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Worthing Local Plan Proposed Modifications – May 2022

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MOD-REP-01

FW: [External] Worthing Local Plan - Main Modifications Consultation

1 message

The Coal Authority-Planning <TheCoalAuthority-Planning@coal.gov.uk>
To: "worthinglocalplan@adur-worthing.gov.uk" <worthinglocalplan@adur-worthing.gov.uk>

25 April 2022 at 09:04

Dear Planning Policy team

Thank you for your email below regarding the Worthing Local Plan - Main Modifications Consultation.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

As you are aware, Worthing Borough Council lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make on your Local Plans / SPDs etc.

In the spirit of ensuring efficiency of resources and proportionality, it will not be necessary for the Council to provide the Coal Authority with any future drafts or updates to the emerging Plans. This letter can be used as evidence for the legal and procedural consultation requirements at examination, if necessary.

Kind regards

Deb Roberts

**Deb Roberts** *M.Sc. MRTPI*
Planning & Development Manager – Planning & Development Team**T : (01623) 637 281****M: 07769 876 387****E : planningconsultation@coal.gov.uk****W: [gov.uk/government/organisations/the-coal-authority](https://www.gov.uk/government/organisations/the-coal-authority)**

My pronouns are: she / her

How to pronounce my name (phonetic spelling): Deb Roh-berts

Worthing Local Plan: Main Modifications Consultation

West Sussex County Council Response – May 2022

As part of the Local Plan Main Modification Consultation West Sussex County Council makes the following representations:

MM16: A1 Beeches Avenue

Reference: d) "...This should include a commitment to promote a travel plan to improve the accessibility and sustainability of the site ~~deliver a car club and enhancements to walking & cycling facilities...~~"

Representation: The phrase "promote a travel plan" suggests non-physical measures only, in order to justify removing the explicit reference to walking and cycling facilities it should be made clear that the "plan to improve the accessibility and sustainability of the site" should include sustainable travel infrastructure as well as travel planning measures.

Recommendation: Suggest criterion d is modified to read "...This should include a commitment to promote a travel plan and sustainable travel infrastructure to improve the accessibility and sustainability of the site..."

MM17 A2 Caravan Club

Reference: "k) i) deliver a package of sustainable travel measures which should include a commitment to promote a travel plan to improve the accessibility and sustainability of the site ~~including enhancements to walking & cycling facilities"~~

Representation: The phrase "promote a travel plan" suggests non-physical measures, in order to justify removing the explicit reference to walking and cycling facilities it needs to be made clear that the "package of sustainable travel measures" should include sustainable travel infrastructure as well as travel planning measures.

Recommendation: Suggest criterion K is modified to read "deliver a package of sustainable travel measures which should include a commitment to promote a travel plan and sustainable travel infrastructure to improve the accessibility and sustainability of the site".

An alternative wording could be "deliver a package of sustainable travel infrastructure and other measures, which should include a commitment to promote a travel plan to improve the accessibility and sustainability of the site."

MM19 A3 Centenary House

In order to maintain some flexibility, WSCC would prefer criterion a) to read:

a) deliver a mixed-use community-led scheme to include residential development;

MM21 A5 Decoy Farm

A typological alteration:

h) "traffic calming and safety measures at the B223" should read "traffic calming and safety measures at the B2223"



Worthing Planning Policy
Worthing Town Hall
Chapel Road
Worthing BN11 1HA

[By email only to worthinglocalplan@adur-worthing.gov.uk](mailto:worthinglocalplan@adur-worthing.gov.uk)

Our ref: PL00736542

Your ref:

Telephone 020 7973 3700

Email e-seast@historicengland.org.uk

Date

17 May 2022

Dear Sir or Madam

Worthing Local Plan - Main Modifications Consultation

I refer to your email of 4 April 2022 requesting comments on the above consultation.

Historic England has no comments to make in respect of the Main Modifications.

Yours sincerely

Alan Byrne

Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA

Telephone 020 7973 3700 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Ian Moody
Worthing Planning Policy
Worthing Town Hall
Chapel Road
Worthing
BN11 1HA

By Email

17 May 2022

Dear Ian

Worthing Local Plan 2020-2036 Main Modifications consultation April 2022

Thank you for consulting the South Downs National Park Authority (SDNPA) on the Main Modifications to the Worthing Local Plan.

The SDNPA and all relevant authorities, including Adur & Worthing Councils, are required to have regard to the purposes of the South Downs National Park as set out in Section 62 of the Environment Act 1995. The purposes are 'to conserve and enhance the natural beauty, wildlife and cultural heritage of the area' and 'to promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public.'

We also draw attention to the wording underlined below from Paragraph 176 of the National Planning Policy Framework: '*The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*'

We have the following comments to make on the modifications set out below.

Policy SS4 Countryside and Undeveloped Coast and modification MM8.

We support the additional wording to SS4 criterion f) regarding the setting of the National Park and conformity with paragraph 176 of the NPPF.

Policy SS5 Local Green Gaps and modification MM9.

We support the amended wording which seeks to clarify the policy position in relation to Local Green Gaps.

We are supportive of the changes to the policies SS4, SS5 and SS6 through modifications MM8, MM9 and MM10 in that they seek to clarify the policy position, consistent with national policy and ensure the three policies work together effectively. We are supportive of the ongoing policy to safeguard the Local Green Gap at Chatsmore Farm due to the significant importance of the site in maintaining views from the South Downs National Park of the coastal plain with the separation of settlements. This is reflective of our comments at the

Regulation 18 and 19 stages of consultation where we strongly supported the Local Green Gaps policy. SDNPA were surprised and disappointed with the Inspector's decision in the recent s78 appeal regarding Chatsmore Farm.

Policy A1 Beeches Avenue and modification MM16

We support the new criterion e) which clarifies the position regarding setting of, and the need to consider the transition into, along with views into and out of, the National Park.

Policy A2 Caravan Club, Titnore Way and modification MM17

We support the new criterion b) which clarifies the position regarding setting of, and the need to consider the transition into, along with views into and out of, the National Park.

Policy A13 Titnore Lane and modification MM29

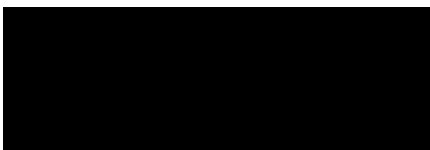
We support the deletion of this allocation given the sensitivities to development of the ancient woodland, the Local Wildlife Site and the setting of the South Downs National Park.

Policy A15 Upper Brighton Road and modification MM31

We support the new criterion c) which clarifies the policy with regard to biodiversity net gain and green infrastructure. In particular we support the wording "Enhance and strengthen trees, hedgerows/linear scrub habitats along existing boundaries".

We also support the new criterion e) which clarifies the position regarding setting of, and the need to consider the transition into, along with views into and out of, the National Park.

Yours sincerely



Lucy Howard
Planning Policy Manager
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Chief Executive: Trevor Beattie



Contact: Conservation Policy Department
 E-mail: swtconservation@sussexwt.org.uk
 Date: 17 May 22

By email only
worthinglocalplan@adur-worthing.gov.uk

Sussex Wildlife Trust REP: SDWLP-57 Consultation response to the Main Modifications of the Worthing Local Plan following the Examination in Public.

The Sussex Wildlife Trust (SWT) has been consulted on the above consultation and wishes to submit the following focused comments.

<u>Main Modification Reference</u>	<u>Policy /para</u>	<u>SWT Position</u>	<u>Reason/Solution</u>
MM3	SP2 (& Para 2.20)	Support	Sussex Wildlife Trust supports this main modification that proposes changes to the support text (2.20) and Policy SP2. This sits in line with the requirements of paragraph 179 of the National Planning Policy Framework (NPPF 2021) and the Environment Act 2021.
MM7	SS3	Support New criteria g	Sussex Wildlife Trust supports the main modification 7, which proposes a further bullet point to policy SS3. This main modification reflects the requirements under section 174/175/179 of the NPPF 2021 and National Planning Guidance Paragraph: 007 Reference ID: 8-007-20190721.
MM15	Sites Map & Legend - P70 and 71	Support	We support the amendment to remove Allocation 13 from the sites allocation map. Please see MM29 for full reasoning.
MM16	A1 - Beeches Avenue	Support Revised policy requirement g	We support the MM as this sits in line with the requirements of paragraph 174 & 179 of the NPPF (2021)
MM17 /MM18	A2 - Caravan Club	Comment/Object	SWT remain concerned that policy wording that highlights a minimum number of dwellings for this site is in place. This concern is because of the revised boundary and ability to develop

Woods Mill, Henfield, West Sussex, BN5 9SD
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MM28		Support Additional development requirement J	We support the MM as this sits in line with the requirements of paragraph 174 & 179 of the NPPF (2021)
MM29		Support deletion of allocation A13 Titnore Lane	SWT support the removal of this allocation from the Local Plan to ensure that the LWS is safeguarded in line with the requirements of paragraph 179 of the NPPF (2021).
MM30		Support (additional bullet point n)	We support the MM as this sits in line with the requirements of paragraph 174 & 179 of the NPPF (2021)
MM31		Support Revised development requirement b now requirement c Revised development requirement e now development requirement f	We support the MM as this sits in line with the requirements of paragraph 174 & 179 of the NPPF (2021) We support the MM and the acknowledgement of the importance of the winterbourne chalk stream as this sits in line with the requirements of paragraph 174 & 179 of the NPPF (2021).
MM50		Support/Comment/Amendment Amendments to 5.259 Amended Criteria F Amended Criteria H	Please note that since this MM has been written the DEFRA metric has been updated to current version 3.1 We would recommend an amendment so that Criteria F reads; Notable and Priority This main modification is inline 175 and 179 of the NPPF (2021).

Yours sincerely,

Laura Brook
Conservation Officer
Sussex Wildlife Trust

Sent by email to: worthinglocalplan@adur-worthing.gov.uk

17/05/2022

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the main modifications to the Worthing Local Plan

Thank you for consulting the Home Builders Federation (HBF) on the proposed main modifications to the Worthing Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

MM9

Whilst the HBF consider it necessary to clarify the Council's position with regard to Green Gaps and ensure that these do not create a de facto green belt we remain concerned that the Council has applied the green gap policy as a constraint when considering those sites that have been promoted through the local plan. Green Gaps are not a reason for restricting growth in an area and as such the policy should only be applied after all potential allocations have been made or that there are other reasons for restricting growth in these areas in line with paragraph 11 of the NPPF. Given the shortfall between housing needs and supply the HBF would recommend that where appropriate the areas defined as Green Gaps should be amended to support additional development.

MM48

The HBF welcomes the amendments being proposed in MM48 however since the hearing sessions the Government have updated Part L of the Building Regulations¹. This latest version of part L will take effect from the 15th of June 2022 and require all new residential development to meet the updated standard for part L of the Building Regulations. This will ensure that all new homes achieve a 27% reduction in CO₂ emissions compared to the 2013 standard. Given that paragraph 16 of the NPPF states

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057372/ADL1.pdf



that local plans should not repeat national policy we would suggest that the modification is amended to delete part b) of DM16 altogether. Deleting this requirement will also ensure that there is clarity as to what is required by developers and that implementation of this standard will be through Building Regulations and not via a condition on a planning permission.

MM50

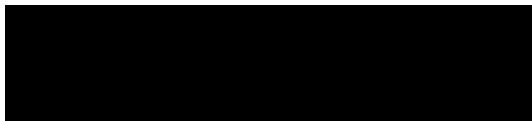
Whilst the HBF welcomes the recognition that developers will be permitted to deliver net gains offsite it should also be recognised that they will, as a last resort, be able to deliver net gains through the purchase of statutory credits. We would therefore suggest the following is added after the second sentence of part h):

Where net gain cannot be achieved either on-site or off-site, mitigation will be allowed through the purchase of bio-diversity credits from an approved provider.

Conclusion

We hope these comments are helpful and please contact me if you require any clarification.

Yours faithfully



Mark Behrendt MRTPI
Planning Manager – Local Plans
Home Builders Federation
Email: mark.behrendt@hbf.co.uk
Tel: 07867415547

Date: 17 May 2022
Our ref: 388323
Your ref: Worthing Local Plan Main Modifications Consultation



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BY EMAIL ONLY

Dear Sir / Madam,

Worthing Local Plan Main Modifications Consultation – April 2022

Thank you for your consultation on the above dated and received by Natural England on the 5th April 2022.

Natural England (NE) is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have reviewed the following documents:

- MOD3 Addendum to the Submission SA Report: Proposed Main Modifications to the Submission Worthing Local Plan April 2022
- MOD5 Schedule of Main Modifications Accessible Format April 2022
- WBC-E-20 – Local Green Spaces – Note

NE previously made comments to the planning consultation: Regulation 19 Consultation on the Submission Draft Worthing Borough Local Plan, on the 31st March 2021.

In light of the guidance in the Worthing Local Plan Main Modifications Consultation – April 2022 guidance on consultation, specifically: “...no need to repeat representations that have been submitted previously and which have already been provided to the Planning Inspector.” NE has limited the comments on the Worthing Local Plan Main Modifications Consultation – April 2022, to the following:

Text proposed by MM3 - SP2 Climate Change

NE encourages the additional text relating to - (k) Development must not compromise land that is required to deliver towards a nature recovery network.

Text proposed by MM7 - Policy SS3 - Town Centre

NE encourages the additional text relating to – (g) As part of the development of the Green Infrastructure Strategy the Council will consider opportunities to integrate biodiversity within the town centre to address climate adaptation and ecological connectivity.

Text proposed by MM8 - Policy SS4: Countryside and Undeveloped Coast

NE encourages the additional text relating to – (f) The setting of the South Downs National Park and the Designated International Dark Skies Reserve must be respected and opportunities to improve access to the National Park will be sought through joint working with other organisations including the Park Authority, West Sussex County Council, National Highways and landowners. Any development within the setting of the National Park should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Proposed Modification Reference: MM6 Para / Policy: Para 3.21 and SS2 – Site Allocations

NE welcomes this policy’s requirement to – (b) Conserve and enhance the setting of the SDNP and mitigate the visual impact of development (including the effects of artificial lighting) with consideration given to the transition into the Park and views to/from the Park having regard to the recommendations in the Worthing Landscape and Ecology Study. NE encourages that the policy is not just applied to the allocation sites, A2 Caravan club and A15 Upper Brighton Road, but that the text is also applied to A1 Beeches Avenue and A6 Fulbeck Avenue.

Proposed Modification Reference: MM29 Policy / Para Number: A13 Titnore Lane

Description of modification - Proposed site allocation A13 has now been deleted from the Plan.

NE welcomes the conclusions of the Inspectors Post Hearing Advice Letter (IL07) concluded that the risk of adverse impacts from developing the site would significantly and demonstrably outweigh the benefits.

Proposed Modification Reference: MM50: Para / Policy: Para 5.259 & Policy DM18 – Biodiversity

NE welcomes this policy’s requirement to reflect the Royal Assent of the Environment Act 2021 and reference to Local Nature Strategies. NE encourages a 20% biodiversity net gain on all previously developed sites.

NE would advise that the text proposed by MM50 – Para 5.259 and Policy DM18 (c) should fully reflect the requirements of NPPF para 180 (b), specifically: “*any broader impacts on the national network of Sites of Special Scientific Interest.*”¹

Proposed Modification Reference: MM51 - Para 5.271 & 5.277 Policy DM19 - Green Infrastructure

NE welcomes the strengthening of the policy wording.

Proposed Modification Reference: MM54 Para / Policy: Para 5.313 & DM22 – Pollution

NE welcomes the policy update to reflect new guidance.

Please note that NE has not provided advice on all aspects of the plan, instead focusing on aspects within NE’s remit; the absence of comments on a policy should not be taken as NE giving support.

If you have any queries relating to the advice in this letter, please contact Adam Simpson on Adam.Simpson@naturalengland.org.uk.

Yours faithfully,

Adam Simpson
Lead Adviser
Sustainable Development
Sussex and Kent Area Team Development

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

MOD-REP-08**FW: Worthing Local Plan - Main Modifications Consultation**

1 message

17 May 2022 at 15:55

To: worthinglocalplan@adur-worthing.gov.uk

Cc: [REDACTED]

Dear Policy Planning,

Thank you for the opportunity to respond to the Inspector's Main Modifications responses for the Local Plan update and our apologies for this late submission.

There were two proposed allocation sites of particular concern to CPRE Sussex and below are our comments to the MMs which apply to those:-

MM20 A13-Titnore Lane

We welcome the exclusion of this site from the Plan for reasons of impacts on the ancient woodland, Local Wildlife Site and matters of drainage. We feel these reasons are totally justified and sound to exclude this site from the Plan

MM31 A15 – Upper Brighton Road (to be renumbered to A14)

Whilst we have concerns for coalescence of this site with the Sompting Village, a conservation area, and impact on the SD National Park, the Inspector has concluded that with the proposed modifications these issues can be mitigated to permit inclusion.. Those additions/changes are welcomed.

In respect of the sustainability of transport, however, whilst a Travel Plan is a proposed requirement for the site, could a requirement for a Car Club facility also be added into the policy for this allocation to assist in minimising the ownership of vehicles and help reduce car ownership/ traffic flows. The local roads (Upper Brighton Road/West Street and the A27) are already under pressure from the levels of traffic in the area. This will become worse when the 469 housing development in Sompting comes forward. Also to promote active travel, could an appropriate level of cycle parking facility be stipulated for each dwelling.

It is noted that policy **DM16** will be applied in regards to carbon footprint reduction and BREEAM quality of build standards.

We trust the above comments are of assistance and once again thank you for the opportunity to comment.

Bill Freeman

CPRE Sussex

Adur & Worthing District



MOD-REP-09

FW: Worthing Local Plan - Main Modifications Consultation

1 message

Policy, Planning <Planning.Policy@southernwater.co.uk>

17 May 2022 at 16:07

To: "worthinglocalplan@adur-worthing.gov.uk" <worthinglocalplan@adur-worthing.gov.uk>

Dear Sir/Madam,

Thank you for your email below, notifying us of the WLP Main Modifications Consultation. We are pleased to note that our previous representations at Regulation 19 have been taken into account, and having reviewed the modifications, have no further comments to make.

We look forward to being kept informed of the Plan's progress.

Yours faithfully,

Charlotte Mayall**Strategic Planning Lead****Hampshire, West Sussex & Isle of Wight**

M. 07908 255007

southernwater.co.uk



From: tracy.wigzell@adur-worthing.gov.uk <tracy.wigzell@adur-worthing.gov.uk> **On Behalf Of** Planning Policy**Sent:** 05 April 2022 12:18**Subject:** Worthing Local Plan - Main Modifications Consultation

You don't often get email from planning.policy@adur-worthing.gov.uk. [Learn why this is important](#)

Dear Consultee,

Worthing Local Plan - Main Modifications Consultation

Representations to the Worthing Local Plan Main Modifications Consultation – April 2022

On behalf of Persimmon Homes

Date: 17 May 2022 | Pegasus Ref: CIR.P.1173

Author: Philip Smith



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	13/5/22	PS	DH	
V2	16/5/22	PS	DH	
V3	17/5/22	PS	Client	



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1. Introduction

- 1.1. Pegasus Group welcomes the opportunity to submit representations on the Main Modifications to the emerging Worthing Borough Council Local Plan 2020–36 (WLP) following the Inspectors Post-Hearing Advice Note (ILO7). These representations are made on behalf of Persimmon Homes and relate to the proposed residential development of land North West of Goring Railway Station (part of the land at Chatsmore Farm).

2. Implications of the Recent Appeal Decision

- 2.1. An outline planning application (ref: AWD/1264/20) for the mixed use development of this site comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre with associated car parking, car parking for adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities was granted on Appeal on 25th February 2022 (PINS Ref: APP/M3835/W/21/3281813). It is noteworthy the decision pre-dates the issuing of the current Main Modifications.
- 2.2. It is self-evident that the S.78 Appeal Inspector had substantially more site-specific evidence before him than the EIP Inspector and was able to 'forensically' examine that evidence during the course of the appeal, including the written evidence and cross-examination of expert witnesses over the 8 days duration of the public local inquiry.
- 2.3. The granting of permission for 475 homes is a significant new factor that should be reflected in the Main Modifications (MM) and it is considered that the MM should have included this site as an allocation.
- 2.4. In view of the undisputed very substantial unmet need, the site makes a highly valuable contribution towards meeting that overall housing need through the Plan period and the immediate five-year housing supply. The S.78 Inspector confirms this at paragraph 87 of his report:

"Nevertheless, it is clear that Worthing has an exceptional unmet need for housing and that that position is unlikely to change in the medium term. Furthermore, the shortfall in its 5-year supply of deliverable housing sites is considerable even on the Council's own measure. While I acknowledge the efforts of the Council in seeking to ensure that it has left no stone unturned in identifying sites that can

sustainably assist in meeting its housing needs, in the present case, the appeal site is well located to the existing built-up area and would make a meaningful contribution to addressing this unmet need. In this respect, I concur with the parties that this should be afforded very significant weight and at the uppermost end of the spectrum" (our emphasis).

- 2.5. Similarly, he gives very significant weight to the contribution the site would make to meeting the unmet affordable housing need and 'would result in tangible benefits for real individuals whose needs may otherwise go unmet' (para. 88).
- 2.6. Other benefits he identified include; a net gain in biodiversity, construction jobs in the short term, the provision of a local centre, as well as other related benefits to the local economy to which he assigns moderate weight in the planning balance. Additionally, he gave limited weight to those benefits which he described as essentially intended to help mitigate the impact of the proposed development, such as the provision of open space and increased car-parking for the railway station.
- 2.7. With regards to the setting of the National Park the Inspector commented that the appeal site would appear neither overly prominent, visually intrusive or materially affect views towards the sea. He noted that Paragraph 176 of the Framework does not seek to restrict development within the setting of a national park but instead advises that it should be sensitively located and designed to avoid or minimise adverse impacts. He went on to explain that:
- 49.....In view of its location towards the southern end of the site, and the limited impact on views from within the SDNP, I consider that would be the case with the development proposed and do not therefore consider that the setting of the SDNP or views from within it would be materially affected** (our emphasis).
- 2.8. Whilst the Inspector considered there would be some substantial adverse impact on localised views and the loss of best and most versatile agricultural land, he applied only moderate weight to these factors [84].
- 2.9. He also applied moderate weight to the impact on the highway network, but concluded that the cumulative impact would not be severe [85].
- 2.10. Although the Inspector noted there would be some harm to nearby designated heritage assets, he considered that harm would be less than substantial, at the lowermost end of the spectrum [72]. Moreover, the Council acknowledged that the public benefits arising from the proposed development would outweigh the identified harm and the Inspector confirmed that he had no reason to conclude otherwise [86].

2.11. Significantly the Inspector concluded in respect of the Landscape Value of the 'Gap':

43. "Accordingly, while I acknowledge the appeal site is of landscape and amenity value to the local community, and that its loss would result in some harm in this respect, I am not persuaded that the proposed development would materially undermine the landscape value of the 'gap'".

2.12. This has implications for the consideration of MM9 as discussed later in this representation.

2.13. The s.78 Inspector considered that there were no other reasons to dismiss the appeal and other impacts of the development could be satisfactorily addressed through conditions, including:

- the setting of the SDNP or views from within it,
- highway safety,
- light and noise pollution,
- ecology,
- flood risk, and
- the amenity of neighbouring residents during construction.

2.14. The Inspector concluded in respect of the planning balance:

"On balance, while I consider the proposal would result in a number of adverse impacts, I do not consider they would significantly and demonstrably outweigh the clear and substantial benefits that would arise from the proposed development when assessed against the policies of the Framework taken as a whole" (our emphasis).

2.15. This conclusion is in full accordance with the provisions of the paragraph 11d of the NPPF, and therefore the development proposal must accord with the definition of **sustainable development**.

2.16. Although the Inspector did find conflict with the adopted Plan, specifically Policy WSC 13, his overall conclusion was as follows:

"Consequently, notwithstanding the overall conflict with the development plan identified above, I consider there are material considerations which indicate that a departure is justified in the present circumstances."

2.17. As the Local Plan is under review, the conflict with adopted Policy is not a barrier to allocation of the site in the emerging Plan.

2.18. Therefore, the Main Modifications should include the allocation of the appeal site (which forms part only of Chatsmore Farm) for 475 dwellings at Policy SS2 and Appendix 1 (the housing

trajectory), and a new site-specific policy based on the outline permission. This would ensure that:

- the site makes a significant contribution to meeting the acknowledged significant unmet need in the Borough over the Plan-period,
- would give certainty to the community and stakeholders over the future use of the site and particularly those undeveloped parts north of the Ferring Rife, and
- the additional benefits of the proposal are 'enshrined' within the Development Plan.

3. Test of Soundness

3.1. Pegasus Group have repeatedly pointed out¹ the failure of the Plan to address paragraph 35(a and c) of the NPPF which states:

Plans are 'sound' if they are:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground

3.2. Paragraph 35 builds upon the presumption of favourable development in respect of plan making in paragraph 11b of the NPPF:

Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ Regulation 19 Representations, March 2021. Examination Statements to Matters 1 and 3.

3.3. Regrettably, neither the Main Modifications nor the accompanying documents available for comment, dissuade us from this view and consequently the Plan should be found 'unsound'.

3.4. During the s.78 Inquiry it was clear from cross examination that the LPA did not have a plan for dealing with unmet needs in the short or medium term. There is no plan at all yet and it is clearly the intention to defer the unmet need. That is reflected in the Inspector's commentary at paragraph 87 which stated:

Nevertheless, it is clear that Worthing has an exceptional unmet need for housing and that that position is unlikely to change in the medium term.

3.5. The 2021 version of the NPPF says that unmet must be dealt with and not deferred. There can be no argument in this case. The LPA has not dealt with the unmet need and it is being deferred. The plan simply can't be found sound on this basis. The MM fail to rectify this.

3.6. The Inspector in his post hearing note has expressed specific concerns as to how the sustainability appraisal had selected certain options and rejected others. In particular, how the sustainability assessment had considered various options relating to the housing requirement. He therefore recommended that:

"..the Main Modifications consultation is accompanied by an updated SA which draws together existing evidence on the identification and selection of preferred options and why some alternatives were rejected or not considered 'reasonable' for assessment. This should also include any updates that are necessary to reflect Main Modifications or other issues discussed, such as the assessment of the Worthing Leisure Centre site".

3.7. The Sustainability Assessment that accompanies the Main Modifications is simply an update of the Submitted SA that assesses any impact of the proposed modifications. However, during the hearing sessions of the EIP, the Council produced a Sustainability Appraisal Note of Unmet Need (WBC-E-15) dated November 2021 which it is assumed the Council now rely on to meet the Inspectors recommendation.

3.8. Section 4 of WBC-E-15 states that:

"Given the significance of the housing shortfall the SA did appraise options to determine whether the adverse impacts of meeting housing needs would significantly and demonstrably outweigh the benefits in line with NPPF 11b (DIIA 4.5 and Appendix D2)".

3.9. However, the DIIA as referenced above assessed the housing options against the SA objectives, of which housing is one of 16. It simply does not carry out the 'tilted' balance exercise as required by paragraph 11b of the NPPF.

3.10. Furthermore, WBC-E-15 does not fully address the Inspectors concerns regarding evolution of the housing requirement, specifically the proposed figure in the submitted Plan of 3,672 dwellings.

"The SA assesses the effects of this figure in its own right. However, the document does not explain in any detail why none of the DIIA options have been taken forward, what has precipitated the change or why this has become the 'preferred' option. While the Council did not consider this would make any material difference to the conclusions of the DIIA, the reasoning for this assertion is quite brief and may benefit from further explanation".

3.11. WBC-E-15 simply repeats that the (DIIA) appraisal was not repeated with updated housing figures 'as the findings would not be significantly different to enable meaningful comparisons to be made'. It also adds that the overall impact of the Local Plan strategy i.e. the unmet need, is also assessed as part of the individual effects of policies, total and cumulative effects (Appendix D Submission SA Report).

3.12. We respectfully suggest that the above explanation fails to provide any meaningful explanation and/or understanding of the evolution of the housing requirement.

3.13. WBC-E-15 also explains that those sites the evidence² recommended were unsuitable for development, were also tested as options in terms of allocating or protecting the site to determine whether the adverse impacts would significantly and demonstrably outweigh the benefits. This included Chatsmore Farm, Goring-Ferring Gap and Brooklands Park (Dale Road). This appraisal can be found in Table 10 of the DIIA and Appendix D2.

3.14. The Appeal decision renders much of the evidence base and the DIIA out of date in respect of Chatsmore Farm. Furthermore, the DIIA does not take account of the opportunities for mitigation³ or the opportunities for enhancements that could be provided by the development, which the appeal decision now provides. Similarly, only part of the site at Chatsmore Farm is proposed to be developed and consequently many of the constraints relied upon in the DIIA do not actually apply to the proposed development.

3.15. During the public inquiry Pegasus Group revisited the DIIA assessment of the Chatsmore Farm site to show how the appeal site should have scored. This, along with the findings of the s.78

² Including Landscape and Ecology Study 2015 and Addendum 2017

³ In accordance with People vs Wind



Inspector, reveal a very different picture of the constraints to development. Notable points include:-

1. Air quality – no objection was raised on this basis.
2. Noise – no objection was raised on this basis.
3. Ground Water Section Zones – no objection was raised on this basis.
4. Biodiversity – rather than a constraint this was an opportunity for enhancement.
5. Agricultural land – the site is not Grade 1. It is Grade 2 and 3b and no objection was raised on this basis.
6. Surface Water – no objection was raised on this basis.
7. Ground water – no objection was raised on this basis.
8. The Setting of the National Park – the Inspector found that views from within it would not be materially affected.
9. Coalescence – this has already occurred, and the Inspector found that the physical and visual separation would not be undermined.
10. Designated Heritage Assets – it was agreed that the harm would be negligible at the lowermost end of the scale of less than substantial harm. It was also agreed that the benefits would outweigh that harm.
11. Archaeology – no objection was raised on this basis.
12. Accessibility to town centres – the appeal site would deliver its own Local Centre.

3.16. The list of constraints would be very much reduced. As for opportunities all that is said is that the site is in a sustainable location within walking distance of the railway station. Other opportunities should have included (inter alia):

1. The opportunity to reduce the scale of the acknowledged exceptional unmet need.
2. The opportunity to reduce the impact on self-containment.
3. The opportunity to deliver 190 affordable homes.
4. Biodiversity enhancements.
5. Highway safety improvements.
6. Economic benefits.
7. Railway station car parking.
8. New public open space that is not accessible at the present time.

9 Undergrounding of the HV cables.

- 3.17. The Main Modifications should have been accompanied by an updated assessment as the above demonstrates a very different balance of considerations and why the LPA's assessment is flawed.
- 3.18. The appeal site has now been subjected to detailed scrutiny and been independently assessed through the public local inquiry. The Inspector concluded that any adverse impacts would not significantly and demonstrably outweigh the clear and substantial benefits that would arise from the proposed development when assessed against the policies of the Framework taken as a whole. If that was the conclusion through the application of NPPF paragraph 11d then it necessarily follows that if the 11b assessment was properly carried out then it should similarly conclude that additional land can come forward for housing in the Borough, namely the appeal site.
- 3.19. At the s.78 appeal the LPA was keen to say that the benefits of the development in terms of meeting housing needs should be afforded the very highest weighting. It is difficult to see how alleged harms could then significantly and demonstrably outweigh that highest bar. It has certainly not been demonstrated through the evidence base.

4. Main Modifications

MM8

- 3.20. The Inspector suggested at the hearing sessions that the Council would need to look again at the relationship between Policies SS4, SS5 and SS6. The proposed modifications attempt to address this issue by excluding designated Local Green Spaces from the definition of 'countryside and undeveloped coast'. Point b of the Policy is also proposed to be modified by the deletion of the following criteria:
- it cannot be located within the Built Up Area Boundary, and
 - it maintains its character and function for natural resources,
- and the insertion of reference to First Homes'.
- 3.21. The Proposed Modifications go some way to resolving the Inspector's concerns, but further modifications are required.

- 3.22. Policy SS4 prohibits development unless a countryside location is essential to the proposed use or the development is for entry-level exception sites, suitable for first time buyers or those looking to rent their first homes. Policy SS4 remains more restrictive than national green belt policy where development can be approved 'in very special circumstances'.⁴
- 3.23. As modified, the Policy would potentially allow an unlimited amount of First Homes in the countryside. The only restriction is reference to individual schemes being in and proportionate in size to the settlements they are adjacent to. Given that Worthing Borough is essentially a single urban entity that part of the modified policy seems rather redundant. Therefore, any harm from the provision of First Homes in the 'countryside' would equally apply to that of market housing.
- 3.24. Given the overall housing need and the housing supply position this policy should not be a 'blanket ban' on development that cannot be located elsewhere. The Policy should be further modified to allow for the decision maker to consider the merits of development proposals in the context of the location and other material considerations. Such a modification would align with the application of the (proposed) modified Policy SS5 which allows development as long as it meets certain criteria in relation to the local green gap.

MM9

- 3.25. The proposed deletion of reference to 'exceptional circumstances' in Policy SS5 is welcomed, as this would have had the effect of 'elevating' the policy to that of green-belt designations which was neither appropriate nor justified.
- 3.26. We note that the wording to criteria i) and ii) are proposed to be amended to:
- i. it would not undermine the physical and/or visual separation of settlements;
 - ii. it would not compromise the integrity of the gap;
- 3.27. These modifications would bring the policy in line with the Policy SD SP3 of the Adopted Adur Local Plan.
- 3.28. The S.78 appeal Inspector considered the potential impact of the application site on the landscape value of the 'local gap'. At paragraph 42 he concluded that:

⁴ Para. 147.

"I do not consider the physical or visual separation of the settlements would be undermined".

3.29. He also concluded at paragraph 29 as follows:

"Furthermore, even though the proposed scheme would develop one of the 4 remaining gaps which emerging Policy SS5 of the eLP seeks to protect, I do not consider its effect would be is so substantial, or its cumulative effect so significant, that granting permission would undermine a fundamental aspect of the eLP's strategic balance as a whole".

3.30. Evidence was provided at the S.78 appeal as to how the proposal would comply with the other (unamended) criteria of Policy SS5.

3.31. The appeal site is therefore not essential to the functioning of the gap, and consequently there would be no conflict with the emerging Policy SS5 as proposed to be modified. It should therefore be allocated and removed from the gap designation.

MMIO

3.32. The proposed modifications to Policy SS6 (Local Green Space), specifically the deletion of the reference to Chatsmore Farm and corresponding removal of that designation on the Policies Map, is supported.

3.33. We note that the EIP Inspector was satisfied that the Chatsmore Farm land would meet criteria (a) and (b) of NPPF paragraph 102 that sets out the criteria for Local Green Space designation. The Inspector at ILO7 para. 10 expresses his concerns about the extent to which the Chatsmore Farm and Goring-Ferring Gap relate to criterion (c) which states that LGS must be local in character and must not be an extensive tract of land, and goes on to say:

"In the context of national policy on LGS, the scale and character of the area is that of a 'blanket designation of open countryside'. Moreover, given the relationship with the LGG, the designation would effectively function as a new area of Green Belt. On this basis, the LGS conflicts with the guidance in the PPG and is thus not appropriate". (ILO7- para. 12)

3.34. In considering both the Chatsmore Farm land and the Goring Ferring Gap the Inspector concluded:

"However, it is necessary for all three criteria in national policy to be met. Owing to their scale, nature and function, both areas would constitute extensive tracts of land in the context of paragraph 102c) of the Framework. Accordingly, they conflict with national policy and do not qualify as Local Green Space. They are therefore unsound and should be removed from the Plan in their current form".

- 3.35. Although the Council argued at the hearings that it would not be possible to sub-divide the designations into smaller or distinct areas, the Inspector invited the Council, should they wish, to make representations about whether there are amendments to the boundaries that could be considered. The 'draft' note by Hankinson Duckett Associates dated 11th January 2022 confirms that 'there is no logical or robust reasoning for an alternative boundary to the proposed Local Green Space'. The Council chose not to make any such representations on the sub-division of the proposed LGS and have agreed to the deletion of reference to Chatsmore Farm and Goring-Ferring Gap in Policy SS6. Thus, the Council concede that no part of Chatsmore Farm land should be subject to designation as a LSS.
- 3.36. Without repeating, our evidence to the Examination, the land at Chatsmore Farm cannot reasonably be said to hold particular local significance as required by NPPF paragraph 102b, in respect of the usual criteria of beauty, historic significance, recreational value, tranquillity or richness of wildlife. It also noteworthy the LPA did not object on the basis of loss of wildlife or consider heritage impacts as reason for refusal of the application. Indeed, the LPA accepted at the s.78 appeal inquiry that the appeal site was not a valued landscape.
- 3.37. We therefore confirm and concur that the land at Chatsmore Farm should not be designated a LGS and agree with the proposed Modification.

Footnote

Persimmon Homes acknowledge that the appeal decision referred to above is the subject of a legal challenge. However, the presumption of regularity applies. That is to say that the decision stands unless or until it is quashed. Both Persimmon Homes and the Secretary of State will be vigorously defending the challenge.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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17 May 2022

Dear Planning Team,

Schedule of Main Modifications on the Emerging Worthing Local Plan - Representations on behalf of Worthing Borough Council

On behalf of our client, Worthing Borough Council, we submit these representations on the Emerging Worthing Local Plan to Worthing Borough Council.

Context

Worthing Borough Council (WBC) is the owner of the site located to the north east of Dominion Way, which is allocated under 'A5 Decoy Farm' for employment in the Draft Worthing Local Plan. The redevelopment of the site is therefore supported by draft policies in the emerging Local Plan.

We understand that WBC submitted the Worthing Local Plan for Examination in June 2021, and the Schedule of Main Modifications was released in April 2022, with the deadline for representations being 23:59 on Tuesday 17 May 2022.

Once adopted, the local plan will form the new development plan for Worthing.

WSP welcomes the opportunity to make representations on the Schedule of Main Modifications and related documents for the Emerging Worthing Local Plan and our comments are set out below.

Comments

MM / Policy / Para	Schedule of Main Modifications Reference	Comment
MM7 SS2 (&Para 3.21)	Under Policy SS2 A5 Decoy Farm decreased from 18,000sqm to 14,000sqm & change from industrial/warehousing to employment allocation.	We note that there was an acknowledgement that the site is constrained – further design development suggests that more than 14,000sqm will be able to be provided on site. We support the wording of <u>minimum</u> and suggest that it remain clear that these figures are not targets nor prescriptive.

<p>MM21 / A5 - Decoy Farm</p>	<p>a) The 'Indicative Capacity' is amended to 14,000 sqm employment land.</p> <p>b) Amend paragraph 4.22 to strengthen opportunities for Biodiversity net Gain</p> <p>c) Revise development requirement f) (now requirement g) .</p> <p>d) Revise development requirement g) (now requirement h)</p> <p>e) Revise development requirement h) (now requirement i) as follows:</p> <p>f) Revise development requirement k)</p>	<p>A) This is supported as a minimum value</p> <p>B) Refer to comment below regarding clarity sought where offsite contributions required.</p> <p>C) suggest these should be separate criteria i.e. one relating to residential and one to safeguarding the household recycling site.</p> <p>D) National Highways have been included for agreeing the offsite mitigation and traffic calming measures on the B2223, as this is not part of the National Highways network it would be inappropriate for them to be a stakeholder for that arrangement. The local mitigation should be in agreement with West Sussex County Council.</p> <p>E) 'Existing waterbodies' should be further qualified or preferably identified in plan. Equally, 'create new wetland habitats' should be further qualified.</p> <p>F) 'should be eradicated' is unclear in policy terms, this should be a requirement for a management plan for management of invasive species.</p>
<p>MM34/ DM2 - Density</p>	<p>In Policy DM2 (density) altered to revise the format and text of criteria a), b) and c).</p>	<p>While this only appears to refer to residential density, it is unclear if a) would also apply to optimisation of industrial sites and if not, where this is located in the local plan.</p>
<p>MM50 / DM18 - Biodiversity (& Para 5.259)</p>	<p>Amend supporting text paragraph 5.259. This amendment notes for new developments: <i>'Where it is required/necessary to deliver biodiversity net gain offsite this should be part of a strategic ecological network having regard</i></p>	<p>It is unclear how offsite contributions would be directed should the relevant strategies not be in place.</p>



	<i>to Green Infrastructure and Local Nature Recovery strategies'</i>	
--	--	--

We trust that the Council will consider the representations made on behalf of Worthing Borough Council and we would be happy to discuss our comments with officers in further detail as necessary. You may contact me on 07833482011 or via email at Fabian.culican@wsp.com.

Yours sincerely



Fabian Culican
Principal Planner

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T: 020 7518 3200

By email only: planning.policy@adur-worthing.gov.uk

Worthing Borough Council
Planning Policy
Portland House
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Worthing
BN11 1HS

Our ref: AH/CB

13th May 2022

Dear Sir/Madam

WORTHING LOCAL PLAN MAIN MODIFICATIONS CONSULTATION

On behalf of our client, Southern Gas Networks (SGN), we submit representations to Worthing Borough Council's ('the Council') Main Modifications consultation with regards to the emerging Worthing Local Plan 2020-2036 (WLP). Our client is the freehold owner of the former gas holder site accessed off Barrington Road ('the site'). A site plan is appended to this letter.

SGN have an obligation to dismantle all their gasholders by 2029. The gas holder formerly on this site has been removed as part of this process and as a result, the site is considered deliverable within the first five years of the plan period.

In line with our representations to the Regulation 19 Consultation made on the 23rd of March 2021, we consider that draft Policy SS2 (**Site Allocations**) (and in particular draft allocation A10 – Martlets Way) fails to deliver an appropriate strategy to meet forecasted needs for the area, particularly with regards to housing.

The proposed main modifications (MM6) allow for **28** residential units to be delivered on land to the south (referred to as 'the nib') accessed from the HRMC site (draft allocation A8) to the east, "*only if it can facilitate the delivery of employment floorspace at Martlets Way and provide for the former gasholder site to be brought forward*".

SGN support the introduction of 28 residential units within the allocation. However, we believe that the site can and should provide scope for additional residential development across the wider site (including SGN's landholding).

SGN strongly support the provision of access through to the site to ensure future development on the SGN land is deliverable. This would allow for the comprehensive redevelopment of both the nib and the wider land within draft Allocation A10 in the future.

With regard to the employment element of draft allocation A10, we consider there to be doubt over the suitability and deliverability of the proposed 10,000sqm of (newly referred to) employment land, given that the proposed access would be through a forthcoming residential site and potential concerns about the likely market for such uses in this location in the future.

As detailed in our previous representations, SGN re-emphasise that the wider site, including their land, is an excellent opportunity to provide additional sustainable residential development, which would help

strengthen the Council's short-term housing need. Further residential development is not only required, but is suitable and achievable on this site.

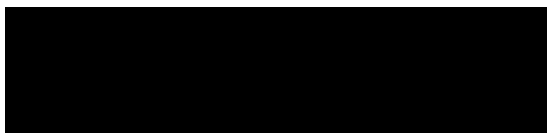
Conclusions

SGN support the inclusion of a defined residential element as part of draft Allocation A10 (Martlets Way). However, we consider that there is doubt over the suitability and deliverability of the proposed employment land. The location of our client's site is optimal to provide further residential development, which can be provided at appropriate density levels given its sustainable location.

As a result, it remains our assertion that draft allocation A10 should be for an increased number of residential units rather than a large amount of 'employment' space that might not be deliverable in this location. SGN are willing to work with the Council and adjacent landowners to deliver a more appropriate allocation on this site.

Should you have any queries, please do not hesitate to contact me, or my colleague, Alister Henderson (alister.henderson@carterjonas.co.uk).

Yours Faithfully



Chloe Brown
Senior Planner

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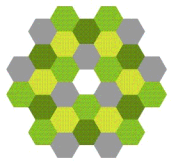
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The electronic official copy of the title plan follows this message.

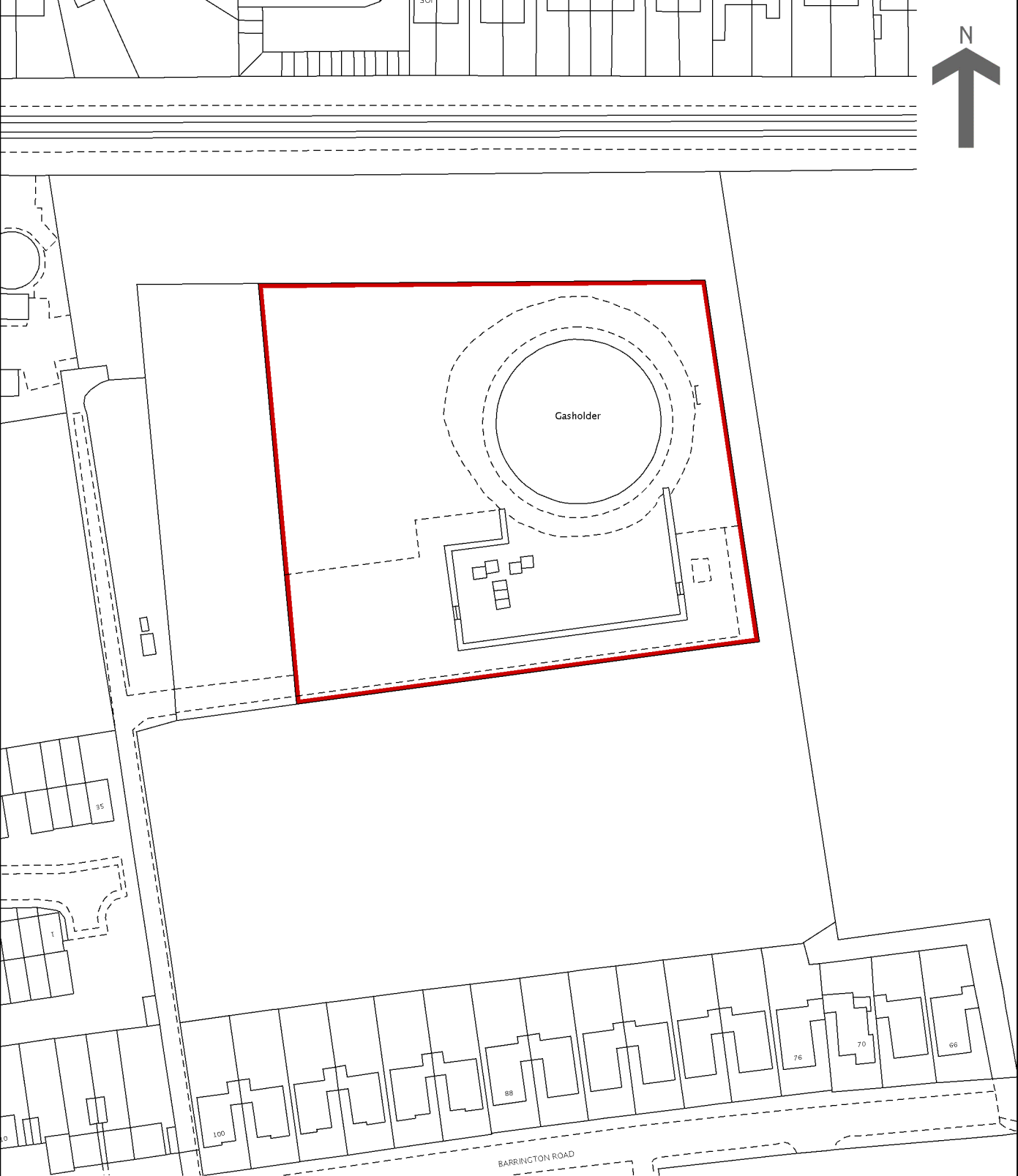
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17 May 2022

Dear Sir or Madam,

**WORTHING NEW LOCAL PLAN – WORTHING LOCAL PLAN MAIN MODIFICATIONS CONSULTATION (APRIL 2022)
REPRESENTATIONS ON BEHALF OF STAGECOACH SOUTH LIMITED**

Introduction and Background

These representations are submitted by Montagu Evans LLP, on behalf of Stagecoach South Limited, in respect of Worthing Borough Council's Main Modifications Consultation on the New Local Plan – April 2022. These representations are made and submitted within the context of Stagecoach's ownership of Stagecoach Bus Depot, ("Bus Depot" or "the Site"), located on Marine Parade, Worthing, BN11 3PT.

The Council published their Submission Draft Worthing Local Plan for Consultation in January 2021 within which the Site was allocated for redevelopment under Site Allocation A11 (Stagecoach, Marine Parade). Representations were submitted in March 2021 supporting the Site Allocation A11 and suggested some modifications to the allocation. The representations submitted within this letter should be read in conjunction with the written representation that Montagu Evans submitted in March 2021, on behalf of Stagecoach.

Local Plan Main Modifications Consultation – April 2022

Worthing's New Local Plan was submitted for Examination in June 2021 and Hearing Sessions were undertaken in November 2021. Thereafter, the Council received correspondence from the Inspector which resulted in Main Modifications being made to the Local Plan which is what is currently being consulted on.

The proposed amendments to Draft Site Allocation A11 (Stagecoach, Bus Depot) within the Main Modifications Schedule incorporates comments raised in the previous representations in relation to providing minimum development quantum's which is welcomed whilst also providing further details regarding how any future applications on the Site will be assessed.

Additional amendments primarily relate to specific details that seek to further align the draft allocation policy with wider objectives within the Plan whilst also providing further details regarding how any future applications on the Site will be assessed which are supported.

We hope that the submitted representations in support of the proposed Modifications to Draft Allocation A11 are useful however please contact Anna Russell-Smith (020 7312 7498 / anna.russell-smith@montagu-evans.co.uk) or Olivia Powell (0734 1115 403 / olivia.powell@montagu-evans.co.uk) at this office if you have any queries or if you would like to discuss further.

Yours faithfully,

Montagu Evans

Montagu Evans LLP

REPRESENTATIONS TO THE WORTHING LOCAL PLAN MAIN MODIFICATIONS CONSULTATION – APRIL 2022

On behalf of Persimmon Homes





Contents

1. INTRODUCTION
2. PROPOSED AMENDMENTS TO THE MM31 – A15 UPPER BRIGHTON ROAD



1. INTRODUCTION

1.1 Persimmon Homes welcomes the opportunity to submit representations to the Main Modifications to the emerging Worthing Borough Council Local Plan 2020 – 36. The proposed amendments are made in respect of MM31 – A15 Upper Brighton Road.

2. PROPOSED AMENDMENTS TO MM31 – A15 UPPER BRIGHTON ROAD

2.1 The representations are specifically in relation to MM31 (A15 - Upper Brighton Road) and the allocation which is fully supported. However, we do recommend that the following suggested wording is not included:

- The SFRA identifies the site as being at a high risk of flooding.

2.2 Such an addition is unnecessary and unhelpful. Our consultant engineers have carried out a detailed flood risk assessment for the site and have concluded the site is not at a high risk of flooding. However, this element will be dealt with through the Flood Risk Assessment that will accompany the planning application and therefore is not required. Consequently, this wording should be deleted.

2.3 Persimmon Homes welcomes the other proposed modifications to MM31.

MOD-REP-15**#16544 Worthing Local Plan - Main Modifications Consultation National Highways Response FAO Planning Policy Team / Ian Moody**

1 message

Bowie, David <David.Bowie@highwaysengland.co.uk>

17 May 2022 at 22:35

To: "worthinglocalplan@adur-worthing.gov.uk" <worthinglocalplan@adur-worthing.gov.uk>

Cc: Planning SE <planningse@nationalhighways.co.uk>, "Cleaver, Elizabeth"

<Elizabeth.Cleaver@highwaysengland.co.uk>, "Bown, Kevin" <Kevin.Bown@highwaysengland.co.uk>,

"SouthEast_HESPA@systra.com" <SouthEast_HESPA@systra.com>, Spatial Planning

<SpatialPlanning@nationalhighways.co.uk>

Dear Ian,

Thank you for your consultation of 5 April regarding the proposed Main Modifications to the Local Plan following examination in November 2021 requesting a response by 17 May 2022.

National Highways (formerly Highways England) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). We are therefore concerned with policy and proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27 (T) through and adjacent Worthing borough.

Having reviewed the proposed Main Modifications to the Local Plan we have no further comments or observations at this time.

If you or others have any questions regarding our response, please contact us at planningse@nationalhighways.co.uk.

Kind Regards

David

David Bowie**Area 4 Spatial Planning Manager (Acting)****Tel:** +44 (0) 7900 056130National Highways | Bridge House | [1 Walnut Tree Close](#) | Guildford | Surrey | GU1 4LZWeb: <http://www.highwaysengland.co.uk>

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17 May 2022

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MANCHESTER

Dear Sir/Madam

Re: Worthing Local Plan Main Modifications Consultation - Representations on Behalf of EM Goring

We act on behalf of EM Goring, who is the owner of land to the east of Martlets Way, and has a developer agreement with the owners of the Nib and the former HMRC Site (the land to east of the Nib). The purpose of the agreement is to allow EM Goring to submit a planning application for both land parcels, in order to assist in the delivery of employment at Martlets Way, supported by the returns from residential development at the "Nib" land. Both land parcels form part of Allocation A10.

EM Goring has worked with the local authority to agree the wording of the allocation, and Rapleys attended the Examination in Public on EM Goring's behalf last year, confirming its support of the allocation in principle. In this context, EM Goring have reviewed the main modifications and comment as follows:

MM6

As confirmed at the hearing sessions, we support this change, as they relate to Allocation A10. It is consistent with our client's aspirations and will be reflected in the forthcoming planning application.

MM 26

The following comments are made relative to the changes proposed, with our comments in italics:

Amend Indicative Capacity as follows:

10,000 sqm employment & 28 residential units

This change is supported.

Add additional site constraint as follows:

The SFRA identifies the site as being at a medium risk of flooding.

It is not considered that this addition is necessary, but no objection is raised given that it is a factual matter (and that the bulk of western Worthing is similarly designated). Further, it should be noted that in terms of the EA's records the entire site lies within Zone 1, the zone of lowest flood risk.

Delete existing requirement a) and replace with following:

a) ~~provide employment development accessed from the west;~~

No objection as the point is covered in revised wording for item e).

a) deliver a residential and employment scheme comprising of a minimum of 28 residential units and approximately 10,000 sqm employment;

Again, no objection is raised relative to this matter.

Revise development requirement b) as follows:

b) ensure the development does not have an unacceptable impact on the amenity of neighbouring residents. Provide a high quality design with particular attention to height and massing. Ensure the scale of development, particularly on the boundaries of the site, respects the scale and established building line of adjoining properties. Ensure that development has a suitable relationship with and does not have an unacceptable impact on neighbouring residents in terms of private amenity, overlooking and that daylight and sunlight implications are appropriately managed;

This change is considered unnecessary as any development scheme would need to address these matters in the interests of proper planning, and reference to sunlight and daylight is particularly unnecessary – there should be no concern about this given the orientation of the site to the north of existing development with the railway line forming the northern boundary, a pattern of development that will be repeated with residential development at the Nib. However, no objection is raised.

Revise development requirement d) as follows:

d) ensure that any contaminated land issues are appropriately assessed and managed where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;

Again, this is unnecessary as any development would need to address these points, but no specific objection is raised.

Revise development requirement e) as follows:

e) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Protect mature Ilex oak trees that separate the former gas holder site from the former sewage treatment works (subject to appropriate assessment work). New green infrastructure should be delivered that provides opportunities to link to the Borough-wide green infrastructure network; protect mature Ilex oak trees that separate the former gas holder site from the former sewage treatment works (subject to appropriate assessment work);

Unnecessary as this repeats the requirements of other plan policies, but no objection is raised.

Revise development requirement g) as follows:

g) provide an element of residential development accessed from the east (HMRC A8) but only if it can facilitate the delivery of employment floorspace at Martlets Way accessed from the west and provide for the former gasholder site to be brought forward.

This change is supported in place of the reference to access earlier in the allocation.

Add new development requirement h) as follows:

h) a site specific Flood Risk Assessment should consider all sources of flooding and the impacts of climate change over the lifetime of the development. It must demonstrate that any residual risk can be safely managed, development will not increase flood risk elsewhere and where possible will reduce the overall level of flood risk;

A site specific FRA will be provided in any event in the forthcoming planning application, and this section is unnecessary for reasons previously mentioned – ie these matters would be applied to development in any event. However, no objections are raised.

Add additional development requirement i) as follows:

i) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;

The entire allocation lies in Flood Zone 1 according to the EA's records, therefore this section is unnecessary – put simply, against the EA's mapping the entire allocation is at the lowest risk of flooding.

Add new development requirement j) as follows:

j) provide an appropriate level of contribution towards highway safety improvements at the A259 Goring Way / Goring Street junction and highway capacity improvements at the A259 / A2032 Goring Crossways junction.

If the development were demonstrated to have an impact on this junction and generate the need for highway capacity improvements, it is anticipated that the local highway authority would in any event request an “appropriate” contribution to such improvement works. As such, and on the basis that “appropriate” is taken to be appropriate in terms of the level of impact arising and the ability for the development to support the contribution in terms of viability (which is considered the only interpretation in the interests of proper planning), no objections are raised.

Changes to the Proposals Map

It is noted that it is proposed that the land at Martlets Way and the Nib be included within Goring Business Park – this is considered unnecessary, particularly in relation to the Nib, given Allocation A10. However, provided the local authority's application of Allocation A10 remains unchanged as a result of the alteration, no objections are raised.

In summary, the confirmation in terms of quantum of development and land use is supported by my client. The other proposed changes to the policy are considered unnecessary as they duplicate matters that would arise in any planning application – putting it simply – they are normal development management considerations. However, it is noted that the local authority is taking the same approach with a number of the other allocations, and no objection is raised.

Yours faithfully

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