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Submission Draft Local Plan – March 2021

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Submission Draft Worthing Local Plan SDWLP - 2021

1 message

Fleur Kreef

22 March 2021 at 20:35

To: planning.policy@adur-worthing.gov.uk

Monday 22 March 2021

The Worthing Borough Draft Local Plan 2020-2036 (**Plan**) in my view is a dereliction.

It is 194 pages of policy statements imposed on the people of Worthing from the “top” down. It is couched in motherhood statements including in the all-important “Spatial Strategy” which essentially gives official carte blanche for high-rise development to the less than lip service already paid by our planners and the majority of the planning committee to the 2013 “Tall Building Study”.

The essential condition which Worthing planners let us down on is the fact that Worthing is built on an east-west axis along our south-facing seafront, from whence comes our sun and light as well as the sight of the sea and sky and the views of the South Downs to the north. Quite apart from our northern longitude which means our hours of daylight and sunlight are at a precious premium as compared with Florida or the Mediterranean, comparisons made in the Seafront Investment Plan 2018 with Florida’s Fort Lauderdale which faces east, and with Tel Aviv which faces west, are dangerous.

As well, our Town is still a characterful heritage town of a gracious and quaint mix of buildings with a stunning seafront in the muted colours of our northern location. We are not yet a garish, holiday camp of a town and it ought to be put out to a wide public consultation before the visual noise of painted tarmac pop art pedestrian crossings appropriate to parts of London and highly contrasted paving patterns (Tel Aviv paving is muted contrast not garish), and actual noise of say a lagoon of 6 miles of wall with 16 hydroturbines is to be imposed on us. I don’t understand why design plans for such are not available on WSCC website for example (Marine Parade public realm proposal? Portland Road public realm improvement? I’ve been unable to find anything though I’ve tried many ways and times.), so that we the public, though we may have had opportunity for input in early consultations, are then in the dark as to firmer plans until the contractors turn up – witness Montague upgrade which has ended up a bleak vast stretch of brickwork without a single tree – nowhere near as promised by a picture on the front page of the Worthing Herald many moons before. Why the lack of transparency?

Going back to the fundamental issue of light, which also brings warmth beauty and ultimately commercial as well as residential life: it is sunlight which draws people to come out and about; it is sunlight which brings us tourist activity and café society; shopping, prosperity, outdoor activities, joy; it is sunlight which makes gardens and street plantings thrive.

Yet in the entire 194 pages the word “sunlight” occurs 3 times, the word “tall” occurs 5 times in the entire document in association with building (a sixth occurrence as part of “install”), while the words “high” on its own or as “highrise”, “overshadowing” or “shadow” do not occur at all. The 2013 “Tall Building Study” referred to in the Plan is still the only document dealing with this aspect. It has never been updated by a full public consultation, it has only the status of a supplementary planning document and it has in any event been completely eviscerated of all planning meaning and effect in several recent planning decisions including Bayside Apartments on the former Aquarena site, and the Teville Gate and Union Place developments.

The Seafront Investment Plan 2018 contains the laudable aim of connecting the Town with its seafront, particularly with improved north-south access and diminution of vehicle dominance. Yet at the same time validates the 3-storey Bistrot Pierre restaurant construction and is unclear whether “new” beach huts means additional beach huts – indicated to be located in front of Heene Terrace? – which will block the experience of the seafront and views of the pier even from the promenade, let alone the Town.

Regarding motherhood statements such as “... ensure that daylight/sunlight implications are appropriately managed (p85), “manage daylight and sunlight implications appropriately” (p99) and that the quality of the built environment should “not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise or

vehicular movements or loss of important open space”, the Plan provides no inkling how that appropriate or unacceptable management is to be achieved, at what level and who decides what is appropriate.

I do understand this is a draft local plan but surely there must be more of substance to provide standards of accountability to. Particularly as, to date, planning precedent has been twisted and departed from by Worthing’s planners (such as in the approved Union Place development Delva Patman Redler LLP’s Daylight & Sunlight Report) so that instead of (the precedent) of respecting the baseline condition existing pre-development, WBC planners have permitted the diminution of the significance of the impact of overshadowing and loss of light from a development by shifting the criteria to minimum legal light standards rather than on the magnitude of the loss from the existing.

There is nothing in the Worthing Borough Draft Local Plan which indicates that it is other than a death knell to daylight, the sight of sky, the sunlit streets of our low rise town. The darkness and cold that building shade brings to the public and residential realm cannot be reconciled with the aims. The inference is that it is for the beachfront strip only to be in sun (with intermittent views of sea between beach huts and beach restaurants blocking the view) and everything else in the shade of a dress circle of tall buildings behind.

Indeed, what kind of 16-year plan provides for no areas designated free of the blight of tall buildings or over-development? No designated cherished views of Downs, sea or sky, none of our streets, Heritage, or Town Centre or otherwise, none of our gardens, our homes are identified as areas of low-rise amenity worthy of protection. Not even heritage areas are safe.

Nor is it only daylight and sunlight that’s at stake. Worthing specifically - and with the Isle of Skye, Scotland the only 2 places in the UK - has recently (February 2021) been named as 17th of the top 20 best places *in the world* to see the sunset.

To see the sunset, one needs to see the sky.

Yours sincerely

Fleur Kreel



This response to the Submission Draft Worthing Local Plan Consultation is on behalf of the Goring and Ilex Conservation Group.

The responses required relate to the soundness, legality and duty to co-operate of the above and we have based our responses on those criteria.

Does the Plan comply with legal requirements and duty to co-operate?

From initial concept, there has been community engagement by groups, businesses, interested bodies and individuals and this engagement has been noted and incorporated into the plan where relevant in sections 1.9 to 1.11. There is a sustainable development section and sustainability including climate change is considered in some depth which we believe is a thorough appreciation in the Plan of these issues.

Cross boundary and inter-authority issues have also been considered and referred to in paragraphs 3.27 to 3.29 and engagement with statutory co-operation bodies has taken place.

There is a considerable evidence base behind the Plan which has been kept updated and is referred to in section 1.12 and throughout the document

We consider that the Local Authority have spent much time and effort over the last few years in compiling the Plan with engagement from the community both within and outside Worthing and in our view, the process has complied with the legal requirements.

Is the Plan sound?

The Plan is detailed, has consulted interested parties, complied with the legal obligations and has considered the location, difficulties and opportunities of the area.

Within the Plan there is a shortfall between the identified housing need and the proposed housing additions over the Plan period as explained in Paragraph 3.27. We believe that the Local Authority have taken all practical steps in assessing all possible sites while retaining the features that are desirable for both visitors and resident's wellbeing.

The Covid 19 epidemic and consequent restrictions on movement have highlighted the need for local outside space especially for those living without garden or balcony space. Worthing has a unique position of affording both sea and country, being bounded on land by the Local Gaps and Local Green Spaces together with the National Park and this affords both recreation and identity but also constricts the availability for the area to expand. In particular, the Goring Gap and Chatsmore Farm Gaps, designated in the Local Plan as Local Green Spaces (following extensive background work by local groups showing the value that residents and visitors alike place on them) give extensive views between the coast and the Highdown Hill and ancient fort which would be marred by any development on these spaces, degrading the enjoyment and wellbeing gained from them.

The Local Authority has made some difficult choices in identifying sites for development but we believe that they have fairly and properly balanced the housing provision against the wellbeing of the population. We note that the Plan covers these in Paragraphs 3.40 to 3.60 and SS6 and support the extensive work of the local Authority in their investigation and support for these areas.

The Plan also acknowledges the possible opportunities and changes arising from the Covid 19 outbreak in both brownfield sites and changes in working practice.

In our opinion, in assessing the results of the various consultations, balancing housing provision against the wellbeing of the residents and maintenance of Worthing as being an inspiring location to live, we believe that the Local Plan is sound and fit for purpose to take Worthing forward over the next 15 years.

Contact:

Planning Policy, Telephone: 01444 – 477053
E-mail: planningpolicy@midsussex.gov.uk

Your Ref:

Date: 23 March 2021

Our Ref: Worthing Reg 19 Local Plan

worthinglocalplan@adur-worthing.gov.uk

By e-mail only

Dear Sir/Madam,

Worthing Submission Draft Local Plan 2020 – 2036 Regulation 19 Consultation

Mid Sussex District Council welcomes the opportunity to comment on the Regulation 19 consultation on the Worthing Submission Draft Local Plan 2020 - 2036.

Housing Need

The identified housing need for the plan period is 14,160 dwellings or 885 dwellings per annum. However, the Plan makes provision for a minimum of 3,672 dwellings over the Plan period, which includes 1,753 dwellings from Local Plan Allocations. The Plan provision therefore represents approximately a quarter of the Council's identified need.

MSDC recognises the challenge that Worthing Borough Council (WBC) has in meeting its Housing Need, due to the constrained nature of the Borough, with the South Downs National Park to the north, and the sea to the south, as well as the fact that 24% of the Borough lies in the South Downs National Park. MSDC supports WBC's need to balance the efficient use of land while 'ensuring that the borough's historic and natural environment...its coastal and countryside setting have been protected and enhanced' set out in the Plan's Vision.

However, despite the constraints set out above it is noted that, since 2006, WBC has delivered 308 dwellings per year compared to the Core Strategy requirement of 200 dwellings. This demonstrates that the Borough can consistently deliver more than the 230 dwellings per annum identified in the Local Plan.

While it is recognised that brownfield land is a finite resource, changes in other land uses such as retail closures, employment restructuring or changes in technology do provide a continuing source of previously developed land. Therefore, MSDC is pleased to see the further work that has been carried out since the Regulation 18 consultation to enable further sites to be allocated, rather than reliance on the 'Areas of Change' policy to facilitate housing delivery.

MSDC still has a number of comments to make to ensure delivery potential within Worthing is maximised.

1. Small Sites

Policy SS1 '*seeks to increase the rate of housing delivery from small sites.*' However, it is still not clear what mechanisms WBC will use to encourage small sites to come forward. In addition it is

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noted in the draft Housing Implementation Paper (para 5.9) that historically only 45% of the permissions on small sites are implemented. It would be useful to explore why the implementation rate is so low and what could be done to improve the delivery rate. MSDC are aware that WBC have prepared an Action Plan (as per the requirements of the Housing Delivery Test) and encourages WBC to provide more information in the Plan about how proposals for development of small sites will be encouraged and implemented

2. Density

Paragraph 123 of the NPPF states that:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Plans should contain policies to optimise the use of land in their area and meet as much of the identified housing need as possible. This will be tested robustly at Examination, and should include the use of minimum density standards for city and town centres and other locations that are well serviced by public transport.'

Paragraph 123 goes on to note that:

'These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this is inappropriate.'

The NPPF text provides a clear signal that densities should be optimised where at all possible. However, Policy SP2 – Spatial Strategy only states that, in the Built Up Area, *'Development should make efficient use of previously developed land but the density of development should be appropriate for its proposed use and also relate well to the surrounding uses and the character of the area.'*

Policy DM2 – Density sets out a requirement that family housing should achieve a minimum density of 35 dwellings per hectare, and that flats, mixed residential development, developments in the town centre and sites near public transport provision should achieve densities in excess of 100 dph.

MSDC welcomes the increase from 50dph to 100dph in mixed use and flatted schemes since the Regulation 18 Draft Plan. It is noted that there is further work being carried out to explore mechanisms to further increase density and this is welcomed.

Joint Working

Mid Sussex District Council and Worthing Borough Council form part of the Coastal West Sussex and Greater Brighton group of authorities. MSDC welcomes the positive work in relation to the progression of Local Strategic Statement 3 (LSS3) which will identify and manage spatial planning issues that impact across the authorities within the group, particularly assessing potential solutions to contribute towards the significant unmet need within the Coastal West Sussex and Greater Brighton area in the medium-long term. This work enables all authorities within the sub-region to understand the issues and to assess potential solutions.

MSDC would be happy to work with WBC on a revised Memorandum of Understanding (MoU), to update the MoU which was signed by both authorities in 2016, to ensure that the MoU is robust, and reflects the current issues which are the subject of discussion.

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INVESTOR IN PEOPLE

**Planning Policy
Business Unit**



Yours sincerely,



Cllr. Andrew MacNaughton
Cabinet Member for Housing and Planning

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INVESTOR IN PEOPLE

**Planning Policy
Business Unit**



Contact:

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Your Ref:

Our Ref:

Submission Draft Worthing
Local Plan

Date: 23rd March 2021

james.appleton@adur-worthing.gov.uk

By e-mail only

Dear James,

Submission Draft Worthing Local Plan – Duty to Cooperate

Thank you for your letter of 29th January 2021, in which Worthing Borough Council has asked for this council's view on several matters, including the role Mid Sussex may have in assisting Worthing Borough Council in addressing identified unmet development needs under the Duty to Cooperate provisions. Please note that I will be responding to your Local Plan Regulation 19 Consultation (which started on 26th January) in a separate letter.

Mid Sussex District Council is committed to working jointly and proactively with neighbouring authorities to address identified development needs. This commitment is set out in Policy DP5: Planning to Meet Future Housing Need of the Mid Sussex District Plan.

In your letter you asked for confirmation of the role Mid Sussex can play in meeting unmet housing needs.

I have addressed each of these matters in turn below.

The Role of Mid Sussex In Meeting Unmet Housing Needs

The Mid Sussex District Plan (2014 - 2031) was adopted in 2018. The District Plan has a housing requirement of 16,390. This is made up of the Mid Sussex Objectively Assessed Housing Need of 14,892 dwellings and 1,498 dwellings primarily to address Crawley's unmet need. Horsham District Council also commits in its adopted Local Plan towards making an annual contribution towards the current unmet need for Crawley. Therefore, in the current set of adopted plans, the three authorities within the Northern West Sussex Housing Market Area can demonstrate that housing need is met.

Notwithstanding this principle, there are a number of significant constraints to development in Mid Sussex. In particular, and as you will be aware, Mid Sussex needs to ensure that there is no harm from development on the integrity of the European Habitat sites in the Ashdown Forest.

The Inspector for the Mid Sussex District Plan agreed to an average requirement of 876 dwellings per annum (dpa) up to 2023/24 with a step to 1,090 dpa in the latter part of the Plan period subject to there being no harm to the integrity of the Ashdown Forest. Indeed, the Inspector made clear that the delivery of the amount of housing above 876 dpa must be subject to the findings of further Habitats Regulations Assessment. In order to ensure delivery of the housing requirement, Mid Sussex is preparing a Site Allocations Development Plan Document (DPD) to identify additional housing and employment sites to ensure the need established in

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the adopted District Plan (including provision for the unmet need in Crawley) is met in full over the Plan period. Work on the Site Allocations is progressing and has been submitted for Examination with Examination hearings anticipated to take place in spring 2021. This work must be completed to provide certainty over the allocation of sufficient deliverable sites to meet both this authority's need and help meet Crawley's unmet need to 2031.

Mid Sussex District Council has just commenced early work on reviewing its adopted District Plan. This is scheduled for adoption in 2023.

Whilst the review of the Mid Sussex District Plan will seek to address any further unmet development needs arising within the sub-region this must be secured through the proper plan making process i.e. through the review of the District Plan. Such a process will establish the revised local housing needs and the preparation of a robust evidence base to ascertain if and how development needs can be met, including an HRA to test the impact on the Ashdown Forest.

As the work is at a very early stage, options and capacity for development beyond 2031 in Mid Sussex have not been tested. Therefore, it is not possible to confirm whether Mid Sussex could assist in contributing towards the unmet housing need in Worthing.

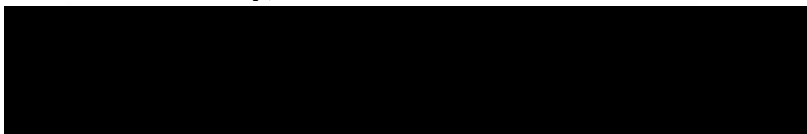
However, it is important to note the primary housing market area for Mid Sussex is the Northern West Sussex HMA which includes Crawley and Horsham. The Regulation 19 version of Crawley's Local Plan Review shows an unmet need of 6,680 dwellings. If the preparation of the District Plan Review indicates that Mid Sussex is able to assist with meeting unmet housing need from within the sub-region its priority will be assisting the Northern West Sussex authorities in the first instance.

As you are aware, Mid Sussex District Council and Worthing Borough Council form part of the Coastal West Sussex and Greater Brighton group of authorities. MSDC welcome the positive work in relation to the progression of Local Strategic Statement 3 (LSS3) which will identify and manage spatial planning issues that impact across the authorities within the group, particularly assessing potential solutions to contribute towards the significant unmet need within the Coastal West Sussex and Greater Brighton area in the medium-long term. This work enables all authorities within the sub-region to understand the issues and to assess potential solutions and it is through this forum that the issue of unmet housing need should be considered more fully.

Next Steps

Mid Sussex welcomes the opportunity for further discussion with Worthing on these matters. My officers will continue to work with you in a positive manner over the review of the District Plan.

Yours sincerely,

A large black rectangular box redacting the signature of Cllr. Andrew MacNaughton.

Cllr. Andrew MacNaughton
Cabinet Member for Housing and Planning

Worthing Borough Council
Planning Policy
Portland House
44, Richmond Road
Worthing, BN11 1HS

23 March 2021

Dear Sir/Madam,

WORTHING BOROUGH COUNCIL – SUBMISSION DRAFT LOCAL PLAN 2020 - 2036

On behalf of NewRiver Reit Plc (NRR), we write in response to the consultation of the Submission Draft Local Plan consultation prepared by Worthing Borough Council (WBC, published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Our client is the owner of the Montague Centre and we have previously provided representations to the previous Regulation 18 consultation in March 2019. Regrettably many of the suggestions and objections within the Regulation 18 consultation response have not been addressed within the submission draft version of the plan and accordingly NRR maintains that the plan is not positively prepared nor justified and is not, therefore, sound.

The Montague Centre

NewRiver is the owner of the Montague Centre which comprises a retail promenade within Worthing Town Centre. The site encompasses a part-single, part-two storey shopping centre which includes 13 existing retail units at ground floor which front Liverpool Road / the Montague Centre, a covered shopping promenade. The site sits north-south on the western side of the Montague Centre, the former Beales department store is located on the opposite side of the promenade along with other retail units including a McDonalds and a Waterstones.

Despite a comprehensive marketing process, both locally and nationally, the centre has attracted limited interest from retail occupiers. In a market where traditional retail demand is declining and retail supply far outweighs demand, it is important the council and its local plan has a flexible approach to town centre development and planning to meet both current and future occupier demands.

In response to this, NewRiver obtained planning permission in 2016 for the change of use of many of the units in the centre to A3 use. The proposed diversification of uses in the centre is identified as a positive within the Retail Needs Study:

'The Montague Centre is subject to a planning permission (ref no AWDM/1640/15) for a newly constructed free standing glazed kiosk and a change of use of Units 1, 2 and 6 to 12 to create

restaurant/café floorspace, including public realm improvements. Existing anchor stores TK Maxx, HMV and Game are to be retained, while potential future occupiers of the new A3 floorspace include Nando's, Carluccio's and Patisserie Valerie. This scheme will transform and anchor this part of the town centre as a new eating, drinking and shopping destination, increasing footfall and on-street activity. Construction on the scheme has not yet commenced. We consider these proposals will, once implemented, represent a positive development for the town centre, and will assist in the Montague Centre making a more active contribution to the overall town centre offer.'

The construction of the scheme has not yet commenced because it has not proved possible to let the restaurant units owing to a rapid decline in the leisure sector, and lack of interest in the remaining retail units. A more diversified redevelopment must therefore be the only deliverable repurposing of the site

The Montague Centre, therefore, is an appropriate location for a more diverse retail/commercial as is encouraged within the Secondary Shopping Frontage. It certainly should not be subject to the restrictive Primary Shopping Frontage policy as drafted which resists any loss of retail uses.

The site also has significant development potential. The land immediately opposite above the Beales Department Store has been approved for a four-storey development and there is the opportunity to deliver something similar at the Montague Centre with even greater density possible on the southern and northern ends of the building which provide focal points for the Town Centre.

The southern entrance to the centre, located on the historic Alexander Terrace, has the potential to provide a way-finding visual reference for Montague Place which is set for public-realm enhancements within the plan. The northern end of the site is located opposite Arundel Lodge, a ten-storey block of apartments which provides precedent for height in the locality.

The site represents an opportunity for development to enhance the ground floor commercial offer whilst providing alternative appropriate town-centre uses above that could include residential to help the council deliver its housing needs.

SS1 – Spatial Strategy

HOUSING

There is insufficient focus in the spatial strategy on housing delivery.

We object to the significant shortfall between the proposed housing target and identified housing needs. The draft plan is not positively prepared as it fails to address the council's pressing housing requirements. The Local Housing Need using the PPG standard methodology identifies a housing need of 885 dwellings per annum.

We note that the development sites identified have been informed by the SHLAA. We have no comments on the identified sites but do believe that a greater number of potential development sites should have been considered before the council concludes that it cannot provide enough housing to meet its identified needs.

Our clients own the Montague Shopping Centre and are looking at options for optimising the site to provide additional floorspace, including potentially residential accommodation. We have previously promoted the site within the Regulation 18 consultation suggesting that it should be considered within any SHLAA update. It is, therefore, disappointing that the site has not been considered in the updated SHLAA.

We do not, therefore, consider that the necessary work has been undertaken to demonstrate that every option has been explored to meet (or at the very least get closer) to the local housing need requirements.

Taking into account the above, we recommend that the housing target is updated so that it aspires to meet the full objectively assessed housing need. We set out some suggestive text below:

“The council will work with all parties to deliver as much housing as possible within the borough with an aspiration to meet the 885 (885 as per text above?) dwellings per annum identified local housing need. We will do this by engaging positively with landowners and developers to ensure all potential development sites are supported where they make efficient use of land and are in compliance with the rest of the development plan”

Given the substantial shortfall between the housing target and the identified local housing need, the spatial strategy should provide a greater emphasis on optimising the output of the Borough’s brownfield land. We, therefore, recommend amending the following text:

“Development should make efficient use of previously developed land but the density of development should be appropriate for its proposed use and also relate well to the surrounding uses and the character of the area”

With:

“Development proposals will be required to make the most efficient use of previously developed land taking into account the proposed uses, surrounding uses and the character of the area”

We are, however, supportive of criterion d i which supports development within the Built Up Boundary (notwithstanding whether they have been allocated or not) subject to compliance with other policies of the plan.

SS3 – Town Centre

The policy sets out the overarching principles for Town Centre development and is generally supportive of a wide-range of appropriate town centre uses including retail, commercial, leisure and residential, this is welcomed.

Given the extremely uncertain times for retail and commercial uses, it is vital that WBC takes this opportunity to ensure that planning policies are not overly restrictive so as to support town centre landlords and tenants to occupy spaces. Accordingly, we suggest that a greater emphasis of the emboldened section of Paragraph 85 a of the NPPF is included within the policy text, this reads that planning policies should (our emphasis):

*“define a network and hierarchy of town centres and promote their long-term vitality and viability – **by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries**, allows a suitable mix of uses (including housing) and reflects their distinctive characters;”*

This must be a strategic policy of the plan, it is vital that policies allow for sufficient flexibility in decision-making so that land and buildings are not locked in un-viable uses for a pro-longed period of time due to planning policy restrictions. We, therefore, respectfully suggest that the following paragraph is added to policy SS3:

“The council will work positively and pro-actively with land-owners, developers and interested stakeholders to respond to changing circumstances in the retail and leisure industries to minimise the risk of property being left vacant for a pro-longed period of time. This will include applying appropriate flexibility to change to different appropriate town centre uses and the redevelopment of sites so long as it can be demonstrated that it would support and enhance the vitality and viability of the Town Centre.”

DM1 – Housing Mix

The first criterion of the policy as drafted should be amended to acknowledge that appropriate housing mix within developments will need to take into account site specific circumstances and the type of development, as well as the evidence-base on need and demand. Whilst the evidence may indicate a need for 50-60% three+ bedroom units, this may not always be appropriate, particularly on brown-field town centre sites where land is restricted and suitable private amenity space cannot physically be provided. This point is acknowledged in the sub-text to the policy but for clarity should be included within the policy-box text.

Furthermore, the requirement for such a high-proportion of larger units within potentially complex and difficult brownfield sites will impact the viability of some developments, potentially prejudicing their ability to be viably delivered. The policy should be amended to reference that overall housing mix should be considered within the context of viability of the development.

Criterion C requires all residential developments to achieve M4(2) Building Regulations. It is not clear how this policy requirement is justified by the evidence base nor what impacts this would have on the viability of development schemes. It is unlikely that *all* new housing in the borough will need to be constructed to such standards and there may be several instances where this would neither be practical, feasible or viable.

DM2 – Density

Given the challenges the council faces in delivering its housing needs the policy as drafted is not strong enough in promoting higher-density development on sites, particularly within those areas identified within criterion C. The text recommending densities “far higher than 35 dwellings per hectare” is positive and we are pleased that the 50 dwelling per hectare reference in the Regulation 18 draft has been removed and replaced within an encouragement for well located sites to provide densities of at least 100 dwellings per hectare.

DM13 – Retail

We note that the boundaries of the Shopping Frontages have been amended within the draft plan. We do not, however, support these changes and believe that the Montague Shopping Centre should be taken out of the Primary Shopping Frontage and reclassified as Secondary.

Paragraph 85 of the NPPF supports greater flexibility in town centre planning policies to ensure that they can react and adapt to changing market forces. This includes incorporating flexible policies which allow growth and diversity in town centres and that can respond to rapid changes in the retail and leisure industries (criterion a). Policies should also plan positively to meet the scale and type of development needed in retail, leisure, office and all other main town centre uses (criterion d), and should encourage residential developments on appropriate sites to support the vitality of centres (criterion f).

The Montague Centre is an appropriate location for a more diverse retail/commercial offer as is encouraged within Secondary Shopping Frontages. It certainly should not be subject to the restrictive Primary Shopping Frontages policy as drafted which resists any loss of retail uses.

In regards the policy text, we object to the wording as currently drafted and recommend that this is amended so that greater flexibility is permitted to encourage complementary uses alongside retail uses. Ideally we'd like to see the policy support replacement of retail with other uses. This is supported in the Retail Needs Study which recommends that there is scope to support Worthing town centre by *"offering a broader town centre mix – an approach which its competing centres have successfully adopted – whilst continuing to invest in the environment and capitalising on its points of differentiation and seafront asset"*.

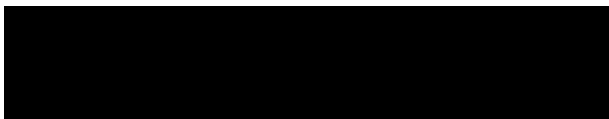
Worryingly, the Policy retains focus on retaining retail within the primary shopping areas without acknowledging the 2020 changes to the Use Classes Order and the introduction of greater flexibility through the new Class E uses. In light of these changes, criterion d i of policy DM13 should be amended so as to be less restrictive about alternative uses within the Primary Shopping Frontage areas, reflecting the new Use Class E.

In-line with this theme, criterion h is also overly restrictive promoting the use of restrictive conditions to control movement between town centre uses in the future in conflict with government guidance and intentions. This element of the policy in particular conflicts with Paragraph 85 of the NPPF as it would restrict the ability for town centre sites to adapt and change quickly to ensure they remain viable and operating so as to contribute to the Centre's vitality and viability.

Summary

We trust our representations will be taken into account in preparing the finalised version of the Worthing Local Plan for submission to the Secretary of State. Our client wishes to continue to be involved in the examination of the Local Plan, including the hearings as part of the Examination in Public, and to be kept up-to-date with its progress.

Yours faithfully



Michael Wood
Associate Director

Office use Only	
Comment number	SDWLP-55
Date received	

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

This consultation runs from Tues 26th Jan to Tues 23rd March 2021

How to submit your comments

This response form has two parts:

- Part A: Personal Details
- Part B: Your representation(s)

Both Part A and Part B of the form need to be completed in order for your representation(s) to be valid. Please fill in a separate sheet for each representation (Part B) you wish to make. You do not need to fill out Part A for each representation provided that all representations made are securely attached.

Forms must be returned by the latest 5pm Tuesday 23rd March 2021

You can complete this form on-line: www.adur-worthing.gov.uk/worthing-local-plan

Or return a hard copy of the form:

By post to: Planning Policy Team, Worthing Borough Council,
Portland House, 44 Richmond Road, Worthing, BN11 1HS

Or by e-mail to: planning.policy@adur-worthing.gov.uk

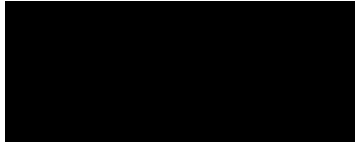
Further guidance

The Local Plan, the evidence base and all supporting documents are published on the Council's website (see link above). This includes a Guidance Note on how to make effective representations and you are advised to read this before making any comments. At this stage (Regulation 19) comments should only relate to whether you consider the Plan complies with legal requirements, including the duty to cooperate, and whether the document is sound.

If you require any advice on completing this form please feel free to contact the Planning Policy Team via email (as above) or telephone on 01273 263000.

You can respond to this consultation online by using the e-form or by email. However, if your preference is to make comments manually this form can be photocopied as many times as necessary.

Part A - Contact Details			
First name	Grace		
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Address line			
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Signed		Date	23.03.21
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Note: Unless you request otherwise <i>(by putting a cross in the box to the right)</i> , all respondents will be added to the Worthing Local Plan consultee database and will be notified at all subsequent stages of Local Plan progression.	No: please don't add me	
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In addition, if you would like to subscribe to the Worthing Planning Policy Newsletter (which covers a wide range of Planning Policy issues) then please put a cross in this box:	x
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<p style="text-align: center;"><u>Use of information</u></p> <p>All data will be stored securely in line with the GDPR. Names and comments we receive will be available for public inspection and may be reported publicly as part of the Local Plan process. However, contact details will not be published. We cannot accept or report confidential or anonymous responses. Further information about how personal information is processed can be found in the Planning Policy Privacy Notice:</p>

Part B

Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

A5

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

x

Don't know

No

Sound?

Yes

x

Don't know

No

**Complies with the Duty to
Cooperate?**

Yes

x

Don't know

No

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

On behalf of Worthing Borough Council, we support the allocation of A5 Decoy Farm for employment use.

However, we would advise that minor corrections are required to the text including that the minimum of amount of employment land which can be delivered on site is 14,000 sqm. This is based on a thorough understanding of the site constraints.

Paragraph 4.20 needs to be updated to refer to the fact the remediation will be completed by the end of March 2021.

Paragraph 4.21 also needs to be amended to say the current access to the site is from Dominion Way.

It is the intention to submit a planning application for an employment-led scheme later this year. If planning approval is granted, it is intended that Worthing Borough Council will retain and redevelop the site.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

NO

X

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

23.03.21

Office use Only	
Comment number	SDWLP-56
Date received	

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

This consultation runs from Tues 26th Jan to Tues 23rd March 2021

How to submit your comments

This response form has two parts:

- Part A: Personal Details
- Part B: Your representation(s)

Both Part A and Part B of the form need to be completed in order for your representation(s) to be valid. Please fill in a separate sheet for each representation (Part B) you wish to make. You do not need to fill out Part A for each representation provided that all representations made are securely attached.

Forms must be returned by the latest 5pm Tuesday 23rd March 2021

You can complete this form on-line: www.adur-worthing.gov.uk/worthing-local-plan

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You can respond to this consultation online by using the e-form or by email. However, if your preference is to make comments manually this form can be photocopied as many times as necessary.

Part A - Contact Details			
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Email	george.burgess@wsp.com		

Signed	George Burgess	Date	23 March 2021
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Note: Unless you request otherwise <i>(by putting a cross in the box to the right)</i> , all respondents will be added to the Worthing Local Plan consultee database and will be notified at all subsequent stages of Local Plan progression.	No: please don't add me	
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In addition, if you would like to subscribe to the Worthing Planning Policy Newsletter (which covers a wide range of Planning Policy issues) then please put a cross in this box:	X
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<u>Use of information</u>
<p>All data will be stored securely in line with the GDPR. Names and comments we receive will be available for public inspection and may be reported publicly as part of the Local Plan process. However, contact details will not be published. We cannot accept or report confidential or anonymous responses. Further information about how personal information is processed can be found in the Planning Policy Privacy Notice:</p> <p>https://www.adur-worthing.gov.uk/planning-policy/privacy-notice/</p>

Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

DM13

Paragraph

5.25; 5.25;
5.125; and
5.183.

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

Don't know

Complies with the Duty to Cooperate?

Yes

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We submit these representations to the Worthing Borough Council Submission Draft Local Plan Consultation on behalf of St Clair Developments Ltd. St Clair is the owner of 19-23 South Street, Worthing, a key town centre site which until recently was occupied by Beales department store. Beales went into administration in January 2020 and was subsequently forced to close in mid-March 2020 due to the COVID-19 pandemic.

St Clair is investing in 19-23 South Street to help secure the future of this key site within Worthing Town Centre and to help stimulate economic development in Worthing, through providing a more diverse and attractive offering that is better suited to today's retail environment and continues to provide for local residents. This investment includes recently achieving planning permission for a range of town centre uses at the site, facilitating the opening of a new department store at the site (15:17) which focuses on independent traders. St Clair has also achieved planning permission for the provision of live/work units at the site, providing an important form of space for start-ups and relatively young businesses that don't have the level of resource or covenant strength to occupy dedicated business space.

We submitted representations to the Draft Local Plan Consultation in December 2018, which addressed the following policies:

- Policy CP3;
- Policy CP10;
- Policy CP14; and
- Policy CP21.

The representations also promoted the former Beales site (located at 19-23 and 35-39 South Street and 5-13 Liverpool Buildings, Liverpool Road) for allocation within the Local Plan.

However, the majority of our previous comments have not been taken forward in the Submission Draft Local Plan.

The Submission Draft Local Plan is unsound because the policies relating to live/work units are not supported by the necessary evidence base, nor has viability testing been undertaken to ensure the policies do not prevent such developments coming forward within Worthing. The Local Plan is therefore not justified as it is not based a proportionate evidence base.

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Submission Draft Local Plan paragraphs 5.24 and 5.25

Live/work units

Live/work units provide a mixture of both living accommodation and workspace within a single unit. They are occupied by a wide range of occupiers and often attract those working in media, the arts, design, fashion and tailoring, technology and other small business owners. It's a particularly important form of space for start-ups and relatively young businesses that don't have the level of resource or covenant strength to occupy dedicated business space on normal commercial time. It allows small businesses and entrepreneurs to combine their living and business premises costs. The use of a building to form live/work units falls outside any uses defined in the Use Classes Order and is a use of its own kind being classified as a sui generis use.

Our understanding is that the proposed introduction of policy relating to live/work units has only arisen out of one or two developments in Worthing. We welcome the Council's recognition that the need for live/work units may increase as a result of the COVID-19 pandemic and rise in people working from home (in paragraph 5.24 of the Submission Draft Local Plan). However, the Council should not require live/work units to comply with the residential space standard requirements outlined under Policy DM2 and affordable housing requirements outlined in Policy DM3 (as is suggested at paragraph 5.25 of the Submission Draft Local Plan). Put simply, live/work accommodation is not residential, comprising in part living accommodation and in part workspace. If the Council is going to adopt standards for such development and the multitude of forms in which live/work accommodation can be delivered, it should do so from an informed perspective of other successful live/work developments, the markets and entrepreneurial communities they serve and the need for flexible space.

The Council has not undertaken any sort of study into these matters. Nor has it undertaken the necessary viability testing to assess if live/work units can support the provision of affordable housing. There is therefore no sound evidence base to justify the late introduction (into the plan making process) and wholesale imposition of residential policies DM2 and DM3 for live/work accommodation. These standards have been derived by consideration and study for what is appropriate for wholly residential Class C3 use and not a specialised hybrid use such as live/work.

The late introduction of a blanket imposition of affordable housing requirements without any viability testing is a fundamentally unsound basis on which to base a policy and therefore wholly fails to comply with statutory tests for soundness.

The application of Policies DM2 and DM3 to live/work units, as stated at paragraph 5.25 of the Submission Draft Local Plan, is therefore unsound as it is not justified by the appropriate evidence base.

Submission Draft Local Plan paragraph 5.125

Discretionary Community Infrastructure Levy (CIL) relief

Regulation 55 of The Community Infrastructure Levy Regulations 2010 (as amended) allows local authorities to grant discretionary CIL relief in exceptional circumstances. These circumstances include where the local authority considers that CIL would have an unacceptable impact on the viability of a development.

Paragraph 5.125 of the Submission Draft Local Plan refers to the circumstances in which relief from CIL may be granted and states that further information relating to discretionary matters is set out on the Council's website. However, the Council's website indicates that Worthing does not intend to adopt an Exceptional Circumstances CIL relief policy.

Given the current economic climate and the financial stress that many businesses are under, it would be prudent for the Council to introduce CIL relief for exceptional circumstances to enable key developments to come forward where they may otherwise be rendered unviable. The COVID-19 pandemic has resulted in a great deal of uncertainty for the development sector and any initiatives that can be employed to support development and encourage investment should be a priority for local authorities. The full effects of COVID are not yet known not least because non-essential retail remains closed until 12 April at the earliest and the government is still supporting the economy through the furlough scheme. When that support does come to an end, many forecasters are predicting a significant increase in unemployment with major consequences for the economy. The Council therefore needs a discretionary CIL relief policy to ensure that, as far as possible, development does not stall and threaten the delivery of the Council's other policy priorities such as housing and affordable housing provision.

The Council would, of course, have discretion as to when exceptional circumstances are applicable and relief could be granted for part or all of the Levy.

Submission Draft Local Plan Policy DM13 and paragraph 5.183

Primary Shopping Frontages

Paragraph 5.183 states that the focus in Worthing's Primary Shopping Frontages will be to retain 65% of units in retail use, whilst the Secondary Shopping Frontage is where a greater diversity of use is encouraged where these uses support the wider aspirations of the town centre.

We support Policy DM13(d) encouraging a wider range of main town centre uses in the Primary Shopping Area of Worthing Town Centre, although we have concerns regarding the overly rigid application of policies relating to the designated primary and secondary retail frontages.

The future of primary and secondary retail designations is completely up in the air post-COVID-19 and yet we have already seen significant changes in the retail sector having a direct impact on high streets, including a number of national stores going into administration such as Debenhams, Arcadia Group stores, Bonmarché and Edinburgh Woollen Mill group (including Peacocks and Jaeger). As such, flexible town centre policies which allow for diversification and revitalisation are essential to minimise the number of vacant units within town centres. St Clair has been doing all it can to ensure the former Beales site is not left vacant, including providing tenants with rent-free periods and contributing towards the fit-out costs to make it suitable for its new occupier 15:17.

However, the Council must also take a proactive and positive approach to encouraging development within town centres to prevent former retail units for which there is no longer demand from becoming long-term vacant. The new Local Plan should encourage a range of uses in town centres, including residential, to improve their vitality and viability, and avoid overly restrictive policies which would impede this.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

✓

NO

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We would welcome the opportunity to further discuss the representations set out in this form with the Council and Inspector.

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

George Burgess

Date:

23 March 2021



Contact: Conservation Policy Department
E-mail: swtconservation@sussexwt.org.uk
Date: 23 March 21

By email only

planning.policy@adur-worthing.gov.uk

Worthing Draft Local Plan Consultation – Regulation 19

The Sussex Wildlife Trust (SWT) recognises the importance of a plan led system as opposed to a developer led process and supports Worthing Borough Council's (WBC) desire to produce a cohesive Local Plan. Therefore we hope that our comments are used constructively to make certain that this draft plan properly plans for the natural capital needed within the Borough and ensures that any development is truly sustainable. We note that the published Regulation 19 submission plan has made some bold changes to the Regulation 18 consultation draft and we are pleased to see Climate Change been recognised more significantly in this iteration of the plan.

Where we are proposing a change to policy or the supporting text, recommended additions are highlighted in **bold** and deletions are ~~struck through~~.

Vision and strategic objectives

Sussex Wildlife Trust is pleased to see that our recommendations to reference Natural Capital within V3 have been reflected in the revised wording. Further to this the inclusion of V6 is welcomed as it shows WBC acknowledging the importance of delivering Biodiversity Net Gain through the Local Plan in line with paragraph 174 of the National Planning Policy Framework (2019).

Sussex Wildlife Trust are supportive of the amendments made to SO15 and SO16, as per our Regulation 18 comments.

It is encouraging to see this part of the plan discuss the importance of climate change and the role this Local Plan can play. Noting section 2.19 and 2.20, we encourage WBC to consider the role of the natural environment and natural process more explicitly in the requirements of the Sustainability Statements. SWT therefore propose an additional bullet point to address the impacts on the natural environment:

- **Demonstrate that the development will protect and enhance the Borough's natural capital and biodiversity assets**

SP2 Climate Change

We support the inclusion of this policy within the draft submission local plan. However, SWT suggests that the policy would benefit from a bullet point that relates to ensuring development/allocations do not compromise a nature recovery network. We recognise the aspirations of the Environment Act are emerging but given the time scale for the local plan we feel it would be progressive and in line with the NPPF currents in section 149 and 150.

SWT propose the following bullet point:

k) Development must not compromise land that is required to deliver towards a nature recovery network.

Spatial Strategy

Section 3.7 references the evidence bases for the local plan, under which is listed environmental constraints. We are aware that WBC is an ambitious Local Authority for the environment, therefore we ask the council to consider the importance of evidence bases that deliver environmental aspirations to help inform the local plans for the future. We can see there are calls for sites development, but recognising the need to create a network of sites that can help biodiversity connect and function in the face of a changing climate, should be key to the production of a local plan if it is to address the aspirations of the NPPF (2019) section 174a. Therefore as evidence bases are update and added to, we ask the council to consider a call for site to help deliver a Nature Recovery Network, which is clear aspiration of the DEFRA 25 Year Plan and the emerging Environment Act.

Policy SS1 Spatial Strategy

SWT is encouraged to see this policy reflect the importance of the natural environment in bullet point (diii). Given that the plan has seen a clear shift to reflect the impact of climate change, the need to ensure our natural environment and the connection and function needed for it to adapt must be at the heart of any future sustainable development in Worthing.

Policy SS2 Housing allocations

SWT note that the allocations will have impacts on greenfield sites and locally designated sites. We do have concerns about impacts on part of Titnore and Gorrington Woods LWS complex due to housing allocations A2 (100 dwellings at Caravan Club, Titnore Lane), A6 (120 dwellings at Fulbeck Avenue) and especially A13 (60 dwellings Titnore Lane). These concerns are covered in more detail below.

SWT agree with the submission plans conclusion that because of the extent of the already built up area within Worthing, and the need to preserve gaps between settlements in Arun DC to the west and Adur DC to the east, it is not practical for WDC to deliver anywhere near its target of 14,160 new dwellings. The plan to deliver 3672 dwellings (26% of target) still seems to us a challenging one, and one that has the potential to have some adverse impacts on biodiversity.

Policy SS3 Town Centre

SWT are concerned that the policy relating to the town centre fails to adequately express the importance of biodiversity in this area both for social interaction and as a mechanism to address climate change and biodiversity loss as per section 174 b of the NPPF (2019).

We therefore proposed the following additional bullet point to policy SS3.

- **Identify and deliver opportunities to integrate biodiversity within the town centre realm to address climate adaptation and ecological connectivity alongside wider benefits for people and wildlife.**

Policy SS4 Countryside and Undeveloped Coast

SWT supports the policy recognising the need to protect these assets and welcome the amendments incorporated from SWT regulation 18 response. The coastal strip of Worthing provides big opportunities for coastal bird species and internationally important vegetated shingle. Identifying the need to protect these areas and the supporting habitat is imperative to address biodiversity loss locally and ensure that the Borough can provide a resilient land and seascape in the face of climate change.

Policy SS5 Local Green Gaps

As stated in our regulation 18 response we are supportive of the inclusion of a green gap policy which seeks to protect these areas. We acknowledge that WBC have taken account of our proposed amendments to this policy. Since the time of the regulation 18 consultation WBC have taken important steps to address the climate and ecological emergency. We ask as a result of these changes and the emerging policy in relation to these aspects if the Green Gap policy should be bolder, to recognise the role these green gaps can play in nature's recovery as set out in the DEFRA 25 year plan.

Therefore the council should state that this policy is now actively in place to **resist development** in these locations. SWT believes taking this step would be the correct thing to do to ensure cohesion with the Local Green Space Policy SS6. Local Green Space will be afforded the same protection to manage development in a consistent way to Green Belt designations. Although we have not made suggested amendments to the policy wording we would be happy to discuss this with the WBC.

Policy SS6 Local Green Spaces

SWT are pleased to see the value of these sites recognised within the local plan process. The sites offer multiple benefits for people and biodiversity and these will become ever more important in a changing climate. Since the regulation 18 consultation, locations such as Goring Gap have now been recognised as LWS. We can see that the council has made a clear commitment to delivering a Green Infrastructure Strategy in policy DM19. These locations will be clear core areas for green and blue infrastructure and can act as sites to aspire to create green connections from and too. Therefore we support a policy that will seek to actively ensure that these site are protected for their multiple benefits

With this in mind SWT encourage the council to ensure the policy is clear when it comes to the protection afforded to the Local Green Spaces. The NPPF states in section 100 that *Policies for managing development within a Local Green Space should be consistent with those for Green Belts*. However we concerned that this is not really clear within the policy and especially when some of the Local Green Spaces also sit within the Local Green Gap Policy which feels more development focused. Therefore we suggest that policy is much clearer that development will be resisted in the LGS.

We would be happy to discuss the policy with WBC.

Site Allocations

Overarching comments

We suggest to WBC that there is greater consistency with the policies regarding the delivery of Biodiversity Net Gain (BNG). The Biodiversity Policy (DM18) highlights that some of the allocations; brownfield and major development will be encouraged to deliver 20% BNG. We therefore ask for reasons of clarity, to identify within the allocation policies, which allocations WBC consider this a requirement. We also feel that clarity on BNG for all the allocations will help highlight the importance of this for each development, as at the moment some allocations reference it while others do not.

A1 Beeches Avenue

In the Regulation 18 consultation this site was put forward as an omission site and excluded from allocation due to impacts on biodiversity. SWT is therefore concerned to see this site proceed to the Regulation 19 consultation as an allocation. We seek clarity on what evidence has been brought forward that has seen this biodiversity reasoning dismissed.

A2 Caravan Club Titnore Lane

We have concerns about this allocation especially when it is considered in conjunction with other allocations within this plan. Our thoughts turn to the potential cumulative impact on the Titnore and Gorrington Woods Local Wildlife Site (LWS) complex. This pressure may come from the development and take a variety of forms for example recreational pressure or pressure from domestic pets (predation). When this allocation is considered in combination with A6 and A13 we are concerned it will lead to unacceptable impacts on the Ancient Woodland and be in direct conflict with the Biodiversity Policy DM18. Therefore we suggest that this allocation is not consistent with national policy; paragraph 174 of the NPPF (2019).

We do not feel that the council have taken sufficient steps to address this cumulative impact in the policy wording. If the council are minded to progress with this allocation we encourage the council to consider a masterplan for the potential sites in this area, so that cumulative impact are considered and avoided.

The woodland directly to the north of the revised Caravan site is ancient woodland and is part of a wider complex of ancient woodland and woodland pasture/parkland priority habitat. The site description for this allocation talks about the caravan club using the north of the site, we are unclear whether the caravan operations will be the same capacity in a smaller area, and if so ask if the impact on the woodland has been considered? For example will a buffer to the ancient woodland be required as part of a new lease?

A3 Centenary House

This site was previously considered an area of change in the Regulation 18 but has progressed to recognised allocation. We do not feel that the development requirement section uses its potential to recognise the role this site could have in enhancing Green Infrastructure. SWT encourage WBC to consider the potential to deliver high quality green infrastructure and net gains through development on these sites development requirements as per section 175 (d) and 150(a) of the NPPF (2019).

We therefore proposed the inclusion of the following wording for all the above allocations

Deliver Biodiversity Net Gains in keeping with the location, size and scale of development as stipulate in policy DM18

Deliver Green Infrastructure that provides creative and connected opportunities to join to the Borough wide green infrastructure network.

Allocations: A4 Civic Centre Stoke Abbott Road, A7 Grafton, A8 HMRC Offices, Barrington Road, A9 Lyndhurst Road, A10 Martlets Way, A11 Stagecoach, Marine Parade, A12 Teville Gate, A14 Union Place.

We are pleased to see WBC considering brownfield sites and encourage to WBC to be alive to the value brownfield sites can hold for biodiversity if development does not come forward quickly. Therefore we would hope that the council make an informed judgement about the ecological information needed at the time of application if it is not stipulated in the policy wording.

We note that these brownfield allocations have the opportunity to considerably contribute to Green Infrastructure of the Borough. They can provide access and opportunities for biodiversity in more urbanised settings. As a result of this clear potential SWT are disappointed the allocation requirements does not stipulate the need to integrate biodiversity within the development (175 (d) NPPF 2019). This should be made clear especially for those sites which should be looking to deliver a 20% uplift. We encourage the WBC to ensure these policies make clear that the site must showcase opportunities to integrate biodiversity and deliver high quality green infrastructure as per 171, 175 (d) and 150(a) of the NPPF (2019)

As stated above we do not expect unnecessary repetition within policies but we do feel that there needs to be consistency and clarity. We therefore proposed the inclusion of the following wording for all the above allocations

Deliver Biodiversity Net Gains in keeping with the location, size and scale of development as stipulate in policy DM18

Deliver Green Infrastructure that provides creative and connected opportunities to join to the Borough wide green infrastructure network.

A5 Decoy Farm

With this allocation we note that the indicative capacity states a minimum for the commercial space, this term has not been used in the other allocations and we seek clarity on its use here.

We are pleased to see the policy wording has been amended to acknowledge the need for the Teville stream to be adequately protected. However, we are greatly concerned that the requirement to deliver net gains as stipulated in the Regulation 18 Consultation has been removed and replaced with bullet point (k) *maximise biodiversity value on site through wildlife friendly landscape planting and design (SUDs etc) and compensate for residual habitat loss through of-site solutions.*

We are concerned that this is not consistent with national policy and ask that policy wording is amended to make clear the need to deliver net gains for biodiversity. We also take this opportunity to remind WBC of the first stage of the mitigation hierarchy that stipulates avoid loss. It feels as though this policy wording has skipped this point and the opportunity to use good design to avoid loss. We emphasise that any mitigation or compensation required for development is separate to Biodiversity Net Gain.

SWT making the following amendments to bullet point

(k) Site design will avoid loss to ~~maximise biodiversity value on site through wildlife friendly landscape planting and design (SUDs etc.) and~~ where this cannot be avoided mitigation will be identified and as a last resort compensate for habitat loss ~~through of-site solutions~~ will be identified prior to the loss of habitat.

(k) Deliver *biodiversity net gain through wildlife friendly landscape planting and design (SUDs etc)* and where it is not possible to deliver net gain onsite an off-site strategic solutions will be delivered.

A6 Fulbeck Avenue

Sussex Wildlife Trust do not support the development of a Greenfield site which could have significant impacts on a Local Wildlife Site. As highlighted above in our comments for allocation A2 the prospect on cumulative impacts on the ancient woodland with A2 and A13 do not appear to have been addressed.

SWT recognise the land currently has permission and sits next to another area that has been developed. Our records show that the site does have priority habitat of deciduous woodland upon it and it is clearly functionally linked with the adjacent LWS. As stated in our comments for (A2) we would encourage the council to consider a masterplan for the potential sites in this area, so that if the sites progress the cumulative impact on the LWS are avoided.

As stated previously we are unclear to the weight the site requirement section holds. While we acknowledge amendments to the policy have been made, we are concerned that bullet point G, could be far more appropriate in acknowledging the cumulative impacts of the three allocations (A2, A6 & A13) on the LWS. We do not feel that the bullet point currently provides sufficient clarity on what information would be required to ensure impacts are avoided on the LWS. Therefore we suggest that this allocation is not consistent with national policy; paragraph 174 of the NPPF (2019).

A13 Titnore Lane

SWT object to the allocation of this greenfield site. This site was previously considered an omission site within the Regulation 18 consultation and we supported WBC view that it was not suitable for development due to impacts on a LWS, ancient woodland and the supporting complex. SWT is therefore concerned to see this site progress to an allocation in this submission version of the plan.

This site contains part of Titnore Woods LWS. The site has a strip of ancient woodland, which is part of this LWS, running along the centre of the site. Further to this the allocation is surrounded by ancient woodland bordering the site along its northern, eastern and southern boundaries.

We believe the allocation and development of this site would inevitably result in deterioration of the ancient woodland contrary to national policy. We are concerned that the site would increase recreational pressure and believe that the condition of the immediately adjoining ancient woodland and LWS that surrounds the site and runs through the middle of the site, would inevitably be seriously degraded over time, due to recreational disturbance, litter and use by pets such as cats and dogs. This would be contrary to policy DM18 within the submission plan.

Further to this as stated previously we are also concerned about the cumulative impacts on the Titnore and Goring Woods LWS complex when this allocation is considered in combination with A2 & A6. The NPPF (2019) is clear in section 174 about the importance of local plans protecting locally designated sites. This allocation should be removed from the submission Local Plan as it is not consistent with national policy; paragraph 174 of the NPPF (2019).

A15 Upper Brighton Road

We do not support the allocation of this strategically placed Local Green Gap. The allocation will narrow the existing undeveloped gap and we suggest that it would be more beneficial for the site to progressing as part of the Local Green Gap and to resist its development.

SWT acknowledge that the policy for this allocation has been amended from the regulation18 consultation to enhance habitat for wildlife. However the site does hold a winterbourne chalk stream which is a priority habitat and irreplaceable in nature. While the bullet points of the policy do state that the waterbodies will be enhanced. We are concerned that the impact of development and diffuse pollution will be detrimental to the habitat and those that it supports further downstream.

Development Management Policies

DM15 - 5 - SUSTAINABLE TRANSPORT & ACTIVE TRAVEL

We would like to raise one specific comment in relation to this policy. Bullet point vii states that

vii) support improvements to the road network including the A259 and A27 and, as identified in the Worthing Local Plan Transport Study, provide appropriate mitigation measures to address capacity issues at a number of key junctions and road safety impacts on identified road links.

As stated in our regulation 18 comments we remain concerned that the local plan policy is making a clear statement of support for these proposals when the detail of such improvements is unclear. We do not believe this is an evidence based position and therefore is not justified.

DM18 - BIODIVERSITY

We encourage WBC to make amendments to section 5.259, it currently states:

Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats after avoiding or mitigating harm as far as possible.

SWT recommends the amendment below to be clear that Biodiversity Net Gain is in addition to mitigation and compensation.

*Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats after avoiding or mitigating harm as far as possible **and is in addition to any compensation identified.***

SWT are encourage by the amendments that WBC have made to this policy and we particularly support the drive to be more ambitious and deliver a 20% net gain for biodiversity. While we support delivery of Biodiversity Net Gain (BNG) on site, for reasons of clarity we would suggest that the policy wording under bullet point (h) provides direction that where is it is not possible to deliver onsite net gains there will be a requirement to deliver them off site. We would also encourage WBC to ensure they formulate a strategic approach to this off site net gain to ensure that benefits to biodiversity are maximised and that connectivity and function are enhanced. This could be developed through emerging work such as the green infrastructure strategy and Nature Recovery Network.

We also ask the council to consider carefully the calculation for biodiversity net gain on the urban brownfield allocations. It is possible that because the starting point for the existing biodiversity units on some brownfields allocations is low (i.e limited habitat), even a calculation of 20% uplift from a limited starting point also has the potentially to be limited in terms of delivery. The opportunities to deliver for biodiversity

on these allocations could be great and should be pursued. In relation to this we ask WBC to see our comments below related to the Urban Green Factor.

DM19 - GREEN INFRASTRUCTURE

We are pleased to see the inclusion of this policy and that there is a clear distinction from the biodiversity policy. Green Infrastructure can have multiple benefits and can be delivered by a wide range of resources from open space such as sports facilities, allotments and grass verges through to LWS, chalk streams and vegetated shingle beaches. The council are making a clear commitment within policy to delivering an updated Green Infrastructure Strategy, we ask WBC to ensure that the water environment has a clear and intergraded place within this strategy. We support this action and although there is not a clear date for its completion we support an approach that recognises differing scale for green infrastructure and enables the effective delivery of this policy.

Given that a number of allocations proposed are in urban locations and are of great potential for green infrastructure, we ask the council to consider the use of an Urban Green Factor¹. We're aware that it has been used in locations such as the London Local Plan and is an emerging approach in the recently published Hastings Local Plan.

We hope our recommendations are adopted to ensure that the policies within the Worthing Local Plan are as robust and effective as possible. SWT would be happy to discuss any of the above points with WBC.

We do wish to attend the Examination in Public to ensure our views are given due consideration in light of any contrary comments that are received.

Yours sincerely,

Laura Brook
Conservation Officer
Sussex Wildlife Trust

¹ https://www.london.gov.uk/sites/default/files/urban_greening_factor_for_london_final_report.pdf

Office use Only	
Comment number	SDWLP-58
Date received	

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

This consultation runs from Tues 26th Jan to Tues 23rd March 2021

How to submit your comments

This response form has two parts:

- Part A: Personal Details
- Part B: Your representation(s)

Both Part A and Part B of the form need to be completed in order for your representation(s) to be valid. Please fill in a separate sheet for each representation (Part B) you wish to make. You do not need to fill out Part A for each representation provided that all representations made are securely attached.

Forms must be returned by the latest 5pm Tuesday 23rd March 2021

You can complete this form on-line: www.adur-worthing.gov.uk/worthing-local-plan

Or return a hard copy of the form:

By post to: Planning Policy Team, Worthing Borough Council,
Portland House, 44 Richmond Road, Worthing, BN11 1HS

Or by e-mail to: planning.policy@adur-worthing.gov.uk


Further guidance

The Local Plan, the evidence base and all supporting documents are published on the Council's website (see link above). This includes a Guidance Note on how to make effective representations and you are advised to read this before making any comments. At this stage (Regulation 19) comments should only relate to whether you consider the Plan complies with legal requirements, including the duty to cooperate, and whether the document is sound.

If you require any advice on completing this form please feel free to contact the Planning Policy Team via email (as above) or telephone on 01273 263000.

You can respond to this consultation online by using the e-form or by email. However, if your preference is to make comments manually this form can be photocopied as many times as necessary.

Part A - Contact Details			
First name	Bridget		
Last name	Fox		
Organisation	Woodland Trust		
Address line	Kempton Way		
Address line	Dysart Road		
Town	GRANTHAM		
Postcode	NG31 6LL	Telephone	01476 338452
Email	bridgetfox@woodlandtrust.org.uk		

Signed		Date	23 March 2021
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Note: Unless you request otherwise (by putting a cross in the box to the right), all respondents will be added to the Worthing Local Plan consultee database and will be notified at all subsequent stages of Local Plan progression.	No: please don't add me	
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In addition, if you would like to subscribe to the Worthing Planning Policy Newsletter (which covers a wide range of Planning Policy issues) then please put a cross in this box:	X
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<u>Use of information</u>
<p>All data will be stored securely in line with the GDPR. Names and comments we receive will be available for public inspection and may be reported publicly as part of the Local Plan process. However, contact details will not be published. We cannot accept or report confidential or anonymous responses. Further information about how personal information is processed can be found in the Planning Policy Privacy Notice:</p> <p>https://www.adur-worthing.gov.uk/planning-policy/privacy-notice/</p>

Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy	SP2	Paragraph		Map Extract	
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Do you consider the Submission Draft Local Plan:

Legally compliant?	Yes	X	No	
	Don't know			
Sound?	Yes		No	X
	Don't know			
Complies with the Duty to Cooperate?	Yes		No	
	Don't know	X		

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Woodland Trust welcomes this policy, in particular the sections on Maximising carbon sequestration in e), f) and g).

However, to be fully sound, we recommend strengthening the policy with a specific target for tree canopy and woodland cover.

A rapid increase in the rate of woodland creation has been proposed by the UK's Committee on Climate Change (CCC), to provide a key mechanism to lock up carbon in trees and soils, provide an alternative to fossil fuel energy and resource-hungry building material, and importantly to stem the declines in biodiversity. The Woodland Trust supports the CCC's recommended an increase in UK woodland cover from its current 13% of land area to 19% by 2050 to tackle this country's biodiversity and climate crises. More information can be found in the Trust's 2020 publication [The Emergency Tree Plan](#).

We would further encourage the specification where possible of UK sourced and grown tree stock for new planting, to support biodiversity and resilience, in line with longstanding Government policy in support of planting native species.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We recommend setting a target for tree canopy cover as part of this policy, to be pursued through the retention of important trees, appropriate replacement of trees lost through development, ageing or disease and by new planting to support green infrastructure. We would suggest a target of 19% for borough-wide canopy cover and a minimum 30% tree canopy cover for all development land.

We would further encourage the specification where possible of UK sourced and grown tree stock for new planting, to support biodiversity and resilience, in line with longstanding Government policy in support of planting native species.

We propose modifying the policy to read:

g) Achieve and maintain a minimum of 19% tree canopy cover across the borough, with a minimum of 30% cover on development sites, and seek opportunities to increase appropriate native species of woodland cover. Where possible, tree stock should be UK sourced and grown.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

X

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

23 March 2021

Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

DM18

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

Don't know

Complies with the Duty to Cooperate?

Yes

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Woodland Trust welcomes the explicit protection given to ancient woodland and veteran trees in section d) reflecting the requirements of the NPPF para 175c. However, the policy requires strengthening to deliver such protection in practice.

Ancient woodland is a precious habitat that should be protected and managed in a sustainable way to maximise its wildlife, landscape and historical value. Ancient woods are irreplaceable. They are our richest terrestrial wildlife habitats, with complex ecological communities that have developed over centuries, and contain a high proportion of rare and threatened species, many of which are dependent on the particular conditions that this habitat affords. Ancient woods are reservoirs of biodiversity, but because the resource is limited and highly fragmented, they and their associated wildlife are particularly vulnerable.

Where it is deemed that there is going to be unavoidable residual damage or loss to ancient woodland, the measures taken to compensate for this must be of a scale and quality commensurate with loss of irreplaceable habitat. Where ancient woodland is to be replaced by new woodland, this should aim to create 30 hectares of new woodland for every hectare lost.

Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance.

The preferred approach is to create new habitat, including native woodland, around existing

ancient woodland. This will help reverse the historic fragmentation of this important habitat, contribute to biodiversity net gain, and can also provide accessible green space for nearby residents.

The policy should be modified to specify the full range of ancient woodland types, including ancient wood pasture and historic parkland, include appropriate buffers, and set a robust policy context for the appraisal of sites against this policy. Without such policies in place, ancient woodland would still be vulnerable to harm from edge effects of development, from encroachment or fragmentation.

Further information can be found in the Woodland Trust's [Planners' manual for ancient woodland](#) (2020).

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In order to deliver the robust protection for ancient woodland required, we recommend amending the policy as follows, either within policy DM18 or as a separate specific policy on ancient woodland.

d) i. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons.

ii. As ancient woodland and ancient or veteran trees are irreplaceable, discussions over possible compensation should not form part of the assessment to determine whether the exceptional benefits of the development proposal outweigh the loss.

iii. Ancient wood pasture and historic parkland should receive the same consideration as other forms of ancient woodland. The protection of the whole habitat is necessary even though tree cover may be comparatively sparse. Development on open space between trees in an area of ancient wood pasture or historic parkland should not be permitted.

We further recommend advisory text, to clarify the principles as they apply to site allocation and to site development as follows:

Where development proposals may affect ancient woodlands, including translocated woodlands (translocated ancient woodlands will be treated the same as if they are ancient woodland), veteran trees, and their immediate surroundings, the following principles shall be used to guide both site selection and the design of development:

- 1. Avoidance of harm; and*
- 2. Provision of unequivocal evidence of need and benefits of the proposed development; and*
- 3. Provision of biodiversity net gain; and for the design of development:*
- 4. Establishment of the likelihood and type of any impacts; and*
- 5. Implementation of appropriate and adequate mitigation, compensation, and management measures that respect the features and characteristics of the veteran trees and/or ancient woodland; and*
- 6. Provision of adequate buffers; and*
- 7. Provision of adequate evidence to support development proposals.*

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and

supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

☒

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: *The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

Signature:

Date:

23 March 2021

Part B Please use a separate sheet for each representation																										
To which part of the Submission Draft Local Plan does this representation relate?																										
Policy	DM19	Paragraph		Map Extract																						
<p>Do you consider the Submission Draft Local Plan:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="2" style="width: 30%; text-align: right; vertical-align: top;">Legally compliant?</td> <td style="width: 10%; text-align: right;">Yes</td> <td style="width: 15%; border: 1px solid black; text-align: center;">X</td> <td rowspan="2" style="width: 10%; text-align: right; vertical-align: middle;">No</td> <td style="width: 35%; border: 1px solid black; height: 30px;"></td> </tr> <tr> <td style="text-align: right;">Don't know</td> <td style="border: 1px solid black; height: 30px;"></td> </tr> <tr> <td rowspan="2" style="text-align: right; vertical-align: top;">Sound?</td> <td style="text-align: right;">Yes</td> <td style="border: 1px solid black; height: 30px;"></td> <td rowspan="2" style="text-align: right; vertical-align: middle;">No</td> <td style="border: 1px solid black; text-align: center;">X</td> </tr> <tr> <td style="text-align: right;">Don't know</td> <td style="border: 1px solid black; height: 30px;"></td> </tr> <tr> <td rowspan="2" style="text-align: right; vertical-align: top;">Complies with the Duty to Cooperate?</td> <td style="text-align: right;">Yes</td> <td style="border: 1px solid black; height: 30px;"></td> <td rowspan="2" style="text-align: right; vertical-align: middle;">No</td> <td style="border: 1px solid black; height: 30px;"></td> </tr> <tr> <td style="text-align: right;">Don't know</td> <td style="border: 1px solid black; text-align: center;">X</td> </tr> </table>						Legally compliant?	Yes	X	No		Don't know		Sound?	Yes		No	X	Don't know		Complies with the Duty to Cooperate?	Yes		No		Don't know	X
Legally compliant?	Yes	X	No																							
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Sound?	Yes		No	X																						
	Don't know																									
Complies with the Duty to Cooperate?	Yes		No																							
	Don't know	X																								
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<p>The Woodland Trust broadly supports this policy, however, to be sound we believe that section c) needs strengthening. The draft policy specifies that there should be “no net loss of trees” and that any trees removed should “usually be replaced on a 1:1 basis to maintain current levels of canopy cover.”</p> <p>The policy goes on to say that additional tree planting is encouraged, however this is insufficiently robust to deliver either the increased canopy cover necessary to achieve the Council’s climate change carbon sequestration targets, nor the emerging obligation for biodiversity net gain.</p> <p>We recommend setting a proposed ratio of tree replacement, which reflects the Woodland Trust guidance on Local Authority Tree Strategies (July 2016) with a ratio of at least 2:1 for all but the smallest trees and ratios of up to 8:1 for the largest trees.</p> <p>We would further encourage the specification where possible of UK sourced and grown tree stock for new planting, to support biodiversity and resilience.</p> <p style="text-align: right;">(continue on a separate sheet/expand box if necessary)</p>																										
<p>Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</p>																										

We recommend modifying the policy to secure net gain and progress towards the Council's climate and biodiversity targets.

We propose the following wording:

c) In all new developments there should be no net loss of trees and any trees removed should usually be replaced on a greater than 1:1 basis to support levels of canopy cover and contribute to biodiversity net gain. Additional tree planting is encouraged where appropriate to improve the quality of the local environment, and increase the canopy cover with native species. Where possible, tree stock should be UK sourced and grown.

(continue on a separate sheet/expand box if necessary)

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

X

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

23 March 2021

Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy	DM7	Paragraph	5.100	Map Extract	
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Do you consider the Submission Draft Local Plan:

Legally compliant?	Yes	X			
	Don't know		No		
Sound?	Yes				
	Don't know		No	X	
Complies with the Duty to Cooperate?	Yes				
	Don't know	X	No		

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We support the principle that residential developments should have access not only to open space but also to the natural environment, including to woodland.

We recommend adopting policy standards for residential developments that support access to the natural environment and woodland for informal recreation.

Natural England's Accessible Natural Green Space Standard recommends that all people should have accessible natural green space:

- Of at least two hectares in size, no more than 300m (five minutes' walk) from home.
- At least one accessible 20-hectare site within 2km of home.
- One accessible 100-hectare site within 5km of home.
- One accessible 500-hectare site within 10km of home.
- A minimum of one hectare of statutory local nature reserves per 1,000 people.

The Woodland Trust has developed a Woodland Access Standard to complement the Accessible Natural Green Space Standard. This recommends that:

- That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size.
- That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people's homes.

(continue on a separate sheet/expand box if necessary)

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We propose modifying the table at para 5.100 to include standards for access to i) natural green space and ii) woodland, in line with Natural England's Accessible Natural Green Space Standard and the Woodland Trust's Woodland Access Standard.

(continue on a separate sheet/expand box if necessary)

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Yes

☐

NO

x

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Signature:



Date:

23 March 2021

Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy	DM5	Paragraph		Map Extract	
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Do you consider the Submission Draft Local Plan:

Legally compliant?	Yes			No	X
	Don't know				
Sound?	Yes			No	X
	Don't know				
Complies with the Duty to Cooperate?	Yes			No	
	Don't know	X			

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The Woodland Trust welcomes the recognition of the value of the natural elements in the built environment. However we recommend strengthening the wording of the policy in order to meet the Council's obligations on climate mitigation and biodiversity net gain, as well as the emerging requirements of the National Model Design Code, including policy in support of tree-lined streets.

Integrating trees and green spaces into developments early on in the design process minimises costs and maximises the environmental, social and economic benefits that they can provide. Wherever possible, development should retain garden trees and landscaping features that make a positive contribution to the residential environment. As well as providing a pleasant residential environment, trees and gardens contribute towards biodiversity and health and well-being and can also help screen or soften the visual impact of a new extension and help to integrate it with the surroundings. We recommend the guidance published by the Woodland Trust [Residential developments and trees - the importance of trees and green spaces](#) (January 2019).

We recommend modifying sections ii) and ix) to strengthen the wording, and adding a new section x) to include a canopy cover target for development sites.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We propose modifying the draft policy wording as follows:

ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, tree canopy, impact on street scene and layout of the development;

ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain, by protecting and integrating existing trees and green infrastructure into new developments;

add new x) and renumber existing x) to xi)

x) contribute to increasing tree canopy cover in new developments to at least 30% with a mixture of tree-lined streets, community woods, parks and gardens, to be delivered through the retention of important trees, appropriate replacement of trees lost through development, ageing or disease and by new planting to support green infrastructure.

(continue on a separate sheet/expand box if necessary)

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Yes

☐

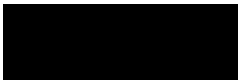
NO

x

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Signature:



Date:

23 March 2021

Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

A13

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

X

Don't know

Sound?

Yes

No

x

Don't know

Complies with the Duty to Cooperate?

Yes

No

Don't know

x

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We are concerned about the allocation of this site at Titnore Lane, Northbrook, for development, given its proximity to two areas of ancient woodland, unnamed ASNW at TQ10230508 and unnamed ASNW at TQ10340481.

We note and welcome the proposal in c) to provide a 20m buffer zone for the ancient woodland. However, given the scale of development proposed, sixty homes with a potential occupancy of 100-200 people, we feel that a larger buffer is required to secure the necessary legal protection for the ancient woodland.

The preferred approach is to create new habitat, including native woodland, around existing ancient woodland. This will help reverse the historic fragmentation of this important habitat, contribute to biodiversity net gain, and can also provide accessible green space for nearby residents.

Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance.

We recognise the intense pressure to identify and bring forward new sites for housing and employment uses. This pressure makes it all the more important that vital protections for ancient woodland and veteran trees are upheld.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To deliver adequate protection to the ancient woodland, reflecting the requirements of the NPPF para 175c, we recommend modifying c) to replace the wording “provide a 20m buffer zone to Ancient Woodland” with “provide a 50m buffer zone to Ancient Woodland, unless the applicant can demonstrate very clearly how a smaller buffer would suffice.”

The revised policy would read:

c) provide a 50m buffer zone to Ancient Woodland, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. This should be free from development including any road construction, and all housing positioned along the Ancient Woodland should front onto it to minimise impact onto the sensitive habitat;

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

x

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Signature:

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Signed		Date	23.3.2021
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Part B

Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site Allocations A1

Paragraph

Map Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

Don't know

Yes

Don't know

Sound?

Yes

Don't know

Yes

Don't know

Complies with the Duty to Cooperate?

Yes

Don't know

Yes

Don't know

No

No

X

No

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The vulnerability of groundwater to pollution is determined by the physical, chemical and biological properties of the soil and rocks, which control the ease with which an unprotected hazard can affect groundwater.

Groundwater Source Protection Zones indicate the risk to groundwater supplies from potentially polluting activities and accidental releases of pollutants. Designated to protect individual groundwater sources, these zones show the risk of contamination from any activities that might cause pollution in the area. In this context they are used to inform pollution prevention measures in area which are at a higher risk and to monitor the activities of potential polluting activities nearby.

The EA divides groundwater source catchment into three zones. SPZs are identified depending on how the groundwater behaves in that area, what constructions there are to get the water into the public water supply and the process for doing this:

Inner Zone (SPZ1) – Defined as the 50 day travel time from any point below the water table to the source. This zone has a minimum radius of 50 meters. These zones represent areas where groundwater (including drinking water supplies) is at its greatest risk from potentially polluting activities.

Inner Zone (SPZ1C) – intended to show areas where we may seek to limit or control ‘subsurface activities’ only

Outer zone (SPZ2) – Defined by a 400 day travel time from a point below the water table. The previous methodology gave an option to define SPZ2 as the minimum recharge area required to support 25 per cent of the protected yield. This option is no longer available in defining new SPZs and instead this zone has a minimum radius of 250 or 500 meters around the source, depending on the size of abstraction.

Outer zone (SPZ2C) – intended to show areas where we may seek to limit or control ‘subsurface activities’ only

Total catchment (SPZ3) – define as the area around a source within which all groundwater recharge is presumed to be discharged at the source. In confined aquifers, the source catchment may be displaced some distance from the source. For heavily exploited aquifers, the final Source Catchment Protection Zone can be defined as the whole aquifer recharge area where the ratio of groundwater abstraction to aquifer recharge (average recharge multiplied by outcrop area) is >0.75 . There is still the need to define individual source protection areas to assist operators in catchment management.

As you have rightly identified this site is in a SPZ1, however we do not feel this this policy goes far enough to protect the integrity of ground water and therefore find it unsound.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy should ensure the risks are considered upfront and can demonstrate that development will not impact groundwater quality in line with **Groundwater Protection: Principles and Practice (GP3)** which sets out our approach to groundwater protection and management and what we want others to do which could include the following:

Desktop study with remediation strategy and verification plan
Monitoring
Piling risk assessment

Groundwater Protection: Principles and Practice (GP3) sets out our high-level approach, the technical background to our work and an introduction to the tools we use. It also describes the legal framework we work within and the approaches and positions we take to regulate and influence certain activities and issues: Groundwater protection: principles and practice GP3 - Publications - GOV.UK

(continue on a separate sheet/expand box if necessary)

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

X

☐

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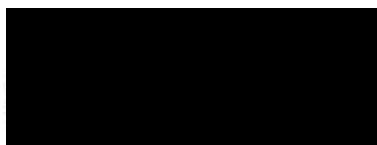
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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site
Allocations
A2

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

X

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

In accordance with the National Planning Policy Framework (NPPF) [paragraph 14, footnote 9] inappropriate development in locations at risk of flooding should be restricted. This should be done by directing development away from areas at highest risk (NPPF para. 100) through the application of the Sequential Test (NPPF para. 101). Paragraph 022 of the Planning Practice Guidance requires that through the Sequential Test and Sustainability Appraisal process that where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decisions to allocate land in areas at high flood risk given in the Sustainability Appraisal report.

Whilst we acknowledge the supporting Flood Risk Sequential and Exceptions test paper, it is not clear in the emerging local plan as submitted how these sites have been through the process of sequential testing with regard to flood risk, and then ultimately taken forward within this plan.

At the very least the local plan should be signposting to any relevant supporting evidence which demonstrates that this process has been adhered to. However, as it stands the plan does not give that clarification or extra detail to demonstrate that the sequential test has been passed and therefore we find it **unsound**.

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria C of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“The SFRA identifies the eastern section of the site as being at a high risk of groundwater flooding. The SFRA recommends that a SuDS scheme should be developed for the site to provide mitigation and opportunities to achieve a reduction in overall flood risk”.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

(continue on a separate sheet/expand box if necessary)

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

X

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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site
Allocations
A5

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

X

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

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Whilst we acknowledge the supporting Flood Risk Sequential and Exceptions test paper, it is not clear in the emerging local plan as submitted how these sites have been through the process of sequential testing with regard to flood risk, and then ultimately taken forward within this plan.

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria D of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

Small parts of the site are also shown as at a high risk of surface and groundwater flood risk. The SFRA recommends that the most vulnerable development types are located in the lowest risk parts of the site and that a SuDS scheme should be developed.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

(continue on a separate sheet/expand box if necessary)

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Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

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Yes

☐

NO

X

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Part B
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To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site
Allocations
A6

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

X

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

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Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria D of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“The SFRA shows a small section of the site in the north and centre is located within Flood Zone 3b. A further northern section of the site is also located within Flood Zone 3a. In addition 1/4 of the site is at a high risk of surface water flooding and approximately 1/3 of the site is at high risk of groundwater flooding. The SFRA also found that Somerset Lake posed a risk to the site in event of breach resulting in 38% of the site being affected on a dry day with depths up to 1.4m and on a wet day over half the site affected with depths up to 1.6m. Therefore development in this location would place additional people at risk of flooding. The SFRA recommends that any FRA considers other sources of flooding, the most vulnerable development types are located in the lowest risk parts of the site and that mitigation will be required to ensure development is made safe and to reduce the overall level of flood risk at the site”.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

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Yes

☐

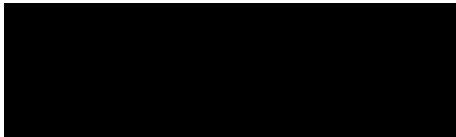
NO

X

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Signature:



Date:

23.3.2021

Office use Only	
Comment number	SDWLP-59
Date received	

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

This consultation runs from Tues 26th Jan to Tues 23rd March 2021

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Address line			
Town	Romsey		
Postcode	SO51 7LP	Telephone	02084745838
Email	Charlotte.lines@environment-agency.gov.uk		

Signed		Date	23.3.2021
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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site
Allocations
A7

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

X

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

In accordance with the National Planning Policy Framework (NPPF) [paragraph 14, footnote 9] inappropriate development in locations at risk of flooding should be restricted. This should be done by directing development away from areas at highest risk (NPPF para. 100) through the application of the Sequential Test (NPPF para. 101). Paragraph 022 of the Planning Practice Guidance requires that through the Sequential Test and Sustainability Appraisal process that where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decisions to allocate land in areas at high flood risk given in the Sustainability Appraisal report.

Whilst we acknowledge the supporting Flood Risk Sequential and Exceptions test paper, it is not clear in the emerging local plan as submitted how these sites have been through the process of sequential testing with regard to flood risk, and then ultimately taken forward within this plan.

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria C of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“Parts of the site lie within Flood Zone 3 the site is therefore at a high risk of coastal flooding and the SFRA states that climate change will have a significant impact on this site with Flood Zone 3 covering the whole site in the future. Therefore development in this location would place additional people at risk of flooding. The SFRA recommends that mitigation will be required to ensure development is made safe and to reduce the overall level of flood risk at the site”.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

X

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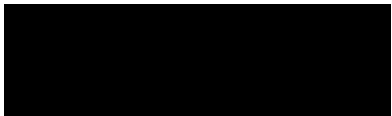
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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site
Allocations
A11

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

X

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

X

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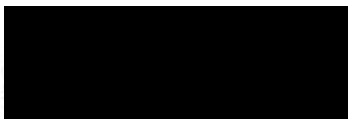
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Part B
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To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site
Allocations
A12

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

X

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

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Whilst we acknowledge the supporting Flood Risk Sequential and Exceptions test paper, it is not clear in the emerging local plan as submitted how these sites have been through the process of sequential testing with regard to flood risk, and then ultimately taken forward within this plan.

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria C of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“The SFRA shows 1/3 of the site is at a high risk of surface water flooding. This is a brownfield site. The SFRA recommends that a SuDS scheme should be developed for the site to provide mitigation and opportunities to achieve a reduction in overall flood risk.”

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

(continue on a separate sheet/expand box if necessary)

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Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

Any development around the station area should take into account the culverted watercourse that runs through the site and has historically resulted in flooding. The course and capacity of this should be taken into account. Opportunities where appropriate to de-culvert and create a biodiversity net gain should be sought.

(continue on a separate sheet/expand box if necessary)

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Yes

☐

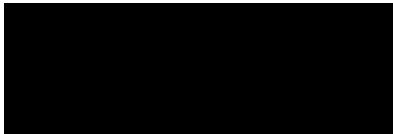
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X

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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

Site
Allocations
A13

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

X

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

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Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, this site has been identified as high flood risk in table 2.1.3 of the Flood Risk Sequential and Exception Test for the Submission Draft Worthing Local Plan document but there is no mention of producing a site specific flood risk assessment in the policy.

A Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

(continue on a separate sheet/expand box if necessary)

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Yes

☐

NO

X

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Signature:

Date:

23.3.2021

CB/1109/101/1

23 March 2021

Adur & Worthing Councils
Planning Policy
Worthing Town Hall
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Worthing
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info@rapleys.com
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LONDON
BIRMINGHAM
BRISTOL
CAMBRIDGE
EDINBURGH
HUNTINGDON
MANCHESTER

Submitted via email: planning.policy@adur-worthing.gov.uk

Dear Sir/Madam

Re: Submission Draft Worthing Local Plan (January 2021) – Representations on behalf of EM Goring Ltd

We act on behalf of EM Goring Ltd and write in respect of the above consultation. As you are aware, our client is the owner of land to the east of Martlets Way, and is currently discussing an agreement with the owners of the former HMRC Site to assist in the delivery of employment land at Martlets Way, supported by the returns from residential development at the “Nib” land.

Please see enclosed Site Location Plan demarcating both sites which are identified by this latest consultation draft document as part of Site Allocation A10 (Martlets Way).

These representations follow on from our earlier representations previously submitted throughout the local plan process:

- Issues and Options Local Plan (May 2016) – part of our client’s site identified as an ‘Area of Change’ focused on employment uses and an extension to the existing business park.
- Representations (February 2018) – submitted at the request of the Council to confirm the development potential of the land at Martlets Way site to help inform the next Local Plan stage. Specifically, these representations confirmed that commercial development on the site in isolation is unviable, with the most viable development options for the site (that would provide the greatest level of affordable housing) all involving a single use – residential.
- Draft Worthing Local Plan (October 2018) – our client’s site is included within an ‘Area of Change’ under Policy AOC6, alongside the neighbouring former Gas Holder site for mixed-use development of employment and residential uses.

Our client remains fully committed to delivering employment development at Martlets Way. However, it must also be recognised that employment development at the site is unviable in isolation, and can only be delivered in the context of residential development. As such, we evidently wish to ensure that the emerging policy framework is positively prepared to facilitate this. We have, therefore, reviewed the consultation document, and request that the following representations are considered by the Council in the final preparation of this document, with proposed re-wording in **bold** and deletions in ~~italic~~.

Representations

Site Allocations

Policy A10 (Martlets Way)

The general principles of A10, as drafted, are supported. In particular, the following is endorsed, with reference to the “development requirements” in the policy:

- Employment development accessed from the west of the site;
- The commitment to ensuring that layout and access arrangements on individual sites do not prejudice the ability for development to come forward across the allocation as a whole, and
- An allowance for residential development at the Nib, but only if it can facilitate the delivery of employment floorspace at Martlets Way

No objection is raised to the principle including an indicative capacity of development (set at 10,000sqm), on the proviso that the figure is treated flexibly, as it is impossible to be exacting – at this stage – about the level of floorspace that might be deliverable across the allocation. In addition, in principle support is offered to the delivery timeframe of 0-5 years. Further, for clarity it might be helpful if the Local Plan confirmed, in map form, the location of the three parcels of land that make up the allocation (ie Land off Martlets Way, the former gasholder/SGN land and the Nib).

Notwithstanding the above support, **objections** are made to some of the more detailed matters of Policy A10, as it is currently worded, and the following amendments should be made in order to ensure its soundness:

1. The name of the site in Policy A10 should include reference to both SGN’s land – i.e., the former gasholder site and the ‘Nib land’, not least as the Nib will not be accessed from Martlets Way. The following re-wording is therefore suggested to the site name of Policy A10:

“Land off *Martlets Way* including SGN and the Nib Land”

2. Under the ‘Site Description’, in terms of future access for the employment development, the policy should confirm that SGN’s land should not be accessed over the HMRC and “Nib” sites (which are envisaged for residential use), with the following additional suggested text inserted:

“Access can be secured for the employment development from Martlets Way, or possibly, Woods Way”

3. Under the ‘Development Requirements’, there should be a caveat that each proposal’s site-specific circumstances (for example any physical constraints, feasibility, and viability) shall be considered where necessary.

Policy A8 (HMRC Offices, Barrington Road)

We support the provisions at Criterion F in Policy A8 to ensure that future proposals coming forward in this allocation do not prevent (or negatively impact), potential development on land adjacent to west. For clarity and consistency (see previous commentary above on Policy A10), the following re-wording to this criterion is however suggested:

f) not prevent (or negatively impact) the potential for development on land lying adjacent to the west of the site (Policy A10: Land off Martlets Way including SGN and the Nib Land)

Spatial Policies

Policy SS1 (Spatial Strategy)

We support the principle of this policy which seeks to manage delivery of new development in Worthing up to 2036. In particular, we support Criteria C and D(i) which seek to increase the rate of housing delivery on smaller sites and on land within the Built-Up Area Boundary (with a focus on previously developed land and allocated regeneration sites).

Policy SS2 (Site Allocations)

We support the principle of this policy which seeks to address the Council's housing and employment needs between 2020-2036 albeit, for consistency, the site name under A10 in the table should be stated as follows: **“Land off Martlets Way including SGN and the Nib Land”**

Policy SP2 (Climate Change)

We support the principle of Policy SP2, however it should be made clear that site-specific circumstances and viability will be taken into consideration in the application of this policy.

Policy SP3 (Healthy Communities)

Whilst we support the principle of Policy SP3, we **object** to its current wording requiring major residential and commercial development to undertake a screening for a Health Impact Assessment. Commercial development is unlikely to have any impact on health provision, and reference to this should be removed. Further, the policy – as currently drafted – would require screening for development of 10 units or more. This is far too small to have an impact, and any threshold should be significantly higher, and no smaller than 50 units. Proposed text as follows:

*d) ~~Major Residential and major commercial~~ development **of 50 units or more should** ~~must~~ set out how they address the requirements of a) i - vi) as part of the planning application. In order to satisfy this policy requirement, applicants will be required **at the pre-application stage** to undertake a screening for a Health Impact Assessment (HIA). If necessary, a full HIA proportionate to the development proposed, will need to be prepared to demonstrate the health outcomes on the health and well-being of communities.*

In addition, within Policy SP3, it should also be confirmed that individual site-specific circumstances and viability shall also be considerations.

Development Management Policies

Policy DM1 (Housing Mix)

We support in principle the intended purpose of Policy DM1 to ensure that development provides an appropriate mix of housing types flexible to adapt to different local needs informed by the most-up-to-date evidence of housing needs and demands. With that said:

- Within Policy DM1, it should be confirmed that individual site-specific circumstances and viability shall also be considerations (as already alluded to in supporting policy paragraph 5.8).
- There is currently ambiguity between Criterion C) and supporting policy paragraphs 5.12 and 5.13 in terms of accessible housing, and more specifically what minimum building regulation standards are required to be achieved by new build dwellings, as opposed to what the Council expects. As this is a key influence on the design parameters and viability of schemes, this should be made clear within the wording of Policy DM1 itself.

Policy DM2 (Density)

The broad thrust of Policy DM2 is supported in principle, however the policy should be amended as follows:

- It should be confirmed that viability and the application of the planning balance shall be considerations in assessing all the provisions set out in Policy DM2.
- The threshold of 3 or more bedrooms appears to have been previously set out under supporting policy paragraph 5.8 in respect of Policy DM1. In this context, Criterion B) under Policy DM2 should include reference to this threshold for ‘*Residential development of family housing*’ that would trigger the Council’s expectation of a net minimum density of 35 dwellings per hectare.

Policy DM3 (Affordable Housing)

The motives behind Policy DM3 are supported in principle, but the policy should make clear that site-specific circumstances (for example its inherent physical /environmental constraints) shall also be taken into account in applying the provision of this policy.

Policy DM5 (Quality of the Building Environment)

Whilst we support in principle Policy DM5, we **object** to its current provisions as follows:

- Criterion a vi) as currently worded is vague in terms of access expectations, and should be amended as follows:

*vi) include a layout and design which: take account of potential users of the site; create safe conditions for access, egress and active travel (walking and cycling) **as far as it is practical and feasible between all locations** ; provide good links to integrated public transport; and have acceptable parking arrangements (in terms of amount and layout , **and taking into account current adopted parking standards**);*
- To ensure consistency with the NPPF, Criterion a viii) should be re-worded as follows:

*viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise **giving rise in significant adverse impacts, or** vehicular movements **resulting in severe cumulative impacts on the road network, or loss of important open space of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure)**;*

- Criterion c) results in disproportionate , onerous expectations and requirements that is likely in practice to lead to delays in delivering both strategic and non-strategic sustainable development within the Borough. As such, Criterion c) should be deleted entirely.

Ensuring Approved Plans are Delivered

~~e) To ensure that the quality of approved development is not materially diminished between permission and completion, where appropriate, the Council will use Planning Conditions to prevent incremental changes being made to approved plans that would impact negatively on the design and quality of the scheme proposed.~~

- More generally, Policy DM5 should make clear that site-specific circumstances (for example its inherent physical /environmental constraints and viability) shall also be taken into account.

Policy DM6 (Public Realm)

Whilst we support in principle Policy DM6, to ensure new development is not subject to onerous expectations and requirements, the policy should confirm that proportionate planning obligations towards public realm improvements/public art shall only be sought where all the necessary statutory tests set out within the Regulations and NPPF are met. In particular, relatively small scale development such as that envisaged at the land allocated under Policy A10 should not attract any planning obligations relative to this matter.

Policy DM7 (Open Space, Recreation and Leisure)

As above, whilst the motives of Policy DM7 are supported in principle, the policy should confirm the following to remove any potential onerous expectations and requirements:

- That proportionate planning obligations towards off-site space provision shall only be sought where all the necessary statutory test set out within the Regulations and NPPF are met, and should be subject to viability.
- Criterion b) should be re-worded as follows -

*Proposals incorporating leisure/recreation facilities should use the findings of the Sport, Leisure and Open Space Study **(or any future updated study)** to inform the types required.*

Policies DM8 (Planning for Sustainable Communities/ Community Facilities) and DM9 (Delivering Infrastructure)

Whilst we support in principle Policies DM8 and DM9, to ensure new development is not subject to onerous expectations and requirements, these policies should confirm that proportionate planning obligations towards shall only be sought where all the necessary statutory test set out within the Regulations and NPPF are met.

Policy DM10 (Economic Growth and Skills)

Whilst the motives of Policy DM10 is supported in principle, Criteria J) and K) should reference the planning obligations and conditions tests within the Regulations and NPPF that will all need to be met to secure local employment, skills development/training, and control over proposed uses to allow for a managed approach to future proposals for change of use.

Policy DM11 (Protecting and Enhancing Employment Sites)

We support in principle the purpose of Policy DM11, including the flexible approach proposed towards existing premises, land or floorspace which is used, or was last used for employment uses outside of identified protected employment areas. For clarity, and to ensure there are no onerous expectations and requirements, the wording of Policy DM11 itself should:

- Set out what ‘employment uses’ (i.e., the use classes) the policy shall cover, as already set out within its supporting policy paragraph 5.153.
- Confirm that the level of evidence required from Applicants will be proportionate in size of the space within each proposal, again supporting policy paragraph 5.153 also advises.

Policy DM14 (Digital Infrastructure)

The intentions of Policy DM14 for ensuring access to high quality digital infrastructure in the Borough in the context not least of the latest intention by the Government to amend the Building Regulations, is acknowledged.

We however **object** to this planning policy on the basis that it is onerous and unsound in terms of its proposed requirements for new full/prior approval developments that would result in delays in the determination of applications, or worst-case, impact upon the viability and ultimately the delivery of strategic/non-strategic developments across the Borough. Notwithstanding that the relevant Building Regulations remain unchanged (at the time of writing), should they be subsequently amended, relevant permission under this separate regime (from the planning process) would still continue to be required in any event.

Instead, the purpose of Policy DM14 should be to assess whether a proposed development for telecommunications infrastructure is an acceptable use of land. As such, the current development management requirements relating to non- telecommunications infrastructure proposals under Policy DM14 should be removed.

Policies DM15 (Sustainable Transport and Active Travel), DM16 (Sustainable Design), and DM17 (Energy)

Whilst the motives of these above policies are supported in principle, they should insert reference and acknowledgement to the following:

- The planning obligations and conditions tests within the Regulations and NPPF that will all need to be met in securing on/off-site mitigation and initiatives.
- That site-specific circumstances (for example inherent physical constraints, feasibility, and viability) shall be taken into account where necessary.
- The trigger threshold for ‘major development’ to be confirmed within Policies DM16 and DM17.
- That assessment work and appropriate solutions that are proportionate to the nature, type, and scale of individual proposals will be sought by the local planning authority.

Policy DM18 (Biodiversity)

Whilst we support the intentions of Policy DM18, we **object** to this policy as currently worded on the basis that it would place an onerous requirement on development on previously developed sites that ultimately could affect their viability and delivery if a planning balanced approach is not applied.

At the time of writing, the NPPF does not specify a biodiversity net gain figure, with the mandatory 10% biodiversity net gain not yet a lawful requirement as the Environment Bill still remains in draft. In this context, Criterion h) under Policy DM18 is onerous for specifically requiring development on previously developed sites to achieve 20%+ biodiversity net gain. Instead, the criterion should be clear that there is an expectation for all new developments where possible to achieve a minimum of 10% net gain in biodiversity, with at least 20% net gain encouraged on previously developed sites.

Criterion i) should also reference the planning obligations and conditions tests set out within the Regulations and NPPF that will all need to be met for securing on/off-site mitigation and compensatory measures.

Policy DM19 (Green Infrastructure)

Whilst we support Policy DM19 in principle, the policy should re-worded to:

- Confirm that site-specific circumstances (for example inherent physical constraints, feasibility, and viability) shall be taken into account where necessary.
- Set out the trigger threshold for 'major development'.
- That assessment work and appropriate solutions that are proportionate to the nature, type, and scale of individual proposals will be sought by the local planning authority.
- Confirm the planning obligations tests within the Regulations and NPPF that will all need to be met in securing on/off-site mitigation and initiatives.

Policies DM20 (Flood Risk and Sustainable Drainage) and DM21 (Water Quality and Protection)

We support both Policies DM20 and DM21 in principle, however they should re-worded to confirm:

- The planning obligations and condition tests within the Regulations and NPPF that will all need to be met in securing on/off-site mitigation and initiatives.
- That site-specific circumstances (for example inherent physical constraints, feasibility, and viability) shall be taken into account where necessary.
- That assessment work and appropriate solutions that are proportionate to the nature, type, and scale of individual proposals will be sought by the local planning authority.

Policy DM22 (Pollution)

Whilst we support Policy DM19 in principle, the following commentary is made:

- Criteria b) and d) should be amended as follows:

b) New development in Worthing will be located in areas most suitable to the use of that development to avoid unacceptable risks from all sources of pollution.

d) Where appropriate, air quality, ~~and/or~~ noise and lighting assessments will be required to support planning applications. These should be undertaken in accordance with the most up to date guidance and have regard to any relevant action plans.

- Criterion e) should be re-worded in its entirety:

~~*e) Investigations and assessments of all sites situated in or in close proximity to potentially contaminated land will be required in relation to relevant development proposals. These should*~~

assess the nature and extent of contamination and the potential risks to human health, adjacent land uses and the local environment.

e) Where there is potential risk of contaminated land, proportionate investigations and assessments will be required in relation to relevant development proposals. These should assess the nature and extent of contamination and the potential risks to human health, adjacent land uses and the local environment.

Summary

Our client, EM Goring Ltd, remains committed to assisting in the delivery of employment development at land to the west of Martlets Way. However, employment development is unviable in isolation, and needs to be supported by the returns from residential development. My client is in discussions with the owners of the Nib land in the interests of bringing forward an element of residential development on that site, which in turn will enable employment development at Martlets Way.

As such, our primary aim is to ensure that the Worthing Local Plan continues to support this identified redevelopment opportunity under Policy Site Allocation A10, which our client is generally supportive of, subject to the provisions as set out within these representations being taken into account.

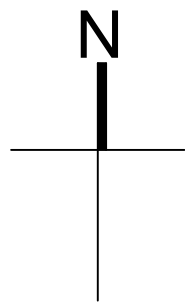
In addition, there are a number of other spatial and development management policies identified which are considered unsound as currently drafted as they could undermine the viability and deliverability of both strategic and non-strategic development schemes coming forward within the Borough.

We look forward to receiving written confirmation that these representations have been received and duly made as part of this consultation exercise and reserve the right to participate at the future oral examination of the Local Plan.

Yours sincerely,


Jason Lowes (Mar 23, 2021 14:39 GMT)

Jason Lowes
BSc (Hons) DipTP MRTPI
Partner
Town Planning
07899 963524



- NOTES
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REV	DATE	BY	AMENDMENT
A	09.02.21	ec	general updates

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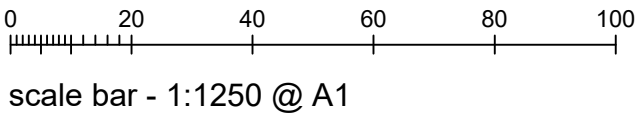
CLIENT
EM Goring Ltd

JOB TITLE
Development at Martlets Way
Goring-by-Sea
West Sussex

DRAWING TITLE
Location Plan
PRE - APPLICATION

DATE	SCALE	DRAWN BY	ec
Jan 2021	1:1250 @ A1	CHECKED BY	mf

JOB NO.	DRAWING NO.	REVISION
20082	SK01	A



**WSCC Officer response to the Submission Draft Worthing Local Plan:
Regulation 19 Consultation**

This note sets out officer comments on the proposed submission documents. While there are no formal objections to the Draft Local Plan there are comments made which may require modifications or clarification prior to its adoption by Worthing Borough Council.

A5 Decoy Farm:

WSCC comments to the Regulation 18 consultation, referred to the allocation being directly adjacent to the Household Waste Recycling Site (HWRS), which is safeguarded through the Waste Local Plan (Policy W2). It was requested that a 'discussion as to how it (the HWRS) can be ensured that no safeguarding issues arise through the allocation and future development of Decoy Farm, and that future site reorganisation or expansion, if required, would not be prohibited'. There appears to be no changes made to the plan to take this request into account. In light of the remediation beginning on the landfill site, we would welcome discussions relating to the adjacent site and potential extension of the HWRS.

A13 Titnore Lane:

Page 97 of the Plan refers to the Development Requirements which any future development proposals should satisfy. Much is said on sustainable transport measures and active travel promotion. It is suggested that there is reference to the importance of Titnore Lane itself as a strategic connection to the wider network of the A280 (via Clapham) and the A27.

Office use Only	
Comment number	SDWLP-62
Date received	

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

This consultation runs from Tues 26th Jan to Tues 23rd March 2021

How to submit your comments

This response form has two parts:

- Part A: Personal Details
- Part B: Your representation(s)

Both Part A and Part B of the form need to be completed in order for your representation(s) to be valid. Please fill in a separate sheet for each representation (Part B) you wish to make. You do not need to fill out Part A for each representation provided that all representations made are securely attached.

Forms must be returned by the latest 5pm Tuesday 23rd March 2021

You can complete this form on-line: www.adur-worthing.gov.uk/worthing-local-plan

Or return a hard copy of the form:

By post to: Planning Policy Team, Worthing Borough Council,
Portland House, 44 Richmond Road, Worthing, BN11 1HS

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Further guidance

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If you require any advice on completing this form please feel free to contact the Planning Policy Team via email (as above) or telephone on 01273 263000.

You can respond to this consultation online by using the e-form or by email. However, if your preference is to make comments manually this form can be photocopied as many times as necessary.

Part A - Contact Details			
First name	alexander		
Last name	child		
Organisation	McCarthy & Stone		
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Town	Bournemouth		
Postcode	BH8 8AQ	Telephone	01202291455
Email	Planning.policy@theplanningbureau.ltd.uk		

Signed	A j Child	Date	22/03/21
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Note: Unless you request otherwise <i>(by putting a cross in the box to the right)</i> , all respondents will be added to the Worthing Local Plan consultee database and will be notified at all subsequent stages of Local Plan progression.	No: please don't add me	<input type="checkbox"/>
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In addition, if you would like to subscribe to the Worthing Planning Policy Newsletter (which covers a wide range of Planning Policy issues) then please put a cross in this box:	<input checked="" type="checkbox"/>
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<u>Use of information</u>
<p>All data will be stored securely in line with the GDPR. Names and comments we receive will be available for public inspection and may be reported publicly as part of the Local Plan process. However, contact details will not be published. We cannot accept or report confidential or anonymous responses. Further information about how personal information is processed can be found in the Planning Policy Privacy Notice:</p> <p>https://www.adur-worthing.gov.uk/planning-policy/privacy-notice/</p>

To which part of the Submission Draft Local Plan does this representation relate?

Policy

DM3

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

x

No

Don't know

Sound?

Yes

No

Don't know

**Complies with the Duty to
Cooperate?**

Yes

x

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Part (f) refers to the circumstances where a viability assessment may be required, and is supported. It also uses the often misused terms of an "open book" assessment being required. Such a term suggests that a developer is indeed required to "open its books". This is not the intention of the NPPF or the NPPG in consideration of the matters of viability, the PPG making quite clear that development viability should be assessed as far as is possible on the basis of generic inputs – so as to ensure that assessment does not become a tax based on the success or efficiencies of an individual developer concerned

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- a) That para 5.4 be amended by the deletion of “*it is not ‘specialist’ housing for one group of people, but housing for all.*”
- b) That para 5.14 be amended by the deletion of “*(both classed as C3 dwellings)*”
- c) That para 5.15 be amended by the deletion of “*(Use Class C3)*”
- d) That both 5.14 and 5.15 be amended to reflect that “Extra Care” and “Housing with Care” are the same thing

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

x

☐

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

AJ Child

Date:

20/03/21

Office use Only	
Comment number	SDWLP-62
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Regulation 19 (Publication Stage) Comments Form

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Signed	A j Child	Date	22/03/21
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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy	DM3	Paragraph		Map Extract	
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Do you consider the Submission Draft Local Plan:

Legally compliant?	Yes	x	No	
	Don't know			
Sound?	Yes		No	x
	Don't know			
Complies with the Duty to Cooperate?	Yes	x	No	
	Don't know			

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We note within the DSP viability testing in respect of housing for older people that specific testing has been undertaken for a 30 unit retirement living scheme and a 60 unit scheme for extra care. In respect of specific inputs we would suggest that external costs have been underestimated at 7.5% given the quality attached to externals areas for such proposals. Furthermore at 3% for marketing and sales this cost has been underestimated and is more typically agreed at 5-6%. No detail is provided in respect of sales rates. At present sales rates are on average less than 1 per month and these testing should be factored in. Assumptions in relation to profit are tested at a range of 17.5-20%. There are numerous recent appeal decisions supporting a minimum profit level assumption for this typology of 20%.

Given that the emerging policies look to apply a differential rate to flats and houses in respect of affordable housing targets, it would be logical to seek to test specialist housing for older people accordingly and in line with the inputs agreed on the ground. Our view is that such an approach would establish a reduced affordable housing target for this housing typology which would enable providers to acquire further sites within the area and delivery a clearly identified housing need.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- a) That specialised housing for older people be retested for viability utilising the inputs set out above and any reduced resulting affordable housing target be set out in policy, also considering that the SHMA identifies that the majority need for older persons housing is in the market sector and not for affordable older persons housing

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

NO

x

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: *The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

Signature:

AJ Child

Date:

20/03/21

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By post to: Planning Policy Team, Worthing Borough Council,
Portland House, 44 Richmond Road, Worthing, BN11 1HS

Or by e-mail to: planning.policy@adur-worthing.gov.uk

Further guidance

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Part A - Contact Details			
First name	alexander		
Last name	child		
Organisation	The Retirement Housing Consortium		
Address line	c/o The Planning Bureau		
Address line	4 th Floor, 100 Holdenhurst Road		
Town	Bournemouth		
Postcode	BH8 8AQ	Telephone	01202291455
Email	Planning.policy@theplanningbureau.ltd.uk		

Signed	A j Child	Date	22/03/21
--------	-----------	------	----------

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In addition, if you would like to subscribe to the Worthing Planning Policy Newsletter (which covers a wide range of Planning Policy issues) then please put a cross in this box:	<input checked="" type="checkbox"/>
---	-------------------------------------

<u>Use of information</u>
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To which part of the Submission Draft Local Plan does this representation relate?

Policy

DM7

Paragraph

5.101 -103

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

x

No

Don't know

Sound?

Yes

No

Don't know

**Complies with the Duty to
Cooperate?**

Yes

x

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- a) That the policy and associated paragraphs be amended to make clear that the standards do not apply to specialised housing for older people, which will be considered on a case by case basis based on the nature of the development proposed and its proximity to local facilities and whether it is likely to place a demand upon those facilities.

(continue on a separate sheet/expand box if necessary)

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

NO

x

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

AJ Child

Date:

20/03/21

Office use Only	
Comment number	SDWLP-62
Date received	

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

This consultation runs from Tues 26th Jan to Tues 23rd March 2021

How to submit your comments

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- Part A: Personal Details
- Part B: Your representation(s)

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Part A - Contact Details			
First name	alexander		
Last name	child		
Organisation	The Retirement Housing Consortium		
Address line	c/o The Planning Bureau		
Address line	4 th Floor, 100 Holdenhurst Road		
Town	Bournemouth		
Postcode	BH8 8AQ	Telephone	01202291455
Email	Planning.policy@theplanningbureau.ltd.uk		

Signed	A j Child	Date	22/03/21
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To which part of the Submission Draft Local Plan does this representation relate?

Policy

Paragraph

DM11

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

x

No

Don't know

Sound?

Yes

No

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

(continue on a separate sheet/expand box if necessary)

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- a) That the Policy and supporting text be amended to allow for the loss of existing employment land where a more beneficial and sustainable use of land is proposed and citing that a flexible approach will be taken in order to aid economic recovery

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

NO

x

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

AJ Child

Date:

20/03/21

Office use Only	
Comment number	SDWLP-62
Date received	23.03.21

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

This consultation runs from Tues 26th Jan to Tues 23rd March 2021

How to submit your comments

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Part A - Contact Details			
First name	alexander		
Last name	child		
Organisation	McCarthy & Stone		
Address line	c/o The Planning Bureau		
Address line	4 th Floor, 100 Holdenhurst Road		
Town	Bournemouth		
Postcode	BH8 8AQ	Telephone	01202291455
Email	Planning.policy@theplanningbureau.ltd.uk		

Signed	A j Child	Date	22/03/21
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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy		Paragraph	5.4 , 5.14, 5.15	Map Extract	
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Do you consider the Submission Draft Local Plan:

Legally compliant?	Yes	x	No	
	Don't know			
Sound?	Yes		No	x
	Don't know			
Complies with the Duty to Cooperate?	Yes	x	No	
	Don't know			

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

General

It is pleasing to see the support given to specialised housing for older people at para 5.14 based on need and the benefits that such schemes deliver not least in addressing loneliness, improving health and well being and reducing costs on adult social care and the NHS. However the comment at para 5.4 *"it is not 'specialist' housing for one group of people, but housing for all"*. Suggests a negative approach to such housing and that it can be spread throughout a development in the same way as accessible (M4 housing). This is not the case, as by their very nature these will be grouped forms of accommodation in order to deliver the services and benefits that are an inherent part of such schemes

Use Class Issues

Paragraph 5.14 states that extra care/housing with care falls within Use Class C2. It is (a) not the place for the Local Plan to unilaterally establish what use class a development falls into, and (b) is entirely erroneous in any case. In this latter respect, Extra Care housing/Housing with Care can fall within Use class C2 or use Class C3, dependent on the levels of care that are provided, and it is certainly not a simple matter that as units are self contained they fall within Class C3. Extra Care/Housing with Care, is by definition self contained apartments and yet it is established it can fall withing Use Class C2

See:

RTPI Practice note No8. Now of some some antiquity though principles remain relevant
Housing Lin Note No1 Extra Care "What is it" See paras 2.4 and 5.3 or Housing Lin advice generally

Example Appeal decisions:

Appeal Decision (App Ref W/19/3226136 - 35-41 New Dover Road, Canterbury, CT1 3AT)
Appeal Decision (App Ref: APP/D0121/A/12/2168918) at Former Portishead Primary School Site, Portishead

Appeal Decision (App Ref: APP/H1840/A/13/219666) at Brooklands Farm, Evesham

Appeal Decision (App Ref: APP/J3720/A/12/215222) at Manor Road, Stratford-upon-Avon

Appeal Decision (App Ref: APP/J3720/A/07/2037666) at Tiddington Fields, Tiddington

Appeal Decision (App Ref: APP/A2335/A/13/2195739) at Greaves Hotel, Lancaster

Appeal Decision (App Ref: APP/Z3825/W/15/3133676) at Prewetts Mill, Horsham

(continue on a separate sheet/expand box if necessary)

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- a) That para 5.4 be amended by the deletion of “*it is not ‘specialist’ housing for one group of people, but housing for all.*”
- b) That para 5.14 be amended by the deletion of “*(both classed as C3 dwellings)*”
- c) That para 5.15 be amended by the deletion of “*(Use Class C3)*”
- d) That both 5.14 and 5.15 be amended to reflect that “Extra Care” and “Housing with Care” are the same thing

(continue on a separate sheet/expand box if necessary)

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☐

NO

x

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

AJ Child

Date:

20/03/21



The countryside charity
Sussex

CPRE Sussex
Brownings Farm
Blackboys
East Sussex TN22 5HG
Telephone 01825 890975
info@cpresussex.org.uk
www.cpresussex.org.uk

Strategic Planning Team
Worthing Borough Council
Portland House 44
Richmond Road
Worthing
BN11 1HS
By email: planning.policy@adur-worthing.gov.uk

22nd March 2021

Dear Strategic Planning Team

Worthing Submission Draft Local Plan 2020 - 2036

This is the formal response of CPRE Sussex, countryside charity, to the above consultation. CPRE Sussex works to enhance, promote and protect the Sussex countryside and the ability of local communities to enjoy and value the natural world.

Overall, we are pleased with the 'Brownfield first' approach of the plan and the commitment to high standards of design to create low carbon development. However, we have some concerns with the plan which are set out in the attached consultation response document. We have some additional questions and would welcome further dialogue with you;

Climate Change

Adur and Worthing councils are rightly recognised as exemplars in tackling the climate and ecological emergencies. On July 9th 2019, the Councils declared a Climate Emergency, and committed to working towards becoming carbon neutral by 2030. We would like to hear more from you as to how the Draft Local Plan will support this goal? For example, as you know, the government responded to the October 2019 consultation on the Future Homes Standard. [Title \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk) recognising that "local councils have been excellent advocates of the importance of taking action to tackle climate change", with "a unique combination of powers, assets, access to funding, local knowledge, relationships with key stakeholders and democratic accountability" A key statement is **"To provide some certainty in the immediate term, the government will not amend the Planning and Energy Act 2008, which means that local planning**

To promote, enhance and protect a thriving countryside for everyone's benefit

President: Lord Egremont

Campaign to Protect Rural England Sussex Branch CIO | Registered charity number: 1156568

Facebook : www.facebook.com/CPRESussex | Twitter : @cpresussex

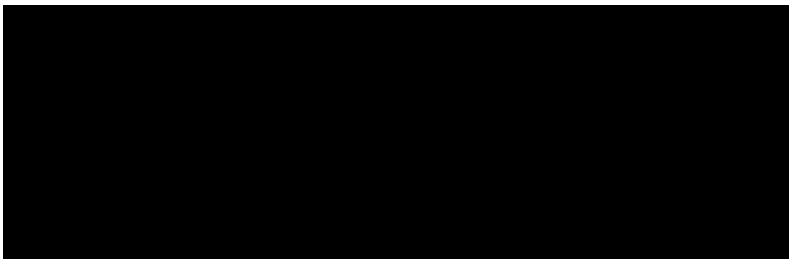
authorities will retain powers to set local energy efficiency standards for new homes". This gives Worthing the green light to go beyond building regs in setting the energy performance expected of new buildings in order to meet its climate commitments.

Impact of Covid 19

A second additional issue of interest to us is the impact of Covid 19 on the plan, in particular the need for retail and office space. We would recommend that some work to assess this is carried out before the examination in public so that the plan uses an evidence base which is as up to date as possible and accurately plans for the future development needs of the area.

Please advise as to a convenient time for further discussion.

Yours sincerely,



Professor Dan Osborn
Chair, CPRE Sussex

Office use Only	
Comment number	SDWLP-63
Date received	

Submission Draft Worthing Local Plan January 2021

Regulation 19 (Publication Stage) Comments Form

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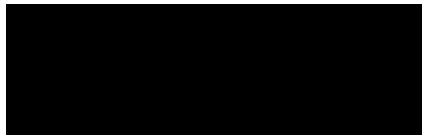
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Part A - Contact Details			
First name	Kia		
Last name	Trainor		
Organisation	CPRE Sussex		
Address line	Brownings farm		
Address line	Blackboys		
Town	Uckfield		
Postcode	TN22 5HG	Telephone	01825 890975
Email	info@cpresussex.org.uk		

Signed		Date	22/03/21
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Part B
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

A13 Titnore
Lane

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

☒

No

Don't know

Sound?

Yes

No

☒

Don't know

**Complies with the Duty to
Cooperate?**

Yes

☒

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We believe that Policy A13, Titnore Lane is not sound because it is not consistent with national policy, enabling the delivery of sustainable development in accordance with the policies within the National Planning Policy Framework (NPPF)

The current Core Strategy Proposals Map shows this land as falling within the West Durrington Strategic Development Area. However, due to environmental sensitivity this land was excluded from the permitted scheme for 700 dwellings currently under construction to the east. We believe that strong reasons for omitting this site from the Local Plan exist.

The cumulative development proposed here and at West Durrington will put significant pressure on the Local Wildlife Site (LWS) complex through recreational disturbance, contrary to para 170 of the NPPF which requires Planning policies and decisions to contribute to and enhance the natural and local environment by protecting sites of biodiversity or geological value. Although the buffer for the ancient woodland is proposed as 20m we have concerns that this is may not be adequate (for example, the Woodland Trust recommends a 50m buffer <https://www.woodlandtrust.org.uk/media/3731/planners-manual-for-ancient-woodland.pdf>) It is vital that there is no severance of the LWS. Para 171 of the NPPF requires that Plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. This allocation will harm, not enhance, this network.

We are not satisfied that the proposed landscape buffer will adequately protect the 'setting' of the national park, which under NPPF para 172 has the highest status of protection in relation to conserving and enhancing landscape and scenic beauty.

NPPF para 156 requires that Strategic policies should manage flood risk from all sources and consider cumulative impacts in, or affecting, local areas susceptible to flooding,

The West Durrington development area must be looked at on a total catchment area for the flood risk implications. The whole area is within an Environment Agency flood risk area with a rating of 3 – **a high probability of flooding** – including this site. Some areas like the Caravan Site (Policy A2) also have high risk of groundwater flooding (see Adur Worthing SWRA map attached).

This site at Titnore lane (Policy A13) the Fulbeck Avenue allocation (Policy A6) and the proposed Caravan site (Policy A2) together with the West of Durrington development all rely upon the Ferring Rife for surface water drainage as do existing developments in Goring and Ferring.

The West of Durrington development has already experienced flooding issues. The Fulbeck Avenue development was approved in October 2020 (AWDM/0166/20) but with an outstanding condition for final committee approval in relation to sustainable drainage because of concerns of the EA, WSCC lead authority and the Adur Worthing Technical services. This condition has still to be discharged, particularly to do with capacity of the Ferring Rife and the integrity of the bund of the neighbouring Somerset Lake which must protect the site from overtopping and causing severe risk to residents. Allocations A2 (The Caravan Club site,) A6 (Fulbeck Avenue) and this allocation (A13) all neighbour onto the Somerset Lake which has a history of overtopping.

If developed, the Titnore lane site will also drain into the Ferring Rife which connects with the Somerset Lake and inevitably add flows to the many sites downstream including those noted above.

CPRE Sussex identifies that considerably more work has to be done on a total catchment basis to validate the drainage sustainability of the Titnore site.

On the evidence so far, we maintain an objection to this allocation.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We believe that Titnore Lane should be omitted from the plan to ensure soundness through compliance with NPPF paras 170,171, 172 and 156.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

X

NO

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We would like to contribute to any discussion about this Policy at examination.

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:



Date:

22/03/21

Part B

Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

A15 Upper
Brighton
Road

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

X

No

Don't know

Sound?

Yes

No

X

Don't know

Complies with the Duty to Cooperate?

Yes

X

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We believe that Policy A15 Upper Brighton Road, is not sound because it is not consistent with national policy, enabling the delivery of sustainable development in accordance with the policies within the National Planning Policy Framework (NPPF)

The site contributes to the landscape and visual setting of the National Park and the open 'gap' between Sompting and Worthing. The NPPF para 170 requires that Planning policies and decisions should contribute to and enhance the natural and local environment by maintaining the

character of the undeveloped coast, while improving public access to it where appropriate. Developing this site would mean the loss of a valuable green gap.

Spatial Policy SS1 (Page 48) states that;

‘ diii) Open Spaces / Countryside / Gaps - valued open space and landscapes outside of the Built Up Area Boundary are protected. This includes important gaps between settlements, the undeveloped coastline and the features which provide connectivity between these areas.’

Sompting Village is less than 150m from this allocation, which means that the eastern boundary of Worthing and Sompting will have effectively coalesced. This development would mean that the important gap between the existing Worthing BUAB and the village of Sompting will virtually cease to exist. This we believe is a failure in terms of Policy SS1.

We do not feel that the cumulative traffic impacts of this allocation have been fully addressed in line with NPPF para 102. There is an emerging substantial traffic increase from application AWD/0323/19 at Sompting, which is allocated in the Adur Local Plan. Any additional vehicle movements through Sompting village should be avoided in order to preserve the conservation status of Sompting Village and the quality of life of residents from rat running traffic.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We believe that Upper Brighton Road should be omitted from the plan to ensure soundness through compliance with NPPF paras 170 and 102.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

X

NO

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We would like to contribute to any discussion about this Policy at examination.

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:



Date: 22/03/21

Part B

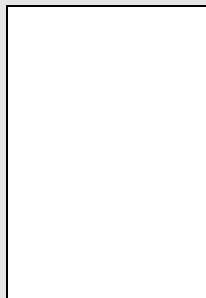
Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

SP1
Presumption
in favour
of
sustainable
development

Paragraph



Map
Extract



Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

X

No

Don't know

Sound?

Yes

No

Don't know

**Complies with the Duty to
Cooperate?**

Yes

X

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We question the need for this policy which appears to merely repeat the NPPF.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

This Policy should be deleted as it merely repeats national policy.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

NO

X

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

22/03/21

Part B

Please use a separate sheet for each representation

To which part of the Submission Draft Local Plan does this representation relate?

Policy

SS1 Spatial
Strategy

Paragraph

Map
Extract

Do you consider the Submission Draft Local Plan:

Legally compliant?

Yes

No

Don't know

Sound?

Yes

No

Don't know

**Complies with the Duty to
Cooperate?**

Yes

No

Don't know

Please give details of why you consider the Submission Draft Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Submission Draft Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

With regard to;

- i) Edge Of Town Sites - six edge of town sites are allocated for development.

Please see our comments in relation to Policy A13, Titnore Lane and Policy A15 Upper Brighton Road.

(continue on a separate sheet/expand box if necessary)

Please set out what modification(s) you consider necessary to make the Submission Draft Local Plan legally compliant or sound, having regard to the matter you have identified above where this relates to soundness. You will need to say why this modification will make the Submission Draft Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see our comments in relation to Policy A13, Titnore Lane and Policy A15 Upper Brighton Road.

Continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes

☒

NO

☐

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We would like to contribute to any discussion about this Policy at examination.

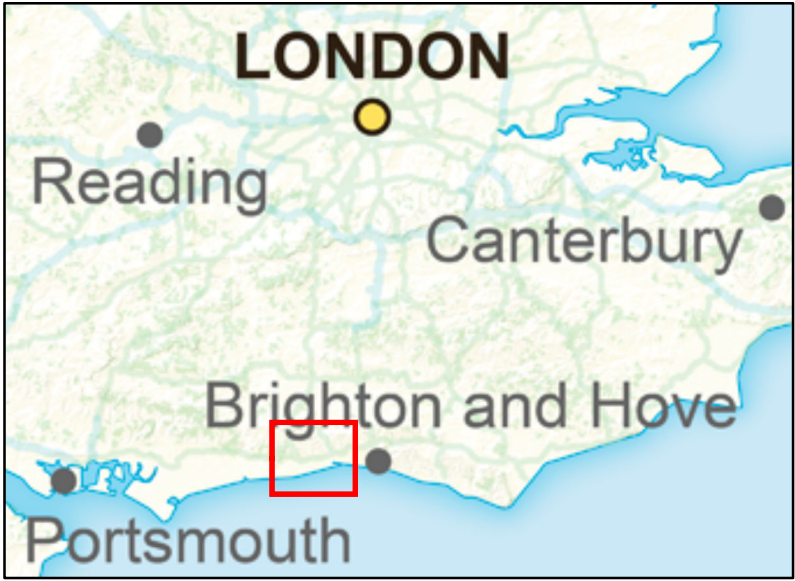
Please note: The inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:










Date:

22/03/21



Legend

-  Adur District and Worthing Borough
-  South Downs National Park
- JBA Groundwater Map**
-  No risk.
-  Groundwater levels are at least 5m below the ground surface.
-  Groundwater levels are between 0.5m and 5m below the ground surface.
-  Groundwater levels are between 0.025m and 0.5m below the ground surface.
-  Groundwater levels are either at or very near (within 0.025m of) the ground surface.

Notes

JBA has developed a range of Groundwater Flood Map products at the national scale. It should be noted that the JBA Groundwater Flood Map is suitable for general broad-scale assessment of the groundwater flood hazard in an area, but is not explicitly designed for the assessment of flood hazard at the scale of a single property. In high risk area a site-specific risk assessment for groundwater flooding is recommended to fully inform the likelihood of flooding.



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**Adur and Worthing Councils
SFRA: APPENDIX H
JBA GROUNDWATER FLOOD RISK
MAPPING**

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SUSSEX ORNITHOLOGICAL SOCIETY

Registered charity 256936

www.sos.org.uk

24 March 2021

By e-mail only

planning.policy@adur-worthing.gov.uk

SOS comments on Worthing Submission draft Local Plan 2020-2036

The Sussex Ornithological Society (SOS) is the county bird club and we hold nearly six million records of birds recorded in West and East Sussex. More information about us can be found on our web site www.sos.org.uk.

We welcome the opportunity to be able to comment on this Local Plan and at its public examination we would like to be able to speak on the points that we comment on below.

1. Strategic Objective 15

The SOS welcomes this objective, to “*Protect and enhance, valued green spaces, stretches of undeveloped coastline, gaps between settlements and the quality of the natural environment creating net gains to biodiversity*”.

2. Spatial Strategy SSI – Overall Strategy

We support this policy and specifically d) iii): *Open Spaces / Countryside / Gaps - valued open space and landscapes outside of the Built Up Area Boundary are protected. This includes important gaps between settlements, the undeveloped coastline and the features which provide connectivity between these areas.*

But see also our comments on SS5 below.

3. Spatial Strategy SS2 – Housing allocations

We do have concerns of the impacts on part of Titnore Woods LWS of housing allocations A2 (100 dwellings at Caravan Club, Titnore Lane), A6 (120 dwellings at Fulbeck Avenue) and especially A13 (60 dwellings Titnore Lane). These concerns are covered in more detail below.

Specifically we agree with the conclusion that because of the extent of the already built up area within Worthing, and the need to preserve gaps between settlements in Arun DC to the west and Adur DC to the east, it is not practical for WDC to deliver anywhere near its target of 14,160 new dwellings. The plan to deliver 3672 dwellings (26% of target) still seems to us a challenging one, and one that will have some adverse impacts on wildlife (see 6 below).

4. Spatial Strategy SS5 - Local Green Gaps

4.1 We believe it essential that the gaps between settlements remain protected as these are important for both resident birds, but also as gaps which can provide refuge for incoming exhausted migrant birds which have crossed the Channel, or southbound migrant birds waiting favourable weather conditions before they journey south.

We would comment on each of the 4 gaps as follows:

Goring Gap

Goring Gap was declared as a Local Wildlife Site in 2020 on the basis of its importance for birds.

- 106 species have been recorded as using it (i.e not flying over it or flying past it at sea, but actually making use of the site) between 2010 and 2019. Thus in 10 years, on a site one sixtieth the size of West and East Sussex, 26% of all species ever recorded in Sussex (405 in total) have been recorded using Goring Gap LWS.
- It is one of only two gaps in the 50Kms between Pagham Harbour, west of Bognor Regis and Roedean to the east of Brighton, which has no street lighting along the coast (Climping Gap west of Littlehampton is the other gap). This makes it particularly attractive for night time migrants wanting to avoid making landfall in an urban area.
- Backing directly onto the shore the Gap is an attractive roosting area for sea birds at high tide throughout the year, but especially in winter. Besides roosting gulls a wide range of waders and other sea birds have been recorded roosting on it.
- With areas of rough grass, thick hedges, a wild area in the NW corner and trees along its eastern border, the gap has a good variety of habitat, which provide shelter for incoming migrant birds needing to recover from crossing the Channel and for outgoing migrants needing shelter before conditions are right to migrate south across the Channel.
- This habitat also provides nest sites for a range of species.

Attached as Appendix 1 is a paper outlining the ecological features which make Goring Gap so important for birds. It was prepared by the SOS in 2019 (updated in 2020) to support the designation of Goring Gap as an LWS.

Although outside the LWS, running east-west along the northern border of the LWS is an avenue of Ilex trees, which is widely recognised as a notable feature of Goring.

Chasemore Farm

Chasemore Farm is not as attractive for birds as Goring Gap to the south. However, it is not unimportant for birds, with a 2019 survey - in connection with a proposed development on the site (which was refused) - identifying six pairs of Skylark territories on it. (Skylark is a Red listed species of High conservation Concern, and a Section 41 species of principal importance for conservation. It needs wide open spaces such as undisturbed fields or grassland in which to nest).

The importance of Chasemore Farm is that the land to the north of it is National Park including the National Trust Highdown Hill and WDC's Highdown Gardens. Combined

with Goring Gap Chasemore Farm provides a largely undeveloped Gap between the coast and the South Downs, with only a small amount of suburb splitting these two Green Gaps. Any significant development on Chasemore Farm would diminish the size of the north south gap and therefore its effectiveness as a Gap. It would not only blur the separation of Arun and Worthing Districts but would diminish the potential for these two gaps to act as a wildlife link between the shore and the SDNP.

Brooklands Recreational Area and Adjoining Allotments

Brooklands includes plenty of wetland areas and this makes it an attractive site to birds. For many years it has been a WeBS site – one of the many Wetland Bird Survey sites around the UK that are surveyed on a monthly basis. Its size and mix of habitats - with open water, damp areas, open grass areas and untamed wild scrub to the north - plus its proximity to the sea, means that it is a significant site for birds, with an impressive list of both water birds and “land birds” recorded using it in the last 10 years.

Land East of Upper Brighton Road

This is a small piece of land adjoining a much larger piece of open undeveloped space to the east in Adur DC. Development on it would intrude into this Green Gap, to the detriment of its purpose.

The Brooklands area and the land east of Upper Brighton Road Local Green Spaces, together with the adjoining land in Adur DC, form a near continuous Green Link between the sea and South Downs National Park. This benefits birds for the reasons already described.

4.2 We **object** to the policy wording of SS5.

“Development within these Gaps will be carefully controlled and will only be permitted in exceptional circumstances....etc”.

This wording appears to us to suggest that development WILL be allowed, albeit it goes on to say that it will be carefully controlled and will have to meet various strict criteria. We disagree with this and believe that the policy wording should clearly set an expectation that development will not be allowed. This is because any development will reduce the size of a Green Gap and therefore its effectiveness and purpose. If you are going to have Local Green Gaps we do not believe that development should be allowed on them under any circumstances, as they will only be eroded in size and effectiveness. Consequently, we would like to see the policy statement amended to read:

Any development within these Gaps will be refused.

5. SS6. Spatial Strategy, Local Greenspace

5.1 We welcome the designation of Goring Gap, Chasemore Farm and Brooklands Recreational Area as Local Green Spaces in addition to their designation as Local Green Gaps.

5.2 We concur with the reservations expressed about the unsuitability of Goring Gap for formal recreation structures, as that could directly conflict with its value as a largely disturbance free site for birds (See Appendix 1).

5.3 On Brooklands we note comments about the possibility of tidying up the land to the north of the managed area. Untidy areas are undisturbed areas, which can make them good for wildlife, and this is the case at Brooklands. We would therefore ask that a detailed ecological survey is carried out before any plans are developed to alter this area – as its value for wildlife should be recognised and protected. Mitigation will probably be needed if it is tidied up.

5.4 We support the necessity to have areas designated as Local Greenspaces, as they perform the dual functions of providing havens for wildlife and for connecting wildlife sites as well as providing access for humans to major areas of greenspace, which is increasingly recognised to be so important for human health and well-being.

We therefore feel that Local Greenspaces need to be protected from development, as the quality benefits they bring to humans and to wildlife are too important to be eroded by piecemeal developments, especially as the population grows. We would therefore like to see policy wording developed for SS6 that makes it clear that any development in Local Greenspaces will be positively resisted.

6. Site Allocations

We would comment on the following sites being allocated for development:

A2 Caravan Club, Titnore Way and A6 Fulbeck Avenue

These site allocations are close to A13 to their north, and also adjoin the same LWS. We believe an inevitable result of their development will be a degradation of the adjoining LWS and its ancient woodland. Were both A2 and A13 to be developed we believe the inevitable result would be that the intervening strip of ancient woodland within the LWS would degrade and eventually be lost if development occurs on both sides of it.

It will be damaged if A2 and A6 are built, but if A13 is also built we believe the extent of degradation and eventual loss of ancient woodland in the LWS would be significant, unacceptable and in direct conflict with Policy DM18, d) and e) – see comments on A13 below.

A5 Decoy Farm

We are pleased to see that it is acknowledged that the Teville Stream is to be adequately protected. As this site is adjacent to the eastern Local Green Gap and has been untouched for some time it does have biodiversity value.

However, we do not see any requirement to create a net gain in biodiversity - indeed the current wording in bullet point k) seems to imply that no net gain in biodiversity is to be expected. Therefore, we would like to see bullet point k) replaced by the following:

k) Deliver biodiversity net gain on site and if this is not possible deliver an off site solution instead.

A13 Titnore Wood

We **object** to the development of this site. This site contains part of Titnore Woods LWS and a strip of ancient woodland, which is part of this LWS, bisects the centre of the site. The LWS surrounds the site with ancient woodland bordering the site along its northern, eastern and southern boundaries. From observation, the ancient woodland to the north seems in particularly good condition at present, and the Ecological Study from 2017 for Site 9 (Land east of Titnore Lane) confirms this. Were this site to be built we believe that the condition of the immediately adjoining ancient woodland and LWS that surrounds the site and runs through the middle of the site, would inevitably be seriously degraded over time, due to recreational disturbance, litter and use by pets such as cats and dogs. Such degradation would be contrary to policy DM18, para d) which states

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'.

It would also be contrary to para e) of DM18, which states that

Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Wildlife Site..... will not be permitted unless it can be demonstrated the benefits of the proposal outweigh the need to safeguard the nature conservation value of the site/feature.

We do not believe that building 60 dwellings justifies this inevitable degradation of both irreplaceable ancient woodland and the LWS, and we feel that allocating this site for development directly contradicts Policy DM18, d) and e). For these reasons we believe this allocation should be deleted from the Plan.

We also note that no compensatory mitigation strategy is proposed.

A15 Upper Brighton Road

We recognise that this site was in the Reg 18 allocations and that in response to representations WBC have included a range of measures to enhance habitat for wildlife, and that development would be concentrated on the western side of sites A and B. We welcome this substantial response to the concerns raised.

Nonetheless we believe that all developments in Local Green Gaps should be resisted, and we do not see anything about this particular allocation suggesting that any exceptional circumstances exist to alter our view that it should be deleted from the sites allocated for development.

7. DM18 Biodiversity

7.1 We heartedly support this policy. The one point which we suggest could be clarified is under bullet point (h) where if it is not possible to achieve net gains on site it should be made clearer that there will be a requirement for the gains to be delivered off site. We would also like to see WDC identify where such off site locations are, and for them to be sited so as to improve biodiversity connectivity and Nature Recovery.

7.2 We will work with you to develop guidelines that can be included in a future Supplementary Planning Document for when it will be appropriate for Swift nests/bricks to be incorporated in new developments or in major redevelopments of existing premises. Hopefully we can make this work as it would be nice to see the planning process enhancing biodiversity by helping this charismatic Amber listed species.

8. DM19 Green Infrastructure

We are disappointed that no Green Infrastructure map has been developed and that development site allocations have not been sited knowing what the Green Infrastructure map is. However, we welcome WBC's commitment to preparing such a Green Infrastructure map but would like to know what the targeted timescale is to produce it.

We would be happy to discuss any of the above points with WBC.

Yours sincerely,

Richard Cowser
(SOS Conservation Officer)

A black rectangular redaction box covering the signature of Richard Cowser.

Goring Gap – Ecological features of the proposed LWS

Goring Gap's ecological significance is based on its importance for birds, but for no other taxa. This short paper explains which ecological features in Goring Gap make it so attractive for birds.

1. It is one of only two gaps in an otherwise continuous line of coastal development

1.1 It is one of only two gaps along the coast between Pagham Beach (SZ8896) and Roedean, Brighton (SU3403), a distance of 50kms. The other gap is at Climping, (west of Littlehampton) which is also an excellent site for birds. Neither gap has any street lighting along the seafront. Therefore if a bird wants to avoid an urban area along the coast this is one of the only two areas for 50kms where it can do this.

2. The variety of habitats attract differing species of birds

Goring Gap consists of arable fields plus eight other habitats. All are important for birds.



Figure1: Google map of Goring Gap showing principle habitats for birds.

2.1 The NW Corner (marked 1 on the picture)

The very north west of the site (centred on TQ098024) used to be a farm building. However, it has been abandoned for about 50 years and only a few walls remain. The area has rewilded itself, and is now covered with dense bushes and some trees. It is a great spot for resident birds and for some summer visitors such as Whitethroat, Blackcap and Chiffchaff. It is also good for breeding birds and for migrant birds (notably Ring Ouzel and Spotted Flycatcher). Because it has such a density of birds it also attracts raptors.

2.2 The large hedges (marked 2 on the map)

The large hedge and trees at TQ104022/023 are very thick and provide particularly good cover for migrant and breeding passerines. There are also good hedges along the western and southern edges of the playing fields centred on TQ104024 and TQ106023, which hedges are part of the LWS and provide similar good habitat for passerines.

The eastern side of Sea Lane also contains some hedges and trees, and these also support passerines, including those that make use of the gardens on the west side of Sea Lane.

2.3 The Plantation (marked 3 on the map)

The plantation is an area of mature trees which forms much of the eastern boundary of the LWS. Trees are a mix of Ilex and various native deciduous trees and many are mature. This habitat supports breeding Woodpeckers, Stock Doves, Jackdaws and Jays, and a variety of small passerines, and this is where a number of species that have only been recorded once or twice on this site have been recorded.

2.4 Permanent and ungrazed pasture (marked 4 on the map)

This area to the west of the Plantation (centred on TQ105019), attracts both Song and Mistle Thrushes and is a regular area where you find migrating Willow Warblers in the autumn.

2.5 Fenced area of grasses (marked 5 on the map)

This area has a wire fence running around it. It attracts wintering Stonechat as well as migrant Whinchats and Wheatears. Whitethroat breed at the northern end.

2.6 The Greensward (marked 6 on the map)

The greensward is an area of mowed grass that runs between the beach and Marine Drive along the southern boundary of the LWS. It is regularly used by the smaller gulls and Sandwich Terns as a high tide roost and it attracts rare (on this site) waders such as Golden Plover and Lapwing, and it is where Snow Bunting and (one) Lapland Bunting have been recorded. The latter two are species most often found besides beaches in winter in England.

2.7 The Pond (marked 7 on the map)

In the middle of the LWS, surrounded by fields, is an isolated clump of trees which cover a pond, although no part of the pond is visible. As this is on land with no adjacent footpath, it remains undisturbed and is consequently not regularly watched, but various passerine migrants have been seen flying into it.

2.8 The pump house (marked 8 on the map)

There is a fence around the pumphouse, which is dog and human proof, thus ensuring it is an undisturbed area. Several conifers grow in this yard (these attract Greenfinch), as well as bushes and deciduous trees in both the pumphouse yard and along the pathway to it which comes in from the east. These are excellent areas for passerines, especially migrant Wheatears, Whitethroats (that nest here) and migrant Redstarts, and the occasional unusual species (e.g. Nightingale, Cuckoo and less common warbler species). Kestrels and Sparrowhawks regularly perch nearby.

2.9 The fields

Much of the LWS is arable-farmed, and the whole area is largely open and unfenced. Section 3 below explains why these fields are attractive to roosting sea birds.

The fields also support a variety of bird species depending on the crops planted and the time of year. Consistently present are a few pairs of Skylark (a Red Listed and Section 41 species) which breed here. Their numbers can be substantially increased by winter visiting birds – Skylarks need large open spaces. Ploughing attracts large three figure numbers of gulls and Woodpigeon (occasionally four-figure numbers), and tilled fields with newly sown seed attract similar numbers of these species. Stubble left over winter provides refuge for a whole variety of birds as well as some food, whilst maturing crops in spring and summer host Linnets, Pipits, Wagtails, Skylarks and the occasional game-bird.

3. It attracts roosting seabirds

Because the southern border of Goring Gap is the Greensward next to the beach, the LWS opens onto the shore and sea beyond. With direct access to the sea, at high tide the fields at the southern end of the LWS are attractive to roosting sea birds. Large numbers of Gulls are regularly recorded roosting on the fields north of Marine Drive, where they are well clear of dog walkers and road traffic. Roosts are often in the wetter parts of the fields, where in winter there are puddles or standing water. The presence of gulls in turn also makes the site attractive to roosting waders, on the basis that there is safety in numbers.

In winter, three figure numbers of gulls roost on many days and occasionally four figure numbers are recorded. Because of these numbers several rarer species of gull, such as Caspian, Iceland, Glaucous and Little Gull have been attracted to the roost, as well as rarer waders such as Curlew Sandpiper (plus, uncommon on this stretch of coast, waders such as Knot, Lapwing and Golden Plover).

4. It attracts migrating birds

4.1 Because it is a gap in an otherwise developed coastline Goring Gap is particularly attractive to incoming migrating birds, which see a darkened piece of coast which they can “aim” at in the belief that it could provide them with the necessary undisturbed refuge to be able to rest up and recover from flying over at least 60 miles of open sea.

4.2 An incoming migrant bird needs two things: firstly a safe place to rest up and recover from the life-challenging journey of flying across the English Channel. The thick, tall hedges and trees in areas 1, 2, 3, 7 and 8 in Figure 1 above, provide this refuge, as do the rough unfarmed pieces of land (4 and 5) along the south and eastern edges of the LWS. These areas also provide the insect food that these migrants need, because they will have lost a lot of body weight flying such a long distance across the open sea, and they need to be able to feed up quickly to restore their weight and health.

4.3 For outgoing migrant birds the same habitats are attractive, as they provide safe refuge for them to feed up and somewhere for them to safely await favourable winds before they start their migration south.

4.4 The importance of Goring Gap for migrant birds can be seen when looking at the number of species recorded in adjacent one km squares. To the east the bird list for the urban area of TQ1102 is only 40 species and for TQ1202 it is 24 species (compared with 106 for Goring Gap LWS). The picture to the west is more confused as part of Goring Gap is in the eastern part of TQ0902, and the relatively narrow but long strip of Ferring Rife LWS (which is also an excellent site for birds) straddles the western edge of TQ0901/2 and the eastern edge of TQ0801/2. We have not attempted to analyse records relating purely to birds that were recorded during the migration “season”, but are satisfied that Goring Gap LWS is a major site used by birds during migration, as the number of records of species such as Wheatear, Whinchat, Yellow Wagtail and Willow Warbler, seen only there on migration, clearly testifies.

5. Goring Gap is an LWS because each part of it contributes to the whole

Because of the variety of habitats in Goring Gap, and because the site is a clearly defined whole, rather than a patchwork of interlinked mini sites punctuated by housing, it is a site supporting one of the richest variety of birds which has no conservation designation in Sussex. It is not a large site – only 63ha – yet on a site that is one 6000th the size of East and West Sussex, no less than 25% of the birds ever recorded in Sussex have been recorded as using Goring Gap in the last 10 years alone. And the word “using” is important – we are not including birds recorded flying over the site such as Osprey, Red Kite, Montagu Harrier or Marsh Harrier, or the numerous sea birds recorded only on the sea or flying by at sea, such as Divers, Mergansers, Grebes, Skuas, Gannets, Auks, Petrels and Shearwaters. All these species are included in the 405 species Sussex Bird List, and all have been recorded by people standing on Goring Gap, but none are included in the Goring Gap LWS bird list of 106 species seen in the last 10 years.

To exclude any part of the proposed land from the LWS would mean that fewer species of birds would use the residual area. And if any kind of flood lighting were to be introduced this would destroy its attractiveness as a darkened piece of coastline to which migrant birds should aim in the expectation that they would be making land fall in a non-urban area where they could hope to rest up and feed up.

Therefore any attempt to reduce the size of the LWS would mean that the residual LWS would no longer meet the LWS criteria of being used by more than 100 bird species in the last 10 years.

Sussex Ornithological Society, 2019
Amended 21 May 2020