.

### **Policy DM20 – Flood Risk and Sustainable Drainage**

272. Policy DM20 deals with flood risk and drainage. It is broadly consistent with paragraphs 159-169 of the NPPF. Modifications are however necessary to ensure complete consistency with national policy and for effectiveness. Firstly, paragraph 5.280 sets out the requirements of the 'exception test'. This should be included in policy to give it the necessary weight. Consequential changes to the supporting text are necessary as a result of this modification. Further modifications are necessary to criteria a), b) and c) to make it clear that the policy applies to flooding from any source, the circumstances in which a flood risk assessment would be required and where the sequential test would, or would not, be applied (**MM52**).

273. An additional requirement is also necessary under criterion c) to ensure that development is flood resilient, such that it can be quickly brought back into use without significant refurbishment. This is necessary to bring the policy into line with paragraph 167 of the NPPF. Criterion d) needs to be modified for the same reason, in particular to recognise there may be circumstances where sustainable drainage systems are not appropriate (**MM52**).

### **Policy DM21 – Water Quality and Sustainable Water Use**

274. Policy DM21 establishes the Council's approach to water quality and efficiency. Again, this policy is broadly consistent with national policy and effective. However, criterion b) provides little clarity about when the policy would apply, who it applies to or the consequences of not taking opportunities even when appropriate to do so. The intention of the criterion is to highlight the Council's support for proposals which seek to improve the drainage infrastructure. The criterion should be modified to make this clear and effective (**MM53**).

275. Criterion e) seeks to ensure new housing should incorporate water efficiency measures to limit water use to 110 litres/person/day (lpd) and, where possible to 100 lpd. The 110 lpd figure corresponds to the Government's optional housing standards on water efficiency. Southern Water predict a water supply and demand deficit by 2030. They have identified improving water efficiency from development as one of the tools necessary to mitigate the growth in water

demand. Adopting the optional standard is therefore justified. However, 100 lpd goes beyond the optional standard. I acknowledge the scale of the issue facing the area, and that Southern Water themselves are seeking to encourage lower standards. However, the WMS is clear that any additional local technical standards or requirements relating to the performance of new dwellings are not to be included in Local Plans. The requirement for 100 lpd is therefore inconsistent with national policy and should be deleted (**MM53**).

## **Policy DM22 – Pollution**

276. Policy DM22 sets out the Council's approach to dealing with pollution. The scope of criterion a) is vague. It is too open ended and does not provide applicants or decision makers with the clarity they need. The criterion therefore needs to be modified to clearly set out the sources of potential pollution that the policy seeks to address. To ensure clarity and effectiveness, the criterion should also be amended to reflect the Council's objective to seek improvements to the quality of the environment where possible (**MM54**). Criterion b) needs to be modified to make it clear that only 'unacceptable' pollution risks should be avoided. It is possible that some risks can be within acceptable parameters and/or can be adequately mitigated (**MM54**).

277. To be effective, criterion d) should include reference to the impact of light pollution. This will ensure internal consistency with other parts of the policy and properly reflect the main sources of potential pollution. With regard to air quality, this criterion should also be modified to include reference to the Air Quality Action Plan. This will rectify an important omission and make the policy consistent with paragraph 186 of the NPPF. To provide clarity for applicants, it is also necessary to modify paragraph 5.313 to add reference to the Sussex Planning Advice Document (2021). This is relevant to decisions on noise (**MM54**).

278. Criterion e) seeks relevant investigations and assessments in relation to contamination. However, the criterion provides no indication about how the evidence will be used or, in effect, what the Council's policy is for dealing with contaminated land. A modification making it clear that permission will be refused for any development where mitigation cannot be adequately mitigated is therefore necessary for the policy to be effective (**MM54**).

## **Conclusion**

279. I am satisfied that, subject to the recommended MMs, the approach to climate change, flood risk and pollution is positively prepared, justified, effective and consistent with national planning policy.

## **Issue 13 – Is the approach to the provision of green infrastructure, the natural environment, including Local Green Spaces, justified, effective and consistent with national planning policy?**

### **Policy SS6 – Local Green Spaces**

280. The Plan identifies three areas as Local Green Spaces (LGS); Chatsmore Farm, the Goring-Ferring Gap and Brooklands Recreation Area. Paragraph 102 of the NPPF establishes three criteria for designating LGS. These are that the area is in reasonably close proximity to the community it serves, is demonstrably special to a local community and holds a particular local significance and is local in character and is not an extensive tract of land.
281. I am satisfied that all three proposed LGS are in close proximity to the areas they intend to serve. They also all exhibit characteristics that make them demonstrably special to local communities and have particular local significance. In the case of Chatsmore Farm, the local community benefits from the access it provides to the open countryside, the value to the character of the area by providing welcome physical relief from a fairly dense built-up area. It also allows the countryside to penetrate south of the A259, which creates a clear physical and psychological barrier to the SDNP to the north. The same applies for the Goring-Ferring designation, though the link to the seafront adds significantly to the recreational and 'beauty' of the area. Parts of the area are also identified as a Local Wildlife Site (LWS). This only adds to its local significance. The Brooklands Area appears to be a unique recreational and wildlife area within the Borough that has attraction for both local residents and those from a wider area.
282. There is no definition of what constitutes an 'extensive tract of land' in national policy. National guidance<sup>39</sup> provides some assistance by stating that a "blanket designation of open space adjacent to settlements will not be appropriate. In particular, designations 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".
283. The Chatsmore Farm designation is around 30ha and is primarily made up of open agricultural fields. The designation therefore covers a large area of land. It also has the appearance of unbroken area of open agricultural countryside. The area also coincides with the proposed LGG, the main purpose of which is to retain separate identities and characters of settlements. In the context of national policy, the scale and character of the area is that of a 'blanket' designation of open countryside. Moreover, given the relationship with the LGG, designation as a LGS would effectively function as a new area of Green Belt.

---

<sup>39</sup> PPG ID: 37-015-20140306

On this basis, the Chatsmore Farm designation conflicts with national policy and is not justified.

284. The Goring-Ferring designation covers 33ha in Worthing. It is predominantly agricultural, but is more varied than Chatsmore Farm, with some areas of formal recreation and pockets of woodland. The LGS covers much the same area as the proposed LGG. This constitutes part of a sizable gap between the built form of Worthing and Arun. Given its scale and predominantly agricultural character, I consider that the majority of land would also fall into the category of a blanket designation adjacent to a settlement. It would also function as *de facto* Green Belt. This is also in conflict with national policy.

285. The Council were given the opportunity to consider whether there would be any scope to subdivide the designations and designate smaller or more discreet areas that would be consistent with the NPPF. In response<sup>40</sup>, they concluded that there were no alternatives to designating the entire areas. Without any alternatives to consider, I conclude that neither Chatsmore Farm or Goring-Ferring areas are justified and should thus be deleted from the Plan, with consequential modifications needed to Policy SS5, the supporting text and the inset map on page 63 (**MM10**, **MM12**). The Policies Map will also need to be modified to reflect this change.

286. I am content that the Brooklands Recreation Area does not constitute a 'blanket designation' adjacent to a settlement. Although of significant scale, it is very different in character to the other proposed spaces. Unlike these, it is clearly not an unbroken area of open countryside; rather it is largely a formal recreational area made up of areas of different character. On this basis, I am satisfied that the designation is consistent with national policy. **MM12** does however modify the relevant inset map to remove the area owned by Southern Water. This was included in error and may be needed for operational reasons. It therefore does not meet the requirements of paragraph 102 of the NPPF. This modification also corrects a plotting error whereby the designation erroneously extended to the coastline. This change is needed to ensure the policy is justified. Consequential changes to the Policies Map will also be needed to reflect these changes.

287. Turning to Policy SS6 itself, paragraph 103 of the NPPF states that policies for managing development within a LGS should be consistent with those for Green Belt. As submitted, the policy does not reflect this. In particular, it seeks to impose restrictions on the type of development that can take place in LGS which are not included or consistent with the exceptions set out in paragraphs 149 and 150 of the NPPF. To avoid any potential confusion, the most straight forward approach is to modify the policy simply to refer to national Green Belt policy. This will ensure effectiveness (**MM10**).

---

<sup>40</sup> WBC-E-20



## **Policy DM7 – Open Space, Recreation and Leisure**

288. I am satisfied that the open space standards alluded to in Policy DM7 are based on robust evidence and are thus justified. However, neither the policy nor supporting text are entirely clear what the Council's adopted standards are or where they are referenced. Table 1 provides some partial information but, in the main, the document appears to point people in the direction of the Joint Leisure and Open Space Study<sup>41</sup> (2019). This document is not part of the Development Plan and thus it is not appropriate to rely on it, not least as it may be subject to change without scrutiny. For this reason, the recommended standards from the study should be included in the supporting text, such that they will form part of the Plan (**MM39**).
289. The Open Space Study also suggests that off-site open space provision would be the preferred approach for the majority of development in the Borough. This is acceptable in principle. However, this is not reflected in the policy which sees off-site provision as an exception. Criterion a) is therefore not justified or effective and should be modified to properly reflect the evidence on standards (**MM39**).
290. The reference to the Open Space Study in criterion b) needs to be modified so that applicants 'have regard' to it, rather than it being seen as determinative. The criterion should also be modified to ensure applicants have regard to any updates to this document. This will provide clarity and longer-term assurance about the types of open space to be provided. The supporting text should also be modified to explain the relevance of the document and highlight the intention to produce a Developer Contributions SPD that will provide guidance on this issue. These modifications all serve to ensure the policy will be justified and effective (**MM39**).
291. In terms of the loss of open space, criterion c) iii) states that there should be a net gain in provision elsewhere. This provision is inconsistent with paragraph 99 of the NPPF and not justified. Accordingly, this requirement should be deleted (**MM39**).
292. Criterion e) seeks to provide additional protection for areas of open space which have significant nature conservation, historic or cultural value, even where there is an identified surplus in an area. This criterion is inconsistent with the NPPF's policies on considering the loss of open space. It is also unnecessary, as other policies can adequately address issues of nature conservation or heritage. Stating that such sites will be protected is also not consistent with the provisions of those policies, which contain their own criteria for assessing the effect of development. The criterion is therefore unnecessary, potentially misleading and internally inconsistent. To ensure effectiveness and consistency with national

---

<sup>41</sup> CD/S/1

policy, this should be deleted (**MM39**). This will not undermine the protection given to open spaces under this or other policies.

### **Policy DM18 – Biodiversity**

293. Policy DM18 sets out the requirements for biodiversity net gain. The principle of this is consistent with NPPF paragraph 179. The policy seeks a minimum of 10% net gain. It also encourages 20% net gain on greenfield sites where achievable and on all brownfield sites. There is no evidence to suggest this requirement will prejudice development or is not achievable. I see no harm in the Council having an aspiration to seek more than 10% net gain on greenfield sites, though this will need to be assessed on a case-by-case basis. Similarly, a requirement of 20% net gain on previously developed sites is not likely to be an onerous requirement given that, in many cases, existing biodiversity levels may be relatively low.

294. National policy does not stipulate what level of net gain should be set out in local policy, only that net gains for biodiversity are encouraged. I am conscious that The Environment Act (2021) has recently been enacted and that this sets out a biodiversity net gain objective of at least 10%. The policy is not inconsistent with this approach. Should any forthcoming regulations related to this Act supersede the policy, then this would be a matter that could be addressed through normal development management procedures. I am therefore satisfied that the requirements are broadly consistent with national policy and are justified.

295. However, it may not always be possible to provide net gain on-site and thus the policy should be modified to include provision for off-site provision where necessary and appropriate. Consequential changes are also needed to paragraph 5.259 of the supporting text to properly define what is meant by net gain, and to explain how both on- and off-site net gain will be addressed. The reference to the DEFRA biodiversity metric in both the submitted Plan and MM is now out of date. On this basis, I have amended the MM consulted on to simply refer to 'the most recent version' of the metric. This will provide long term effectiveness (**MM50**). There is no need to be specific about how off-site provision will be achieved. Measures such as the purchasing of credits from approved providers do not need to be made explicit in the Plan and can be addressed through normal development management procedures.

296. Finally, criterion f) also needs to be modified to refer to both 'notable' and 'priority' habitats and species. This will help bring the policy into line with NPPF paragraphs 179 and 180 in terms of wider ecological networks and biodiversity protection. This will also clarify the scope and intent of the policy and provide certainty for decision makers and applicants. I have amended the suggested MM to correct a typographical error, but otherwise this is needed for certainty, effectiveness and consistency with national policy (**MM50**).

## Policy DM19 – Green Infrastructure

297. Policy DM19 sets out the framework for requiring new infrastructure in development and protecting that which already exists. The overall intent of the policy is consistent with national policy. Some modifications are however necessary to ensure clarity and effectiveness.
298. Criterion a) contains superfluous information about a forthcoming Green Infrastructure strategy that does not assist in decision making and is better placed, and expanded on, in supporting text. A modification to this criterion is also needed to make it clear that development 'should' be seeking to protect, conserve or enhance green infrastructure in the Borough, rather than only being something development 'can' do. This ensures the policy will be effective in delivering its objectives and consistent with policies SP1 to SP3. Other amendments to the supporting text are necessary to bring references to the National Model Design Code up to date. These changes will ensure clarity for applicants and an effective approach (**MM51**).
299. Criterion b) is unreasonable and unduly onerous in expecting *all* development to demonstrate how they will contribute to the Green Infrastructure Strategy. **MM51** removes this requirement, while still ensuring opportunities are taken to incorporate GI into development. This provides a more flexible approach which is consistent with national policy and effective. I have amended the modification that was consulted on to remove reference to 'creative and connected' opportunities. It is not necessarily clear what is intended here and can be removed without altering the intent of the policy.
300. Criterion c) sets out the approach to tree loss and replacement. This includes seeking to discourage the loss of trees. Given the importance afforded to the protection and provision of trees in national policy, the requirements for biodiversity net gain and both national and local policies on climate change, it is reasonable in the context of Policy SP3 for the policy to refer to the enhancement of tree cover where possible. Modifications are necessary to ensure internal consistency and effectiveness in this regard. In order to provide clarity about the Council's expectations, the policy should also be modified to encourage native tree species (**MM51**). Again, this will assist in ensuring the policy is effective in enhancing GI as an appropriate manner.

## Conclusion

301. I am satisfied that, subject to the recommended MMs, the approach to green infrastructure, the natural environment, including Local Green Spaces, is positively prepared, justified, effective and consistent with national planning policy.

## **Overall Conclusion and Recommendation**

302. The Plan has a number of deficiencies in respect of soundness which, for the reasons set out above, mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

303. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. Overall, I conclude that with the recommended modifications set out in the accompanying Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Steven J Lee*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.