

Examination of the Worthing Local Plan 2020 - 2036

Inspector: Steven Lee BA(Hons) MA MRTPI

Programme Officer: Chris Banks

Email: bankssolutionsuk@gmail.com Telephone: 01903 783722

Ian Moody
Planning Policy Manager
Worthing Borough Council
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

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Dear Mr Moody,

Examination of the Worthing Local Plan 2020-2036

1. As you know, I have been appointed to examine the Worthing Local Plan (WLP). Based on what I have read so far, I have a number of initial questions and requests for further information and clarification. The Council's response to these points will help to inform the Matters, Issues and Questions (MIQs) for subsequent discussion at the hearing and the remaining timetable for the examination. I must stress that this is without prejudice to anything that may need to be explored later in the examination, including the hearing sessions.

National Policy

2. You will be aware that the Government published a revised National Planning Policy Framework (the Framework) on 20 July 2021. There are no transitional arrangements for Plans submitted after 24 January 2019 and thus the WLP will be examined in the context of the new Framework. For the avoidance of any doubt, all references to national policy in this letter are also taken from the new Framework.
3. In the first instance, I therefore invite the Council to consider the new Framework and identify what, if any, modifications to the WLP might be necessary to ensure consistency with national policy.

Main Modifications

4. Section 20(7C) of the Planning and Compulsory Purchase Act 2004 requires Inspectors to recommend main modifications to make the plan sound or legally compliant if asked to do so by the local planning authority. As far as I can tell, no such request has been made. If the

Council wishes to make any request under section 20(7C), I would be grateful if you could confirm this in writing.

5. Whilst I note that Examination Document CD/H/6 sets out a number of 'proposed changes', it is my understanding that these have not been consulted on. Therefore, I cannot regard them as being part of the Plan for the purposes of the examination. Instead, the starting point will be the submission version WLP dated January 2021. Whether or not the modifications you have suggested are necessary to make the Plan sound will form part of my considerations.
6. If, as a result of your response to this letter, there are any additional main modifications you wish to put forward, these should be highlighted in your response and added to the schedule. The schedule will become a live document, to be added to throughout the examination process.

Duty to Co-operate

7. The Duty to Co-operate (DtC) Statement dated January 2021 (CD/H/10) and Addendum dated June 2021 (CD/H/11) include details of how the Council has engaged with nearby local planning authorities, including those who have signed up to various Statements of Common Ground (SoCG). It would be helpful if the Council could highlight, or provide further, specific evidence relating to, when and how the Council engaged constructively, actively, and on an on-going basis on the matter of unmet housing need.
8. In addition, where does the evidence set out how the Council has met the requirements of the DtC with regard to prescribed bodies other than local authorities?

Sustainability Appraisal

9. Planning Practice Guide (PPG) paragraph 11-019-20140306 states that the Sustainability Appraisal (SA) Report accompanying the publication of the Draft Plan should describe and evaluate the likely significant effects on the environment of implementing the plan policies and of the reasonable alternatives, taking into account the objectives and geographical scope of the plan. It goes on to state that the SA Report will need to show how these requirements have been met as well as recording the wider assessment of social and economic effects. This reflects Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004.
10. My initial reading of the evidence suggests that the appraisal of 'reasonable alternatives' took place in the Draft Integrated Impact Assessment (DIIA) (CD/F/8). This analysis does not appear to have been carried forward into the Submission SA Report (CD/H/14). Is my understanding of this correct? If so, is the Council satisfied that the Submission SA Report meets the requirements of the PPG and the

relevant regulations? Where necessary, does the SA Report adequately signpost earlier documents and have regard to any changes to the Plan, or context, that have been made since the publication of the DIIA?

11. In this regard, have any new sites been identified through updates to the Strategic Housing Land Availability Assessment (CD/I/10-13) since the publication of the DIIA and have they been subject to appraisal? In response to this letter, it would be helpful if the Council could provide me with a map identifying the location of all sites that have been subject to SA, denoting those that have been allocated and those that have not.
12. Table 10 of the DIIA states that due to the highly constrained nature of the borough, no options have been identified for setting the employment floorspace target. Given the range of scenarios considered in both the Economic Research and Employment Land Review (2016)(CD/J/1), the Employment Land Review Focused Update (2020)(CD/J/2) and the constrained housing land supply, is this approach justified?

Habitats Regulations Assessment

13. Paragraph 1.1.3 of the Submission SA Report states that it includes a Habitats Regulations Assessment (HRA) screening. However, this does not appear to have been included in this document. Rather, the screening is presented in the DIIA and only signposted in the SA Report. Again, is my understanding of this correct? If so, is the Council satisfied that this meets the requirements of the Conservation of Habitats and Species Regulations 2007 (as amended)? Have there been any substantive changes to the Plan, or other changes in context, since the publication of the DIIA which suggest the HRA screening should have been updated?
14. Could the Council also point to the evidence which demonstrates that Natural England have been consulted on the HRA and any feedback they have provided on the results of the screening exercise?

Strategic Policies

15. Does the WLP *clearly* identify which policies are strategic, as required by paragraph 21 of the Framework?

Allocations

16. With regard to allocations, is it intended that the 'development requirements' be read as formal policy or as supporting text? If the latter, would this provide a clear and effective means of determining planning applications on those sites?
17. In addition, the land uses set out in Policy SS2 are not always consistent with the 'indicative capacity' text set out for each allocation.

For example, Policy SS2 identifies an 80-bed hotel as part of the mix for site A12 – Teville Gate. However, this is not reflected in the 'indicative capacity' or 'development requirements' for the site. While the justification for land uses will be discussed at the hearing sessions, as a matter of principle, to be effective does the Plan need to be modified to ensure consistency between these two elements?

Housing for Older People

18. Given the findings of the Strategic Housing Market Assessment (CD/I/1), how has the Council considered the size, type, and tenure of housing needed for older people over the plan period, and how is this reflected in the Plan as required by paragraph 61 of the Framework? What is the requirement for the number of specialist homes needed for older people over the plan period and how does the Plan ensure that these needs will be met?

Entry-level and Rural Exception Housing

19. Is the WLP consistent with paragraphs 72 and 78 of the Framework which state that local authorities should support development for entry-level and rural exception sites respectively? Would policies for development in the countryside be supportive of such proposals?

Housing Supply

20. I note that the Housing Implementation Strategy Topic Paper (CD/H/16) includes a Housing Trajectory at Appendix 6. Paragraph 74 of the Framework expects strategic policies to include a trajectory illustrating the expected rate of housing delivery over the plan period and for plans to set out the expected rate of delivery for specific sites. To address this, should there be a main modification to Policy SS2 and inclusion of a detailed trajectory in the appendices to the Plan?
21. Does the Housing Trajectory accurately reflect the likely start dates, build out rates and completions for each allocated site and existing commitments? If so, what evidence is there to support their deliverability and developability within the timescales set out in the trajectory? Has the Council agreed SoCG with site promoters or developers in relation to the delivery of each site? In responding to this question, could the Council clearly set out which sites make up the anticipated 921 dwellings from existing commitments and which sites are classed as 'Other SHLAA sites (excluding allocations)'?
22. Finally, is the evidence clear as to the process the Council went through to identify suitable sites for development and the criteria for selection or rejection?

Local Green Spaces

23. The Land Outside the Built-Up Area Boundary Topic Paper (CD/H/18) sets out the Council's justification for the designation of Local Green

Spaces (LGS). However, could the Council specifically explain how it has considered the requirements of paragraph 102c) of the Framework, which states that LGS should be local in character and should not be extensive tracts of land?

24. Further to this, paragraph 103 of the Framework states that policies for managing development within a LGS should be consistent with those for Green Belts. Does Policy SS6 reflect national policy in this regard? In addition, where LGS and Local Green Gaps coincide, could the Council explain how policies SS5 and SS6 would interact, particularly given the requirements of paragraph 101?
25. Finally, particularly in relation to the Brooklands Recreational Area, could the Council confirm that the inset maps for Local Green Gaps and LGS set out on pages 61 and 63 of the WLP are accurate and consistent with the Policies Map?

Highways England

26. At what point should I expect an agreed Statement of Common Ground (SoCG) with Highways England to be signed? If the statement is not agreed, then what are the implications, if any, for the delivery of the spatial strategy?

Parking Standards

27. Local Plans should contain policies that are intended to guide the determination of applications for planning permission. A plan should not defer policy matters to other documents that do not form part of the development plan. Policy DM15 states that proposals must accord with West Sussex County Council's parking standards and guidance. If the Council wish to impose parking standards, then they should form part of the WLP. This will ensure that they have been scrutinised in the context of the tests of soundness and consulted on.
28. I therefore invite the Council to put forward suggested main modifications to include the parking standards as an appendix to the Plan and any consequential changes needed to Policy DM15.

Monitoring

29. The suggested monitoring indicators for the Plan are currently contained in the Monitoring Framework Topic Paper (CD/H/18). To ensure there is an effective monitoring mechanism, should there be a main modification to include the suggested indicators as an appendix to the Plan?

Policies Map

30. The role of the Policies Map is to illustrate, geographically, the application of the policies in the adopted development plan. The Submission WLP Policies Map appears to include policy designations

and land uses for areas outside the scope of the Plan, both in the South Downs National Park and neighbouring authorities.

31. If these designations have been shown to highlight the change in geographical scope of the WLP to the Worthing Core Strategy (2011), then this is not immediately clear. There is potential therefore for the map to be misleading and confusing. Should the Policies Map therefore be amended to remove the superfluous information?

Next Steps

32. The Council will be aware of the announcement by the Chief Planner at MHCLG that 'once restrictions are relaxed there is the possibility that face-to-face appeal hearings and inquiries hosted locally can once again play their part in safely progressing the Inspectorate's casework, but now complemented by virtual participation where appropriate. The Inspectorate will also be reverting to the pre-pandemic approach of local authorities organising hearings and inquiries.' The letter can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001246/Chief_Planner_s_Newsletter_July_2021.pdf

33. Following this newsletter, the Planning Inspectorate has announced that it will restart face-to-face events but complemented by virtual meetings. The announcement can be viewed here:

<https://www.gov.uk/government/news/plans-to-resume-in-person-events>

34. From Monday 13 September, Councils will once again organise and host events taking place, with these being in-person, complemented by virtual elements where needed by the Inspector or someone with a right to participate. In case pandemic restrictions change, a backup of an entirely virtual event will also be necessary. The Inspectorate's current default position is that, from 13 September 2021, local authorities should provide safe and suitable venues that facilitate face-to-face events, but also cater for virtual participation, where this is necessary. Virtual events (or events with a virtual element) will therefore take place where:

- LPAs are unable to meet our requirements for safe physical venues;
- The Inspector needs to take part virtually; or,
- Someone needs to present their evidence virtually for accessibility reasons.

35. Given these changes, I would be grateful if the Council could give me their thoughts on the above and its capacity to host hearing sessions physically, with a virtual component if necessary.

36. I would be grateful for your initial response to this letter by Friday 20 August 2021. However, if further work needs to be undertaken to enable the Council to respond fully to any of the questions and issues raised, please let me know a timetable for the completion of that work.

37. I have asked the Programme Officer to upload this letter to the examination website. I am not seeking representations from other participants at this stage. However, if the Council have any questions please do not hesitate to contact me through the Programme Officer.

Yours sincerely,

Steven Lee

INSPECTOR