

WLP – MODIFICATION STAGE CONSULTATION

Summary of Representations – June 2022

Consultation on the proposed Main Modifications and associated documents ran for 6 weeks between 5th April and 17th May 2022

Note – The final column in the table sets out ‘Officer Comments’ (on behalf of Worthing BC) in response to the summarised points made within the representations. The majority of these are recorded as ‘noted’ in response to comments made in support of specific Main Modifications. In addition, other comments indicate reasons why the Council does not feel it appropriate to make further changes at this stage in response to suggestions made within the representations. Finally, where appropriate, the table indicates changes to the text (indicated with strikethrough and bold) where the Council is content for further amendments to be made to ensure that the Plan can be found to be sound. It is the Council’s view that all these proposed further amendments are relatively minor in nature and do not affect the overarching intent or implementation of the related policy. The Council is including these suggestions within this table for the Inspector’s consideration.

Respondent Reference	Respondent	Modification Reference	Summary	Officer Comments
MOD-REP-01	Coal Authority	N/A	No specific comments	Noted
MOD-REP-02	West Sussex County Council	MM16 (A1–Beeches Ave)	Minor modification suggested to criterion e) (now d) relating to sustainable travel / accessibility.	Agree - amend for clarification purposes to: “...to promote a travel plan <u>and sustainable travel infrastructure</u> to improve the accessibility and sustainability of the site...”
		MM17 (A2–Caravan Club)	Minor modification suggested to criterion k) relating to sustainable travel / accessibility.	Agree - amend for clarification purposes to: “...to promote a travel plan <u>and sustainable travel infrastructure</u> to improve the accessibility and sustainability of the site...”
		MM19 (A3–Centenary House)	To provide some flexibility amend criterion a) to read: a) deliver a mixed-use community-led scheme to include residential development;	Para 4.16 of the WLP already acknowledges the review of future options being undertaken by WSCC and how it may influence the future mix of uses. It is not considered necessary to make a further change particularly as the local

				community will be consulted as any scheme is progressed. Community use as part of a mixed development won't be precluded from this consideration.
		MM21 (A5–Decoy Farm)	Typological error in criterion g) (now h) 'B223' should read ' <u>B2223</u> '	Agreed – correct drafting error and amend as follows: ...the B223 B2223 between Sompting Road and...
MOD-REP-03	Historic England	N/A	No comments to make in respect of the Main Modifications.	Noted
MOD-REP-04	South Downs National Park Authority	MM8 (SS4–Countryside & Undeveloped Coast)	Support revisions and reference to the setting of the National Park	Noted
		MM9 (SS5–Local Green Gaps)	Support revisions that clarify the role of Local Green Gaps	Noted
		MM8 - MM10 (As above and SS6– Local Green Space)	Supportive of the changes in that they seek to clarify the policy position. Strongly support LGG policy - surprised & disappointed with s78 appeal decision at Chatsmore Farm.	Noted
		MM16 (A1–Beeches Avenue)	Support criterion d) (now e) relating to the setting of the SDNP.	Noted
		MM17 (A2–Caravan Club)	Support criterion a) (now b) relating to the setting of the SDNP.	Noted
		MM29 (A13–Titnore Lane)	Support deletion of site allocation.	Noted
		MM31 (A15 (now A14)–Upper Brighton Rd)	Support new criteria b) (now c) and d) (now e) relating to biodiversity and the setting of the SDNP.	Noted
MOD-REP-05	Sussex Wildlife Trust	MM3 (SP2–Climate Change)	Support SP2 & Para 2.20 relating to biodiversity assets and a nature recovery network.	Noted
		MM7 (SS3–Town Centre)	Support SS3 - new criterion g) relating to green infrastructure.	Noted
		MM15 (Sites Map)	Support Sites Map & Legend Pages 70 and 71	Noted
		MM16 (A1–Beeches Avenue)	Support revised criterion h) (now g) relating to biodiversity.	Noted
		MM17 / MM18 (A2–Caravan Club)	Due to revised boundary and ability to develop closer to Local Wildlife Site (LWS) concerned at reference to a minimum number of dwellings.	It is explained that the minimum capacity assumptions are indicative. It is considered that Criteria e) provides the necessary safeguards for the Local Wildlife Site.
		MM19	Support revised criterion b) relating to biodiversity.	Noted

	(A3–Centenary House)		
	MM20 (A4–Civic Centre)	Support additional criterion k) relating to biodiversity.	Noted
	MM21 (A5–Decoy Farm)	Amendment suggest to revised criterion h (now criterion i) to include reference to the Teville Stream.	Noted - but the Council considers the term 'existing waterbodies' clearly includes the Teville Stream particularly as this is also specified in the list of site constraints.
		Support revised criterion k) relating to biodiversity.	Noted
	MM22 (A6–Fulbeck Avenue)	Support new criterion a) (<i>Council note – in line with other comments we believe this should refer to new criterion b).</i>	Noted
	MM23 (A7–Grafton)	Support new criterion k) relating to biodiversity.	Noted
	MM24 (A8–HMRC Offices)	Support revised criterion c) relating to biodiversity.	Noted
	MM25 (A9–Lyndhurst Road)	Support revised criterion e) (now d) relating to biodiversity.	Noted
	MM26 (A10–Martlets Way)	Support revised criterion e) relating to biodiversity.	Noted
	MM27 (A11–Stagecoach)	Support revised criterion k) (now j) relating to biodiversity.	Noted
	MM28 (A12–Teville Gate)	Support new criterion j) relating to biodiversity.	Noted
	MM29 (A13–Titnore Lane)	Support deletion of allocation	Noted
	MM30 (A14 (now A13)-Union Place)	Support new criterion n) relating to biodiversity.	Noted
	MM31 (A15 (now A14)-Upper Brighton Road)	Support revised criterion b) (now c) & revised criterion e) (now f) relating to biodiversity and waterbodies.	Noted
	MM50 (DM18 – Biodiversity)	Paragraph 5.259 – since this MM was published the DEFRA metric has been update to current version 3.1	Amend para 5.259 as follows to ensure the supporting text remains relevant as further updates are made to the metric.
		Correct error in criterion f) so that this reads 'Notable and Priority'	<p>...has been achieved using <u>the latest DEFRA biodiversity metric</u> DEFRA's Biodiversity 3.0.</p> <p>Amend criterion c) to correct drafting error as follows:</p>

			Support revised criterion h) relating to biodiversity.	...effect on notable <u>and</u> priority habitat or... Noted
MOD-REP-06	House Builders Federation	MM9 (SS5–Local Green Gaps)	Given housing needs recommend that where appropriate the areas defined as Green Gaps should be amended to support additional development.	Green Gap designation has only been applied where justified by robust evidence. The likely levels of housing need were known as the policy was prepared and this was considered / balanced against the evidence that supports the designation
		MM48 (DM16–Sustainable Design)	Highlights the recent update to Part L of the Building Regulations and suggests deletion of criterion d) of DM16 to avoid repeating national policy.	In light of the comments made a further review has been undertaken and as a consequence the Council recommends that the second part of criterion c) is moved into a new criterion. c) on average per building compared to the Building Regulations Part L 2013 standard. d) Applications for major development should (see above) and demonstrate how the design and layout of the development has sought to maximise reductions in carbon emissions in line with the energy hierarchy. Subsequent criterion should be renumbered.
		MM50 (DM18–Biodiversity)	Wording suggested in relation to the delivery of net gains through the purchase of statutory credits.	Agreed – to provide clarity, additional wording is proposed to criterion h). Note – to help the flow of text it is also suggest that there is a change to the e format so that the criterion now reads as follows: h) New developments (excluding change of use and householder) should 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 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. Where it is required/necessary to deliver biodiversity net gain offsite this should be part of a

				strategic ecological network having regard to Green Infrastructure and Local Nature Recovery strategies. <u>Where it can be demonstrated net gain cannot be achieved either on-site or off-site, mitigation will be allowed through the purchase of biodiversity credits from an approved provider.</u>
MOD-REP-07	Natural England	MM3 (SP2–Climate Change)	Supports revision to criterion k) relating to nature recovery network.	Noted
		MM7 (SS3–Town Centre)	Supports new criterion g) relating to green infrastructure.	Noted
		MM6 (SS2–Dev. Sites)	Suggest policy requirements relating to potential impacts on the SDNP are also applied to site allocations A1 and A6.	The policy requirements referred to are already included within allocation A1 - see MM16 d) (now e). Appropriate safeguards are in place for A6 but the specific criterion referred to isn't appropriate here as the site at Fulbeck Ave isn't within the immediate setting of the SDNP.
		MM8 (SS4–Countryside & Undeveloped Coast)	Supports additional wording to criterion f) relating to the SDNP.	Noted
		MM29 (A13–Titnore Lane)	Support the deletion of site allocation.	Noted
		MM50 (DM18–Biodiversity)	Welcome policy requirements but suggest revision to DM18 criterion c) relating to Sites of Special Scientific Interest.	The proposed amendment does not relate to a Modification. In addition, the Council considers that the policy (as drafted) is in line with the NPPF and that the amendment is not needed to strengthen this criterion.
		MM51 (DM19–Green Infrastructure)	Support	Noted
		MM54 (DM22–Pollution)	Support	Noted
MOD-REP-08	CPRE Sussex	MM29 (A13–Titnore Lane)	Support the deletion of site allocation.	Noted
		MM31 (A15 (now A14)-Upper Brighton Road)	Still have some concerns about potential for coalescence but Modifications are welcomed. Suggestions made relating to sustainable travel (car club / cycle parking).	Noted – the development requirements will help to ensure that the character of settlements is protected. Criterion j) requires the developer to deliver a package of sustainability measures and a travel plan to improve accessibility. This will include the provision of cycle parking and could also include the consideration of a car-club.

MOD-REP-09	Southern Water	N/A	Pleased that previous representations have been taken into account - no further comments to make.	Noted
MOD-REP-10	Pegasus Group (on behalf of Persimmon Homes)	General	Representation highlights the recent appeals decision relating to Chatsmore Farm and sets out a number of relevant extracts. In conclusion, it is argued that 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. As such, the Main Modifications should include the allocation of the appeal site. The appeal decision is the subject of a legal challenge. However, the presumption of regularity applies - the decision stands unless or until it is quashed. Further work undertaken on the Sustainability Appraisal does not fully address the Inspector's concerns regarding the evolution of the housing requirement (particularly in light of the appeal decision).	As evidenced in the Council's letter (11 th March - ref: WBC-E-22), the Local Plan Inspector (LPI) was fully aware of the S78 appeal decision. In his response (18 th March - ref: IL09) the LPI confirmed that he was not bound by the S78 decision and that he was able to reach his own conclusions as to whether identification of the site as a LGG is sound and the implications of this for the housing requirement. The letter also made it very clear to the Council that the appeal decision was a not a reason to delay consultation on the Main Modifications and there was no suggestion that the appeal site should be added to the MM schedule as an allocation or removed from the Gap designation at this time. The Council proceeded in line with this clear advice. The Council emphasised the importance of adopting a Plan as soon as possible and the LPI acknowledged this within his letter. The Council is of the view that the additional work undertaken on the SA clearly responds to the issues raised by the Inspector and other parties before and during the Hearing Session.
		MM8 (SS4–Countryside & Undeveloped Coast)	Modifications go some way to resolving concerns relating to the relationship between policies SS4/SS5/SS6 but further modifications are required. 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.	The Council considers that all concerns relating to the relationship between policies SS4/SS5/SS6 have been fully addressed. The policies provide a clear and robust framework for considering development proposals within the context of these areas being highly valued and environmentally sensitive.
		MM9 (SS5–Local Green Gap)	Welcome deletion of 'exceptional circumstances'. The appeal site is not essential to the functioning of the gap, and consequently there would be no conflict with modified policy SS5. It should be allocated and removed from gap designation.	See response to 'General' comments above.
		MM10 (SS6–Local Green Space)	Concur that the land at Chatsmore Farm should not be designated a Local Green Space and agree with the proposed Modification.	Noted
MOD-REP-11	WSP (on behalf of	MM7 (SS2–Dev.Sites)	Support the changes to the employment floor space assumptions.	Noted

	Worthing BC)	MM21 (A5–Decoy Farm)	<p>Support revised indicative capacity figure.</p> <p>Para 4.22 - clarity sought where offsite contributions are required toward Biodiversity Net Gain.</p> <p>Criterion f) (now g) suggest these should be separate criteria (one relating to residential and one to the recycling site).</p> <p>Criterion g) (now h) it is not appropriate to refer to National Highways.</p> <p>Criterion h) (now i) – terms ‘existing waterbodies’ and ‘create new wetland habitats’ should be further qualified or identified in Plan.</p> <p>New criterion k) - the term ‘should be eradicated’ is unclear in policy terms.</p>	<p>Noted</p> <p>See response to MM50 (DM18) below.</p> <p>Agreed. As these are different issues - split to form two separate criteria (and revise the referencing that follows).</p> <p>The proposed development would have an impact on the A27 which is part of the National Highways network. As the criterion refers to the strategic road network it is appropriate to retain the reference to National Highways.</p> <p>The Council considers the terms used are clear and no further details are necessary.</p> <p>The Council considers the term used is clear and no further details are necessary.</p>
		MM34 (DM2–Density)	Policy only refers to residential density and it is unclear if this applies to industrial sites.	The Council is of the view that policy DM2 (and supporting text) is clear in that it relates to residential use. The indicative capacities provided for allocations A5 & A10 clearly illustrates the expected density of employment uses.
		MM50 (DM18–Biodiversity)	It is unclear how offsite contributions would be directed should the relevant strategies not be in place.	It is agreed that some of the processes relating to how offsite contributions will work in practice is a little unclear. Further clarity will be provided by the Government and then the Council as this process evolves (particularly through the emerging Green Infrastructure Strategy and future work to inform a Nature Recovery Strategy).
MOD-REP-12	Carter Jonas (on behalf of Southern Gas Networks)	MM6 (A10-Martlets Way)	Support the inclusion of a defined residential element but consider that there is doubt over the suitability and deliverability of the proposed employment land. This site is optimal to provide further residential development so the allocation should be for an increased number of residential units rather than a large amount of ‘employment’ space that might not be deliverable.	There is no evidence provided to demonstrate that the employment uses proposed would not be deliverable and that this wouldn’t make the most logical extension of the existing Goring Business Park to help meet some of the Borough’s identified employment needs. Furthermore, likely contamination relating to the previous use of parts of this allocation (as a gasholder) may mean that residential uses would not be suitable or viable here. As explained with WLP

				paragraph 4.31 access to this area will be from either Martlets Way or Woods Way through the Goring Business Park and this would not be a suitable arrangement for residential development.
MOD-REP-13	Montagu Evans (on behalf of Stagecoach)	MM27 (A11–Stagecoach)	The proposed amendments incorporate comments raised in the previous representations – these are supported.	Noted
MOD-REP-14	Persimmon Homes	MM31 (A15 (now A14)-Upper Brighton Road)	Recommend the deletion of wording relating to the SFRA and flood risk. The other proposed modifications are welcomed and the allocation is fully supported.	<p>To be consistent with other allocations the Council considers reference to the SFRA should be retained. However, for additional clarity it is proposed that the additional bullet point in the site constraints is amended to read:</p> <p>The SFRA identifies the site as being at a high risk of flooding. <u>highlights that the southern part of the site is in an area where groundwater levels are predicted to be either at or very near (0.025m of) the ground.</u></p>
MOD-REP-15	National Highways	N/A	Having reviewed the proposed Main Modifications we have no further comments or observations at this time.	Noted
MOD-REP-16	Rapleys (on behalf of EM Goring)	MM6 (SS2–Development Sites)	Support this change which is in consistent with client's aspirations.	Noted
		MM26 (A10–Martlets Way)	<p>Support changes made to indicative capacity.</p> <p>The additions relating to design / contamination / flood risk are considered to be unnecessary as they are normal development management considerations. However, it is noted that a consistent is being taken and no objection is raised.</p>	<p>Noted</p> <p>To be consistent with other allocations some criterion have been revised / added to highlight specific issues relating to individual allocations. Whilst it is accepted that some of these are 'normal' development management functions it is considered appropriate to highlight them.</p>
		Policies Map	Proposed change so that the Nib is included within Goring Business Park – this is considered unnecessary. However, provided the local authority's application of Allocation A10 remains unchanged as a result of the alteration, no objections are raised.	Noted. The Development Requirements set out for Allocation A10 clearly set out the Council's aspirations for this site (including the relationship between the nib and the rest of the site).

Additional representations received not related to Main Modifications

Note - It was made clear that this was a focussed consultation relating just to the proposed Main Modifications and related documents and that it wasn't an opportunity to comment on or object to other areas of the Plan which remain unchanged.

Respondent Reference	Respondent	Modification Reference	Summary	Officer Comments
MOD-REP-17	Paul Lambden	Not specified	Need to protect green spaces & retain agricultural land / object to non-acceptance of the Goring Gaps as open space / concerns about infrastructure capacity / Inspectors shouldn't override local views.	Noted - this is an in principle objection to greenfield development and doesn't relate to any specific MM.
MOD-REP-18	Sompting Parish Council	Not specified	Object to proposed allocation A15 (now A14) at Upper Brighton Rd (greenfield / coalescence / heritage impacts / visual impact on SDNP / local traffic congestion / west of Sompting development)	Noted - this is an in principle objection to the proposed allocation and doesn't relate to any specific MM.
MOD-REP-19	Daniel De Conceicao Silva	Not specified	Oppose these plans as they will not positively improve Worthing.	Noted - this is an in principle objection to the Local Plan and doesn't relate to any specific MM.