



WORTHING LOCAL PLAN 2020- 2036

WBC-E-013

**Matter 11 – Natural Environment,
Green Infrastructure & Open Space**

October 2021



WORTHING BOROUGH
COUNCIL

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Matter 11 – Natural Environment, Green Infrastructure and Open Space

Issue 1: Are the policies relating to the natural environment, green infrastructure and open space provision justified, positively prepared, effective and consistent with national policy?

Open Space, Recreation and Leisure (Policy DM7)

Q187. Is criterion a. justified in seeking open space from all residential proposals of 10 dwellings or more? Is this consistent with the evidence, including the Open Space, Recreation & Leisure Guidance Note (2021) [CD/S/3]? Is the policy, and associated standards, sufficiently flexible to take account of individual circumstances and requirements?

Council's Response:

Adur & Worthing Councils commissioned an independent study to assess current open space provision and to identify specific needs (in terms of quality or quantity) in order to accommodate the demands arising from future growth.

The recommendations contained in the Open Space Study (2019) ([CD/S/2](#)) have been used to inform the preparation of Policy DM7 especially criterion a). Chapter 8, Section 8.7 (4) (p.100) sets out the thresholds for open space provision. The study states:

The required open space, sport and recreation facilities should in the first instance be provided on-site, with off-site provision/contributions only to be considered where on-site provision is either not needed (considering the analysis of supply, accessibility) or not possible/practicable.

Furthermore, the report sets out (p.101):

Table 8.5 acts as a useful guide to the recommended types of provision in relation to the size of a scheme, each proposal will still be considered on a site by site basis, with on-site provision always to be considered as the first solution. The table below will be most applicable to greenfield sites. For high density brownfield sites, off-site contributions rather than on-site open space provision is considered to be reasonable, due to the limited land available for new development within the study area.

It is therefore clear that criterion a) is justified in seeking open space from all residential proposals of 10 dwellings or more as it is informed by a robust and up-to-date evidence base. However, the study does advocate flexibility with each development proposal being considered on a case by case basis and therefore the recommended thresholds does not need to be stringently adhered to.

With regards to individual circumstances and requirements, on-site provision is the preference in the first instance. However, this doesn't mean to say that the policy and associated standards are not flexible as the policy recognises that there may be exceptions to this approach and thus a contribution for off-site provision or improvements will be

acceptable. Paragraphs 5.101 and 5.102 of the WLP clearly acknowledge that there will be exceptions. Furthermore, a cost calculator has been provided to the Councils so that the on and off-site requirements for open space can be calculated for different sized developments.

Further to this, all the thresholds included within the WLP (including criterion a) of Policy DM7) have been tested within the Whole Plan Viability Assessment in line with national requirements / advice. The main threshold set is whether it is 'major' development (10+ dwellings). The Whole Plan Viability Assessment ([CD/G/14](#)) concluded that, viewed as a whole, the emerging Local Plan proposals have a reasonable prospect of viability and will therefore meet the criteria of the NPPF and be consistent with the national guidance within the PPG in viability terms in line with national requirements / advice.

Therefore the threshold of 10+ dwellings is justified and deliverable and, importantly, they are shown to be proportionate to the level and type of development planned for and the additional impacts / demand that this will place on infrastructure.

Q188. What is the intended status and usage of the Open Space, Recreation & Leisure Guidance Note (2021) [CD/S/3]? To ensure effectiveness, are there any elements of this that should be set out in the Plan?
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Council's Response:

The Open Space, Recreation & Leisure Guidance Note (2021) ([CD/S/3](#)) is effectively a guidance note summarising key elements of the Open Space Study (2019) such as the recommended minimum provision and access standards for different space typologies, how to use the cost calculator to calculate on-site provision and contributions for off-site provision, the thresholds for open space provision, maintenance contributions as well as setting out eligible types of development for on-site provision. For clarity, the guidance note does not stipulate any additional policy requirements.

It is considered that the policy and supporting text are sufficient as it stands in terms of being effective but that the guidance note should be read in conjunction to complement the policy. On this basis, it is recommended that a modification is made to clearly signpost the guidance note to strengthen the effectiveness of the policy:

5.101 - ...The potential to make off-site contributions will be considered on a case by case basis. **Further guidance on the application of open space quantity and access standards is set out within the Open Space, Recreation & Leisure Guidance Note (2021).**

The Council is of the view that the modification is necessary for soundness as it will help to ensure that the policy is effective.

Q189. Does the policy provide an effective mechanism for securing off-site provision in appropriate circumstances?

Council's Response:

Criterion a) sets out that where it is not possible to provide open space on site, contributions will be sought to provide or improve open space off-site within the ward or nearby ward to which the development is located. This needs to be read in conjunction with Policy DM9: Infrastructure and its supporting text (paragraphs 5.120-5.127) which sets out the mechanisms (Planning Obligations and CIL) used by the Council to collect developer contributions towards infrastructure provision which includes open space.

Q190. On what basis is the requirement for a net gain of open space set out in criterion c. iii) justified? Is this consistent with national policy, as set out in paragraph 99 of the NPPF?

Council's Response:

Paragraph 99 b) of the NPPF states that the loss resulting from proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location. As the criterion is relatively general and applies to existing open space, sports and recreational buildings and land, including playing field, the Council has taken the approach that for the loss of open space, it is appropriate to specify a 'net gain in provision' which would be consistent with achieving 'better provision' in terms of 'quantity'. The Council would like to reiterate the importance of publicly accessible open space especially within the context of climate change adaptation and mitigation and the public health agenda (Covid-19 highlighted the social inequalities surrounding the lack of access to open space). The provision of open space will help to meet some of the wider strategic objectives such as SO7, SO15 & SO16.

Q191. What is the justification for suggested modifications M30-M32 and are they necessary for soundness? Suggested modification M30 proposes to include reference to an Open Space Study from 2019. Given this document is not part of the Development Plan, would this be an effective means of addressing the Council's concerns? In addition, are the standards being referred to different to those set out in Table 1?

Council's Response:

The Council would like to clarify that an incorrect publication date concerning the Open Space Study (2020) has been used in Policy DM7 and therefore minor modification MM10 ([CD/H/7](#)) seeks to rectify this by inserting the correct publication date which should read as 2019 and not 2020. There is no additional Open Space Study being referred to - it is the same study.

The standard for ANGS was inadvertently omitted and therefore M30 seeks to insert this standard within Table 1 to ensure consistency with the standards for all typologies as

recommended in the Open Space Study (2019) (Please note MM10 as explained above).

M31 is proposed to provide clarity to ensure that the policy is effective.

M32 is proposed to ensure flexibility as there is a possibility that a future updated study becomes available within the plan period therefore superseding the Sport, Leisure and Open Space Study (2019/2020).

The Council is of the view that the modifications are necessary for soundness as it will help to ensure that the policy is effective.

Biodiversity (Policy DM18)

<p>Q192. Is Policy DM18 consistent with national policy, particularly in respect of considering the effect of development on biodiversity assets and securing biodiversity net gains?</p>

Council's Response:

The Environment Bill (2019) includes a new mandatory requirement for 'Net Gain' to biodiversity in development projects. This requires developers to demonstrate that at least 10% gain has been achieved. It is therefore clear that the 10% net gain is a **minimum** requirement to be achieved. In light of the UK State of Nature Report (2019) and climate emergency, the Local Plan has a duty to conserve biodiversity and thus take a proactive approach to mitigating and adapting to climate change taking into account biodiversity in accordance with paragraph 153 of the NPPF. It is therefore considered that criterion h) is justified.

Natural England (SDWLP-103) was supportive of the requirement to exceed the minimum 10% net gain. However, they suggested that criterion h) is strengthened to promote the maximum uptake of 20% + net gain delivery and thus provided recommended amendments which has been addressed via modification M36 as follows:

h) New developments (excluding change of use and householder) ~~should~~ **must** provide a minimum of 10% net gain for biodiversity - where possible this should be onsite. ~~Where it is achievable, a 20%+ onsite net gain is~~ **strongly encouraged** and is required for development on previously developed sites. Major developments will be expected to demonstrate this at the planning application stage using biodiversity metrics. This should be accompanied by a long term management plan.

Supporting text 5.259 - 5.261 sets out the background context to Biodiversity Net Gain, how BNG is to be calculated and achieved as well as setting out what evidence will be required to be submitted.

It is proposed to make an amendment to supporting text 5.259 to replace Metric 2.0 with Metric 3.0 which has recently been published by DEFRA. This will ensure that the policy is consistent with national guidance.

5.259 'This requires developers to demonstrate that at least a 10% gain has been achieved using DEFRA's Biodiversity Metric ~~2.0~~ **3.0**

The Council will be monitoring the effectiveness of criterion h) through the Annual Monitoring Report and thus will be kept under review.

Q194. What is the justification for suggested modifications M35 and M36 and are they necessary for soundness?

Council's Response:

Modifications M35 and M36 have been proposed to strengthen the effectiveness of Policy DM18 in response to Sussex Wildlife Trust and Natural England respectively. The Council would like to reiterate that within the context of climate emergency and species extinction, it is paramount that Biodiversity Net Gain is fully optimised by way of seeking to address these environmental challenges.

The Council is of the view that the modifications are necessary for soundness as it will help to ensure that the policy is effective.

Green Infrastructure (Policy DM19)

Q195. Does Policy DM19 defer important policy matters relating to Green Infrastructure to the yet unpublished Green Infrastructure Strategy? Having regard to Regulations 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 should these matters be included in the Local Plan?

Council's Response:

The preparation of the Green Infrastructure Strategy is a priority action (1.5.2) contained in Adur & Worthing Councils Platforms for Our Places - Going Further 2020-2023 ([CD/X/4](#)). In addition, there are also several other commitments identified that are relevant to addressing the Councils' climate emergency pledge such as:

- Preparing a Council Carbon Reduction Plan (3.2.1)
- Develop a major tree-planting campaign across the area to support air quality and carbon sequestration (3.5.2)
- Develop plans to improve biodiversity in our open spaces, identify areas for community-led planting and growing working to create a resilient landscape and community (3.5.3)
- Work to create 'resilient landscapes' with diverse stock, across both urban and green areas (3.8.1)

There are a number of strategic natural capital projects underway such as:

- [Kelp forest restoration](#)
- River Adur habitat creation
- Vegetated shingle habitat creation
- EPIC (Sompting Estates)

- [New Salts Farm, Adur](#)
- [Pad Farm, Adur](#)
- [Shepherd Mead, Worthing](#)
- Country Park (New Monks Farm)
- [Brooklands Park Restoration](#)
- Future of Parks
- Greening the A259 (Shoreham Harbour)
- Urban green grids (targeted to areas with a deficit in access to nature)

Some of these projects follow on the recommendations set by the [Adur & Worthing Climate Assembly Report](#) (p.11-12) that was hosted in 2020.

There are also a number of local Green Infrastructure (G.I) projects identified such as rewilding roadside verges, pocket parks, green walls and roofs, street trees etc.

Policy DM19 establishes a clear policy direction in relation to Green Infrastructure and sets out key principles that future development must achieve in accordance with the requirements contained in national policy. It is considered that the more technical details relating to these requirements are best placed to be progressed in a Supplementary Planning Document in light of the scope, range and complexity of strategic G.I projects that involve numerous public, private and voluntary stakeholders and partnership working.

This is to prevent a delay in progressing the Worthing Local Plan and to ensure that a coherent robust and deliverable Green Infrastructure Strategy is prepared. In recognition of the vital role that Green Infrastructure has within the context of climate change, the preparation of a G.I Strategy is a significant corporate priority with a number of leadership group boards set up by the Councils to advance action on natural capital within Adur and Worthing. The Adur Local Development Scheme sets out that the Joint Green Infrastructure SPD is anticipated to be adopted in Q3 of 2022.

With regards to Regulations 5 & 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Adur & Worthing Councils consider that the preparation of a Green Infrastructure Strategy (which will be supported by an Implementation Plan and Interactive Map) is an appropriate and flexible approach to take with specific planning matters being taken forward in a Supplementary Planning Document.

<p>Q196. Is Policy DM19 sufficiently flexible enough to allow for circumstances where it may not be possible to meet the requirements of the policy, in particular in relation to net loss and replacement of trees?</p>
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Council's Response:

Paragraph 131 of the NPPF is clear in that existing trees are retained wherever possible. Further to this, paragraph 174 (b) is also relevant as it requires local plan policies to recognise the wider benefits from natural capital and ecosystem services which includes trees. 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. In recognition of this, criterion g) of Policy SP2 seeks to maximise carbon sequestration.

The Council has proposed modification M37 to strengthen criterion c) in response to the Woodland Trust representation (SDWLP-58) as follows:

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 ~~maintain current~~ 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 ~~appropriate species~~ the canopy cover with native species. **Where possible, tree stock should be UK sourced and grown.**

With regards to greater prominence given to 'trees' in paragraph 131 of the NPPF and the National Model Design Codes, the Council also proposes modifications M28 and M37a.

The Woodland Trust [recommends](#) a target of achieving 15% tree canopy cover in coastal towns. According to data compiled by [Urban Tree Cover](#), Worthing has a tree canopy cover of 15.8% therefore just meeting the recommended target. In order to maintain this tree canopy cover, the Council considers that it was justified to stipulate that future development support levels of canopy cover.

In the event where existing trees are removed, criterion c) is flexible in that it uses words '*should* be no net loss of trees' and '*usually* be replaced on a greater than 1:1 basis' so it would allow for the loss of trees in exceptional circumstances. The policy would need to be read alongside Policy DM18: Biodiversity in particular criterion h) which sets out the requirements for Biodiversity Net Gain.

Q197. What is the justification for requiring a sustainability statement and meeting the Building with Nature Award (Excellent) standards for major development?
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Council's Response:

The Council has taken the approach to stipulate that for major development proposals, sustainability statements are to be submitted to set out how development will adapt and mitigate the effects of climate change. The Council has declared a climate emergency and this is reflected in Strategic Objective 19.

The Adur & Worthing Open Space Study (2019) ([CD/S/2](#)) endorse the use of Building with Nature Awards. The study sets out that Building with Nature provides a framework of quality standards to ensure the design and delivery of high-quality green infrastructure, so that developments will also deliver for the natural world and healthy communities.

The Building with Nature (Excellent) threshold is justified, deliverable and founded on robust and up-to-date local evidence. Individually and collectively the impacts of these requirements are tested within the Whole Plan Viability Assessment which concluded that, viewed as a whole, the emerging Local Plan proposals have a reasonable prospect of viability and will therefore meet the criteria of the NPPF and be consistent with the national guidance within the PPG in viability terms.

During the Regulation 19 consultation, no objections were received concerning the requirement for sustainability statement and meeting the Building with Nature Award standards for major developments.

Given that multi-functional green Infrastructure can provide a range of benefits, it is considered that the provision of green infrastructure, especially within major developments should be optimised wherever possible.

Q198. What is the justification for suggested modifications M37 and M37(a) and are they necessary for soundness?

Council's Response:

Modifications M37 and M37(a) both seek to strengthen wording relating to trees and the positive impacts they can have when incorporated within new development. These changes help to ensure that the WLP is positively prepared and consistent with national policy (particularly revised NPPF paragraph 131). They also reflect the recently published National Design Guide and National Model Design Code.

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