



WORTHING BOROUGH
C O U N C I L

31 October 2022

Joint Strategic Sub-Committee (Worthing)	
Date:	8 November 2022
Time:	6.30 pm
Venue:	Gordon Room, Town Hall, Worthing

Committee Membership: Councillors Dr Beccy Cooper (Chair), Rita Garner, Martin McCabe, Helen Silman, Emma Taylor, John Turley, Carl Walker (Vice-Chairman), Vicki Wells and Rosey Whorlow

Agenda

Part A

1. Declarations of Interest

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt, contact the Legal or Democratic Services representative for this meeting.

2. Minutes

To approve the minutes of the Worthing Joint Strategic Sub-Committee meeting held on 11th October 2022, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from members of the public.

Questions should be submitted by **noon on Friday 4th November 2022** to Democratic Services, democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will operate for a maximum of 30 minutes.)

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Corporate Debt Policy and Supporting the Most Vulnerable (Pages 5 - 22)

To consider a report from the Director for Digital, Sustainability & Resources, a copy is attached as item 5.

6. Reconsideration of the locally-determined 100% one-month Council Tax discount in respect of unoccupied & substantially unfurnished properties (Pages 23 - 34)

To consider a report from the Director for Digital, Sustainability & Resources, a copy is attached as item 6.

7. Carbon Emissions for 2021/22 (Pages 35 - 50)

To consider a report from the Director for Digital, Sustainability & Resources, a copy is attached as item 7.

8. Delivering an alternative bike share network (Pages 51 - 62)

To consider a report from the Director for Digital, Sustainability & Resources, a copy is attached as item 8.

9. Worthing Local Plan (Pages 63 - 232)

To consider a report from the Director for the Economy, a copy is attached as item 9.

10. Referral of Motion on Notice from Worthing Borough Council (Pages 233 - 238)

To consider a report from the Director for Digital, Sustainability & Resources, a copy is attached as item 10.

Part B - Not for Publication - Exempt Information Reports

None.

Recording of this meeting

Please note that this meeting is being live streamed and a recording of the meeting will be available to view on the Council's website. This meeting will be available to view on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Neil Terry Democratic Services Lead 01903 221073 neil.terry@adur-worthing.gov.uk	Andrew Matthias Senior Solicitor – Legal Services 01903 221032 andrew.mathias@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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WORTHING BOROUGH
COUNCIL

Worthing Joint Strategic Sub-Committee
8 November 2022

Key Decision [~~Yes~~/No]

Ward(s) Affected: All
Cabinet Portfolio: Resources

Corporate Debt Policy and Supporting the Most Vulnerable

Report by the Director for Digital, Sustainability & Resources

Officer Contact Details

Paul Brewer, Director for Digital, Sustainability & Resources
paul.brewer@adur-worthing.gov.uk

Executive Summary

1. Purpose

- 1.1. To present the results of the first stage of work by the ethical debt working group, a group established as part of the Councils' response to the Cost of Living crisis, outlined in the report to the sub-committee in September 2022.
- 1.2. To propose a Corporate Debt Policy for the Council, providing the framework to build further on our ethical approach to debt recovery - identifying the vulnerable early on, and helping those in financial hardship, particularly in these times.
- 1.3. To drive alignment of debt recovery methods to *Proactive* ways of working, a model which has been piloted and is expected to be increasingly mainstreamed, through embedding multidisciplinary teamwork and joined up, more personalised support.

2. Recommendations

- 2.1. That the sub-committee approves the Corporate Debt Policy and supports the proposed ethical approach to debt recovery.
- 2.2. That the sub-committee requests an update report in six months, outlining the changes that have been made to practices, processes and systems in support of a more proactive and holistic way of working.

3. Context

- 3.1. Work to make our services more proactive, and identify vulnerable residents earlier started in February 2021, working with project partners Policy in Practice to help us more effectively use data to identify financial vulnerability.
- 3.2. Subsequent committee reports in July 2021 and January 2022, member briefings in March 2022, and a further report in July 2022 have outlined the benefits of early identification and support through the *proactive pilot*.
- 3.3. As set out in the Cost of Living report presented to the sub-committee in September 2022, the proactive pilot has identified and sought contact with 900 residents using outbound calls, reaching 350 and successfully supporting the 250 who wanted our help.
- 3.4. The Cost of Living report presented a project road map, outlining a range of measures the Council is seeking to implement, with one strand being the development of an ethical debt approach and targeted financial support.
- 3.5. This report presents the product of the first stage of work by the ethical debt working group under the Cost of Living strategy, a Corporate Debt Policy which provides the framework for the identification of financial vulnerability, sensitive and fair debt recovery arrangements, and effective signposting to further support.
- 3.6. The next stage of the Proactive Project will be supported through the Shared Prosperity Fund, and drive the implementation of the road map, including implementation of ethical debt practices across the

organisation.

- 3.7. However, progress beyond policy development has already been made including the imminent re-launch of text message reminders for those late with their council tax payment, automation of applications for Council Tax Support for Universal Credit applicants, and trials of the TellJo digital assessment and signposting tool close to launch.
- 3.8. Using an online questionnaire, the TellJo tool prompts residents to request to make a payment arrangement with the Council, offers a route to register for social tariffs and the Priority Services Register with the energy supplier, and to request a call from a debt advisor. The tool also provides signposting to third sector organisations providing support for mental health, drugs and alcohol and domestic abuse.
- 3.9. The next stage of the Proactive Project will drive multi-disciplinary team working and alignment of culture and practice more deeply and extensively, as there remains a need to adapt language, process and practice in several key areas. Significant changes have already been made to standard letters and the stages of recovery in housing and revenues and benefits, but further work to standardise practices across all teams is required.
- 3.10. The Corporate Debt Policy presented in this report provides a clear and strong policy context for that work to be undertaken.

4. Issues for consideration

- 4.1. A recent internal audit of corporate debt management identified the need for an overarching debt management strategy, and the pre-existing work on ethical debt management has been expanded to meet the need for such a top level corporate policy.
- 4.2. The policy has been drafted with input from Policy in Practice who work with many local authorities on ethical debt.
- 4.3. Our Head of Legal services has also benchmarked across many local authorities and the proposed policy benefits from best practice across the country.
- 4.4. The policy outlines the requirement for a corporate debt management group to drive the development of coordinated multi-debt management

systems and practices. This will be established following the implementation of the Chief Executive's organisational design programme and from within the Cost of Living programme to ensure alignment.

5. Engagement and Communication

- 5.1. As discussed above, extensive benchmarking has been undertaken with other local authorities.
- 5.2. Cabinet members have been engaged in the development of the policy.
- 5.3. The ethical debt working group has operated under the auspices of the Cost of Living programme and its engagement and communications approach.

6. Financial Implications

- 6.1. There are no direct financial implications arising from the approval of the policy.
- 6.2. If the policy is successful in ensuring that debts due are paid then there may be an impact on the income collected from the additional charges made due to the late or non-payment of debts.

7. Legal Implications

- 7.1. Under Section 111 of The Local Government Act 1972 the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the full discharge of any of its functions.
- 7.2. Section 1 of The Localism Act empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 7.3. Section 3(1) of The Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

- 7.4. Under the Council Tax (Administration and Enforcement) Regulations 1992 the Council has the power to make arrangements or agreements with a council tax payer for payment of outstanding council tax as are necessary and within the scope of the regulations.
- 7.5. The Council has statutory responsibilities for housing including a duty to provide advice and support to prevent homelessness, and a requirement to help residents find suitable and sustainable accommodation if they are already homeless.
- 7.6. Section 13A of The Local Government Finance Act 2012 requires the Council to make a scheme specifying reductions in council tax payable by people in financial need.
- 7.7. The Department for Work and Pensions provides funding to West Sussex County Council under section 31 of The Local Government Act 2003 to administer the Household Support Fund Scheme and provide assistance to households most in need. West Sussex County Council must in turn work with Worthing Borough Council to ensure the funding meets its objectives by identifying and supporting those most in need potentially as delivery partners.

Background Papers

Corporate Debt Recovery Policy ([link](#))

[Response to the Cost of Living Emergency in Worthing](#) (delete for Adur)

Sustainability & Risk Assessment

1. Economic

The implementation of the Corporate Debt Recovery Policy supports the early identification and appropriate support of our most vulnerable residents, aiming to contribute to their stability and security, in relation to a range of negative social outcomes, including mental health and homelessness, and supporting the chances of a return into the labour market or the maintenance of employment.

2. Social

2.1 Social Value

Significant social value in relation to supporting our most vulnerable residents, and helping them access support from a range of community organisations as well as our own support services such as Going Local social prescribing.

2.2 Equality Issues

The corporate debt recovery policy explicitly identifies equalities issues as a vulnerability factor, and therefore drives practice and culture towards appropriate identification and action in relation to equalities issues.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified

2.4 Human Rights Issues

Early identification and support around financial hardship supports the delivery of fundamental rights relating to housing, food, and financial security.

3. Environmental

Matter considered and no issues identified

4. Governance

It is imperative that the Council has an effective corporate debt recovery policy in place.



ADUR & WORTHING COUNCILS

CORPORATE DEBT RECOVERY POLICY

This policy sets out our approach to collecting and recovering debt owed to us by businesses and residents.

1.0 Introduction

Adur District Council and Worthing Borough Council ('the Councils') are required to collect monies from both residents and businesses for a variety of reasons.

Money we collect enables us to provide important public services. Income that is not collected or takes additional effort to collect means fewer resources are available to provide our services. We will try to recover all debts owed to us. This is a fair approach to people who use services and to the majority who pay Council tax and business rates on time. We will work proactively to identify those people suffering financial hardship, arrange fair repayment plans and signpost people to appropriate advice and support teams in the voluntary and community sector. We will follow the appropriate protocols and procedures to recover monies owed to us, including enforcement where this is appropriate and necessary.

In undertaking income and debt recovery it is inevitable that we will be required to pursue the recovery of arrears from residents and businesses that may experience difficulty in paying. It is therefore important that we set out how the Councils manage and collect debts to ensure consistency and best practice in such situations.

This policy identifies where responsibility for collection of different debts lie and sets out the principles and standards in relation to customer contact, recovery processes, repayments and benefit, money and debt advice. It also explains how the Councils and their partners can offer help, advice and support in the management of debt for our customers.

This policy sets the framework for a consistent and sensitive approach to maximising debt collection.

Our approach in Adur District Council and Worthing Borough Council will be fair, consistent and sensitive to individual situations. We will:

1. Develop triggers and measures to provide an opportunity for **proactive**, early intervention and reduce the likelihood of the arrears increasing
2. Implement best practice for collecting and recovering debt to the Councils

3. Ensure that the debt has been raised correctly and in a timely manner
4. Make sure that residents and businesses are given invoices or bills setting out the charge, the basis of the charge, methods of payment and Council contact details
5. Where appropriate, agree payment arrangements with customers

2.0 Our approach for avoiding debt

The Councils' aims are to prevent excessive debt by promoting financial inclusion and budgeting to reduce the impact of poverty. The common approach by the Councils and its partners is supporting people to budget and pay their priority debts. The proactive, ethical management of outstanding debt for those experiencing exceptional hardship is of particular importance for the Councils, and an appendix to this policy "Supporting the vulnerable" provides further detail on the considerations and options that we require teams to adopt.

A number of payment methods, including online payments, are available to make it easy for customers to pay for services.

Services will be invoiced or billed in line with statutory requirements. Where a debt remains unpaid:

1. We will signpost customers to appropriate debt advice and support agencies.
2. We recognise that certain individuals will require more sympathetic and sensitive treatment. For example, in the case of recent bereavement, major illness or where the customer requires special assistance in handling their financial affairs.

3.0 Policy objectives

This policy has been developed to provide support to customers before legal or enforcement action is taken. But it will also use the full range of collection and recovery methods as appropriate if debts are not paid. The policy operates within the framework of relevant legislation, such as data protection, human rights and statutory regulations and other Council policies and internal procedures.

4.0 Policy aims

The aims of this policy are to:

1. Maximise income for Adur District Council and Worthing Borough Council
2. Ensure that all Council tax and business rates payers' interests are protected by effective debt collection
3. Ensure our services work to identify those who "can't pay" due to experiencing financial hardship or other difficulties such as mental health issues or other life crises, *in distinction* to those who "won't" pay".
4. For those experiencing financial hardship, be 'preventative', for example offering payment options and to signpost customers with debt issues to debt advice providers
5. Protect and support vulnerable customers, ensuring we refer people to appropriate

services internally and externally, such as housing support.

6. Maximise the use of discretionary funds where appropriate to assist with pressures of welfare reform, homelessness or poverty.
7. Be fair but firm, and ensure consistency in dealing with customers, making sure those who “won’t pay” are strongly pursued, including through enforcement approaches.

5.0 Our commitment

When dealing with customers who owe money to us we will:

1. Treat all customers fairly and objectively
2. Ensure that there is no discrimination against customers because of their race, nationality, colour, ethnic origin, religious belief, gender, marital status, sexual orientations, age or disability
3. Encourage customers to make early contact with us about any debt-related matters
4. Use Plain English in all correspondence
5. Assist with communication needs where appropriate, including translation and interpreting services
6. Coordinate all our correspondence to avoid duplication and reduce costs; ensuring that correspondence with customers refers to and deals with all or similar accounts outstanding, so as to consolidate the debts and clarify the total amount owed, and offering options for payments (not including Sundry Debts)
7. Promote advice and support services available
8. Set out our charges clearly

6.0 Advice and support

The Councils will advise individuals and/or businesses as to the range of discounts, reliefs and reductions available at both the time an account is issued and in subsequent communications. This information is also available on both Councils websites.

Staff in direct contact with customers will signpost them as to where they can obtain advice on benefits and debt matters appropriate to their needs.

We will ensure that all written communications are clear and use Plain English as the standard wherever possible. We will explain complex terminology when it is required to be used by law.

All documents will be issued in a timely manner, in accordance with any statutory timescales. The legal options open to the Councils in collecting debts and the customer in paying debts will be explained, taking into account the stage of recovery achieved.

We will assist people with language and communication needs by offering translation, interpreting and other services when required.

7.0 Assessing ability to pay

In pursuing debt recovery, the Councils will act in accordance with statutory regulations and guidance. It is imperative that the Councils' approach to debt recovery is responsible and responds to the financial and social vulnerability of residents and business owners.

The Councils will take into account individual circumstances and the financial and economic climate that we are operating in.

We take a common approach in assessing a customer's whole financial position (by taking into account all of their expenditure and income) to assess their ability to pay. Where instalment arrangements can be entered into, the repayment rate will be based on a proportion of the customer's disposable income and realistic arrangements will be entered into for the repayment of debts in preference to legal action.

Customers who have single or multiple debts owed to the Councils will be offered the opportunity of independent debt advice.

8.0 Our recovery

We will look to charge for services by invoice or bills in line with statutory requirements which may be through instalment plans or arrangements. This will include making longer term repayment arrangements where recovery "in-year" is not realistic and could be counter-productive.

At each stage of the recovery process, customers are signposted to debt advice providers in the voluntary sector.

Where the debt remains unpaid or if instalment plans or arrangements are broken we will follow the appropriate statutory recovery process dependent upon the type of debt.

If the debt has not been recovered through internal recovery methods then, depending on the type of debt, we may instruct bailiffs or debt recovery companies to recover the debt on our behalf. County Court bailiffs may also be instructed, when appropriate, by HM Courts and Tribunal Service.

Consideration will be given to the vulnerability of a customer before we instruct a bailiff or debt recovery company and if we become aware of a vulnerable person once the debt has been passed to a bailiff or debt recovery company we will withdraw the instruction and bring the debt back to the Councils.

Once a debt has been passed to a bailiff or a debt recovery company, the customer may incur further costs.

9.0 Complaints

We have a Complaints Procedure and any customer that feels dissatisfied with how they have been treated may register their complaint in accordance with that procedure. Copies of this document (and other documents referred to in this Policy) are available at <https://www.adur-worthing.gov.uk/complaints/>.

All our publications are available in alternative formats, such as hard copy, large print or a

language other than English.

The corporate complaints procedure provides the Councils with the opportunity to investigate and, where appropriate, provide a remedy in circumstances where the Councils are alleged to have been guilty of maladministration which has caused injustice (and where there is no other reasonable avenue available to the complainant to appeal or seek redress).

It is important to note, however, that the corporate complaints system cannot entertain objections against the merits of a decision which has been properly taken and with which the complainant does not agree.

In the event that the complainant remains dissatisfied after the Councils have investigated the complaint, the complainant may refer their complaint to the Local Government Ombudsman, who is independent of the Councils, but will not consider a complaint where more than 12 months has elapsed since the alleged act/omission.

NB: Some complaints in respect of certain debt matters are also supported by specialist or independent bodies e.g. The Appeals Service, The Housing Ombudsman and Local Government Ombudsman. Details of these bodies together with any external referrals will be provided to customers by the team dealing with the complaint.

10.0 Rights of Appeal

There are a number of ways in which people can appeal about decisions the Councils may have taken:

Valuation Tribunal: For people who believe the Councils have acted incorrectly on a Council Tax billing matter.

Magistrates Court: For people who are aggrieved by the recovery process for Council Tax, Fixed Penalties and Non-Domestic Rates and for Business Improvement District Levy payers or payers who believe the Councils acted incorrectly on a billing matter.

Appeal Tribunal: For decisions made on Housing Benefit claims.

Three Stage Appeals Process for Penalty Charge Notices (Parking tickets): For people who wish to challenge a penalty charge notice that they have received, they can appeal to the council within 28 days of the penalty being issued if you think it has been issued unfairly. They should submit their challenge as soon as possible. If they appeal within 14 days their penalty charge could be reduced by 50%.

If their appeal is unsuccessful they will be able to re-appeal to the Council for a reconsideration, once a Notice to Owner form has been issued. If their formal representations are rejected, they will be able to appeal to the independent tribunal known as the Traffic Penalty tribunal who are independent from the council. The adjudicators are independent lawyers who will make a decision on the case.

There are further appeals processes to the Traffic Enforcement Centre if it is disputed that a statutory notice has not been received.

11.0 How we will meet the Policy

The Councils will take steps to:

1. Give early advice to customers on repayment options and where to get assistance with debt problems.
2. Make all advice on how and where to pay clear and simple.
3. Raise awareness of a debt as quickly as possible.
4. Raise the implications for non-payment - review all reminders and letters periodically, change typeface, font, printing and paper colours, if required to heighten the impact.
5. Review each case individually, taking into account the known circumstances of that customer, if possible and endeavouring to find a remedy before taking any proceedings.
6. If an account remains unpaid, then advise the customer what will happen and let the customer know which organisation or agencies can advise them and how they can get in touch with them.

12.0 Protecting the Councils from Late Payment

The Councils are supported by current UK legislation to recover any amounts expended in recovering overdue amounts from debtors who unnecessarily avoid or delay payment.

Examples of these fees are:

1. Late payment charges
2. Court action fees
3. Enforcement Agent fees
4. Interest

and these may be charged to the debtor's account.

The aim of the legislation is to reimburse the Councils' costs in taking debt recovery action. It prevents citizens having to bear the costs of recovering debt from this minority of customers and also acts as a deterrent against deliberate or malicious non-payment.

The relevant legislation relating to recovering these charges shown below along with links to obtain further information;

- [Directive 2011/7/EU on combating late payment in Commercial transactions](#)
- [Late Payment of Commercial Debts \(Interest\) Act 1998](#)
- [Local Government Act 1972](#)
- [Local Government Finance Act 1992](#)
- [Local Government Act 2003](#)

- [Localism Act 2011](#)
- [Traffic Management Act 2004](#)
- [Taking control of Goods Regulations 2013](#)

If further or outside advice is needed please see our [Support Directory](#) for details of organisations who can help.

13.0 How we will take Recovery Action

The following table sets out the various collection pathways for the major debt topics within the Councils' debt portfolios. It should be noted that the Councils operate many of their recovery pathways in cooperation with private and public partners to rationalise services and achieve efficiency.

As such the Councils retain their options to utilise collection and enforcement agents from both the private sector and the courts to carry out associated or appropriate enforcement actions on behalf of the Councils to prevent or mitigate the need to escalate debts along the collection path.

	Council Tax	Sundry Debt	National Non-Domes tic Rates	Housing Benefit overpayment	Parking (PCNs)
Charging method*	Annual bill	Invoice	Annual bill	Invoice	Penalty Charge Notice (PCN)
Default collection pathway	Magistrates Court	Magistrates/ County Court	Magistrates court	County Court	County Court Traffic Enforcement Centre
Appeals	Valuation Tribunal	High Court	Valuation Tribunal	To the Tribunal and Appeals Service	2 Appeals to the Council and one to the Traffic Penalty Tribunal
Option of Final Resort for persistent/ deliberate default	Fine and/or custodial sentence	Bailiff/custodial sentence	Fine and/or custodial sentence	Deductions from wages or benefits	Warrant being passed to a Certificated Enforcement Agent (bailiff). Other means of enforcement if Enforcement Agents are unsuccessful: Attachment of Earnings Charging Order

*Action following the exhaustion of all prescribed/standard recovery efforts, e.g. after written, electronic, oral contacts and reminders have failed to elicit a sustainable payment response from the debtor.

Supporting the Vulnerable

1.0 Introduction

The Councils aim to ensure that vulnerable residents are identified early through our developing proactive service model, and are treated fairly and compassionately, while recognising that effective debt recovery is an important principle to maintain on behalf of all residents.

The Councils' debt recovery staff will provide residents with details of how they can access independent advice and support in relation to their finances. The Councils' website and correspondences with debtors (letters, email) will also direct residents to independent sources to access support relating to their finances.

We recognise that some individuals may require additional support in order to be able to adequately manage their finances and repay monies owed. The measures that the Councils may seek to take are outlined in paragraph 3.2.

2.0 Vulnerability

2.1 There is no set definition of vulnerability in relation to poverty, and the degree to which someone is considered vulnerable can vary widely. The causes of financial vulnerability are broad and include any condition or situation which may affect a person's ability to manage their finances for a period of time. Some likely causes or examples of vulnerability could be:

- People undergoing significant changes in their life circumstances – i.e., have recently lost or who are at risk of losing their job or their home, or who are facing other major changes and or transitions such as those have been recently bereaved
- People with disabilities, including those with learning difficulties - where their disability specifically affects their ability to manage their financial affairs
- People suffering from serious illness, including mental health conditions - where their illness specifically affects their ability to deal with their financial affairs
- People who have difficulty communicating in English may be considered vulnerable in some cases. While translation services are available for interaction with the Council, those who may not have the support of family members who can speak or read English may be more broadly financially excluded
- People who have difficulty reading and writing. This may prevent them from being able to read notices or warnings in relation to their debt, and may have caused broader financial exclusion
- People affected by the economic or health impacts of pandemic or natural disaster
- Those experiencing/ fleeing Domestic Abuse

2.2 The above does not constitute a list of reasons for automatic assessment as vulnerable, nor is it intended to be exhaustive. Assessment of vulnerability, and the steps taken to support a vulnerable customer, will be assessed by the Councils on a case by case basis, based on the specific details provided by the customer.

2.3 The identification of vulnerability does not excuse someone from paying a debt which they are legally obliged to pay. It does, however, mean that the Councils will provide additional support in understanding the debt, and aim to minimise undue distress. This may mean referring to specific internal support or community partners.

2.4 Where vulnerability is identified, the Councils should, as a minimum, ~~will~~ put in place additional management control. For example, accounts will be flagged on the relevant systems to alert any staff dealing with the case and automated escalation will be halted to ensure that the case is reviewed by a member of staff before any further action is taken. This will be aided through the implementation of a CRM system ("Citizen Hub") through which officers can easily identify a vulnerability.

2.5 Depending on the nature of the identified vulnerability, there are a number of additional measures that the Councils may decide it is appropriate to make:

- Allowing longer to pay
- Referral to independent advice and guidance
- Temporarily halting enforcement action
- Providing additional support to overcome the vulnerability (e.g. home visits or assistance completing forms)
- Reviewing eligibility for benefits to ensure that these have been correctly assessed
- Considering referral to alternative support: discretionary funds, section 13A payments, DHP or referral to third party may be appropriate
- Where advocates or representatives have been appointed, ensuring that the appropriate evidence has been provided and accounts are updated.
- The action plan will depend on the nature of the debt

3.0 Support for those with Problem Debts

3.1 Whether or not an individual is vulnerable and needs additional support to manage their finances is often independent of whether the customer actually has the means to pay. In accordance with the principles set out, and in the first instance, the Councils will aim to assess a resident's ability to pay their debt, and to tailor its approach where it is identified that someone is struggling to pay their debts, working with them, their representative or appointee to find a solution to resolve the issue. A list of priority and non-priority debts have been provided in Appendix B.

3.2 In addition to provision of, and referral to, appropriate sources of advice and guidance through the Councils' existing advice contracts and network, the Councils will seek to support residents to overcome problematic debt and promote access to affordable credit by operating a policy of not pursuing and writing off all or a portion of the outstanding balance where it is identified that a customer does not have the means to pay the full amount.

3.3 It is not practical to implement a prescriptive set of criteria for such cases. Decisions are delegated to officers, but as a minimum, it will only be considered where an individual has engaged with financial assessments, and has kept to the affordable payment plan that has been agreed for a period of time. In order to achieve consistency among decision makers and officers dealing with accounts, we will ask residents to complete the benefit and budgeting calculator tool.

4.0 Multiple Debts

4.1 We know that individuals struggling with problematic debt are likely to owe multiple debts to the Councils and to other external companies.

4.2 Historically, it has been difficult to take a holistic view of an individual's balances due to each account requiring different recovery and enforcement methods and so being held and managed on different computer systems. This has meant it has not been possible for a single officer to easily make a customer aware of the various account balances they may have. The Councils are committed to providing a "dashboard view" using the LIFT platform to officers around council tax arrears, rent arrears and housing benefit overpayments for those residents on

benefits and a view to widen this approach across the whole Council. Officers can then make residents aware and sign post them to sources of debt advice, grants and employment skills training.

4.3 A corporate debt management group will develop the systems and processes required to expand that joined-up view across other debt streams, improving the way individual and commercial debt is managed and the customer communicated with.

5.0 Staying in contact and targeting

5.1 The Councils will ensure officers of the Councils will remain in contact and ensure residents are provided contact details of the relevant departments of the Councils if they need further support. Officers will ensure that their contact details are provided on all communications sent and ensure phones are logged in during working hours to be available to support. Officers will also ensure a prompt reply to any communications, as per set out by the standards of Adur & Worthing Council.

5.2 Adur & Worthing will continue to move towards adopting an early intervention approach and a commitment from all departments internally to move towards a prevention approach.

5.3 The Councils will use external resources and agencies to assist in locating residents who may have absconded and to help identify residents' propensity to pay. This will enable the Councils to better target recovery action.

6.0 Breathing Space

6.1 The Breathing Space scheme, originally outlined by the Government in February 2020 following campaigning from the debt advice and wider sector, went live on 4 May 2021. The 60-day breathing space period will see enforcement action from creditors halted and interest frozen for people with problem debt. The Councils have amended its processes to reflect this requirement and will actively refer cases to this where it is deemed the most appropriate plan of action.

7.0 Hardship Fund and write-offs for Council Tax

7.1 Worthing operates a hardship fund to support households on Council Tax Support intended to offset the £5 weekly restriction which is currently in place within Worthing, but due to end in March 2023.. The hardship fund will be considered before any consideration is given to writing off any current debt.

7.2 As part of sound financial management, the Councils will periodically write-off debts that it considers are not possible, or cost effective to recover. The Councils do not normally write-off debts at the request of the resident, however in appropriate circumstances it may consider setting aside a portion or all of the debt in line with the principles laid out above. The Councils have a procedure in place for write-offs.

8.0 Approach to Enforcement

8.1 As part of the Councils' approach to enforcing debts, the Councils, once they have gained required authority from the appropriate court in appropriate cases, will use the enforcement route deemed most likely to prove successful. Depending on the debt this may include, attachment of benefit, attachment of earnings, charging orders, bankruptcy, committal hearings, obtaining possession and referral to enforcement agencies including the High Court.

8.2 Where enforcement agents are used the Councils will use a number of enforcement agents depending on the debt. The enforcement agents may be both commercial companies and local authority service providers. All enforcement agents used will be committed to working with

empathy, ethically, identifying vulnerability and in accordance with the regulations. This code of practice will at least be equivalent to that of the CIVEA (www.civea.co.uk/our-code-of-practice).

8.3 Regular meetings will be held between the Councils and its enforcement agents to ensure that high standards are being met, and that welfare arrangements and appropriate behaviours are being adhered to.

Appendix B - Citizen's Advice Priority debts listing

<https://www.citizensadvice.org.uk/debt-and-money/help-with-debt/dealing-with-the Councils's-debts/work-out-which-debts-to-deal-with-first/>

Priority debts include:

- mortgage or rent arrears. If you don't pay these, you could lose your home
- council tax arrears. If you don't pay these, the Councils can use bailiffs to take your goods. If, after this, you still have arrears unpaid, you can be committed to prison
- gas and electricity arrears. If you don't pay these, you can have your supply disconnected
- Phone or internet bills. If you don't pay, suppliers can cut off your phone or internet
- court fines such as magistrates' fines for traffic offences. If you don't pay these, the Councils can use bailiffs or High Court enforcement agents to take possession of your goods.
- arrears of maintenance payable to an ex-partner or children. This includes Child Support you owe to the Child Support Agency. If you don't pay these, the Councils can use bailiffs to take your goods. If, after this, you still have arrears unpaid, you can be sent to prison
- income tax or VAT arrears. You can be sent to prison for non-payment of income tax or VAT
- TV licence or TV licence arrears. It's a criminal offence to use a television without a licence. You could be fined.

You may have other debts which you think it is particularly important to pay. For example, if you're disabled and rely on your car to get around, you may need to make paying for your car a priority debt.

You need to think very carefully about which debts you treat as the most important ones. You must have very good reasons, as you might have to convince a court or other creditors why it is reasonable for you to treat these debts as more important than others.

Your non-priority debts might include:

- credit card or store card debts
- catalogue debts
- unsecured loans including payday loans
- unpaid water bills - your supplier can't cut off your water supply
- overpayments of benefits - apart from tax credits
- unpaid parking tickets - these are called Penalty Charge Notices or Parking Charge Notices
- money you owe to family and friends

You can't be sent to prison for not paying non-priority debts. But if you don't make any offers to pay, without explaining why, your creditors may take you to court. If you still fail to pay when the court has ordered it, your creditors can take further action. For example, they can get another court order which allows them to send bailiffs round to take your property away. This will be sold to cover your debts. If you don't keep up payments under a hire purchase agreement, the lender may be able to take back the goods. Depending on how much you have paid, the lender may not need to get a court order first.

Corporate Debt Policy November 2022

Next review November 2024



WORTHING BOROUGH
C O U N C I L

Worthing JSC Sub-Committee
8 November 2022

Key Decision: No

Ward(s) Affected: all
Portfolio: Citizen Services

Reconsideration of the locally-determined 100% one-month Council Tax discount in respect of unoccupied & substantially unfurnished properties

Report by the Director for Digital, Sustainability & Resources

Officer Contact Details:

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Executive Summary

1. Purpose

- 1.1 Since 1 April 2013, local authorities have been able to amend the period when no Council Tax is payable in respect of properties that are unoccupied and substantially unfurnished.
- 1.2 In September 2019 and January 2020, the Joint Strategic Committee considered reports about a number of Council Tax discounts and additional charges. From 1 April 2020, Adur District Council decided to abolish the 100% discount for a maximum period of one month whilst Worthing Borough Council decided to retain the discount.
- 1.3 This report invites Worthing Members to reconsider the decision with the aim of maximising the availability of housing in the local community and reducing periods of vacancy and, on this basis, to undertake a public consultation.

2. Recommendations

2.1. The Worthing Joint Strategic Sub-Committee is asked to

- 2.1.1. Conduct a public consultation in respect of the local discount for unoccupied & unfurnished properties, with a view to amending the period when no Council Tax is payable;
- 2.1.2. Delegate authority to the Head of Revenues & Benefits, in consultation with the Cabinet Member for Citizen Services, to finalise the consultation content, with the results and any recommendations to be reported back to a future meeting of the Joint Strategic Sub-Committee.

3. Context

- 3.1 Since 1 April 2013 local authorities have been able to determine certain reductions in Council Tax bills in respect of unoccupied properties for which there had previously been statutory discounts or exemptions that were defined in legislation.
- 3.2 In November 2012, the Joint Strategic Committee determined that the statutory Class C exemption in respect of unoccupied and unfurnished properties that lasted for up to six months should be replaced with a local discount of 100% lasting for a maximum period of one month.
- 3.3 In September 2019 and January 2020, the Joint Strategic Committee considered further reports:
 - Recommending to Full Council that “Long-term empty premiums” should be introduced (whereby additional Council Tax becomes payable) in respect of unfurnished properties that have been unoccupied for at least two years
 - Determining that the one-month 100% discount in respect of unoccupied and unfurnished properties should be retained for properties in the Worthing area.
- 3.4 These changes mean that since 1 April 2021, unless a property meets the criteria for a statutory exemption, the Council Tax liability within Worthing in respect of properties that are unoccupied and unfurnished is:

- £nil in respect of the first month
- The usual charge (based on the property Band) from month two to month twenty-three
- 200% of the usual charge from years two to year five
- 300% of the usual charge from years five to year ten
- 400% of the usual charge where the property remains empty for ten years or more

3.7 This report invites Members to consider revising the local discount of 100% that lasts for a maximum period of one month in respect of unoccupied and unfurnished properties.

3.8 It does so in the context of Worthing having a shortage of homes and that this policy change will encourage a quicker turnaround between one occupant and the next, supporting the administration's aims of tackling the housing crisis.

4. Issues for consideration

4.1 The one-month 100% discount is most commonly awarded in respect of rented properties during the period when one tenancy ends (and the former tenant vacates) and a new tenancy starts. However, it is also awarded when properties are sold and either the former owner vacates the property prior to the completion date or the new owner doesn't immediately occupy after the date of completion. There can only ever be a single one-month discounted period.

4.2 In respect of rented properties, the landlord/owner becomes liable for Council Tax during periods between tenancies and the discount is typically applied to their account. However, it is not uncommon for the former tenant to vacate the property shortly before the end of their tenancy and in these circumstances:

- The former tenant is awarded the discount from their date of vacation until the end of the tenancy
- The landlord is awarded the balance of the one-month discounted period

4.3 This can result in uncertainty about the Council Tax to be charged to landlords/owners and challenges are frequently received about whether the former tenant actually vacated prior to their tenancy end date. Removing the discount would simplify the administrative process because the liability start and end dates (based on sale completion or tenancy start/end dates) are rarely disputed.

- 4.4 The local discount of 100% currently lasts for a maximum period of one month and thereafter the full Council Tax charge becomes payable. The number of unoccupied properties as at October 2022 (together with comparable figures from 2019 when the discount was last considered) was:

	May 2019	October 2022
Total number of Council Tax properties	50,547	51,530
Total number (and percentage) of empty properties	835 (1.65%)	764 (1.48%)
Number (and percentage) of properties with a 100% discount	64 (0.13%)	38 (0.07%)

The number of empty properties is constantly changing as residents buy and sell properties and tenancies commence and end.

- 4.5 The following table shows the number of properties that were subject to the one-month 100% discount reduction using one day in October 2022 as an example:

Property Band	Number of properties	Total value ¹ of Council Tax discounts
Band A	18	£2,033.01
Band B	10	£1,317.69
Band C	5	£752.97
Band D	5	£847.09
Band E	0	£nil
Band F	0	£nil
Band G	0	£nil
Band H	0	£nil
Total	38	£4,950.76

Note 1: the value is an approximation because Council Tax is a daily charge, there are a variable number of days in each month and each discounted period does not necessarily last for a full month

- 4.6 The totals shown above assume that the 100% discount is awarded for a full one-month period although if the property is re-occupied before the end of this time the normal Council Tax charge will become due.
- 4.7 An analysis of the 100% discounts that were awarded from 1 April 2022 to present has been commissioned and will be presented to the Cabinet Member for Citizen Services when available as part of consultation.
- 4.8 For the current financial year only 12.41% of the total value of Council Tax that is charged for relates to the borough council precept (with the remaining 87.59% relating to the West Sussex County Council and the Sussex Police & Crime Commissioner precepts), if the discounted period was abolished this would result in a maximum additional income of £7,450 per annum for Worthing Borough Council.
- 4.9 Whilst the financial gain to the Councils is modest, Members may consider that in the context of the continued pressures on the local housing supply the abolition of the discount may encourage Council Tax payers to bring these properties back into use more quickly. It would also simplify the administration of Council Tax because disputes about the date on which a property became unoccupied would become irrelevant.
- 4.10 Members may wish to be aware that other neighbouring local authorities provide the following discounted periods from 1 April 2022

	Discount
Adur	No discount
Arun	50% discount for a maximum period of three months
Chichester	No discount
Crawley	100% discount for a maximum period of seven days
Horsham	No discount
Mid Sussex	No discount
Brighton & Hove	No discount

4.11 If the 100% one-month discount is abolished, this will not affect the other statutory exemptions that are awarded in respect of unoccupied properties, for example

- Certain properties owned or rented by a charity
- When the Council Tax payer has passed away and the executors are awaiting the grant of probate
- Properties kept empty for a minister of religion
- Repossessed properties

5. Engagement and Communication

5.1 If Members wish to consider amending the local discount in respect of unoccupied & unfurnished properties it is appropriate to undertake a public consultation.

5.2 The consultation would be made available online and in paper format, and will be publicised widely.

5.3 The results from the consultation would be reported back to the Joint Strategic Sub-Committee in order that a formal recommendation can be made to the Full Council to determine any change that should be made.

5.4 The Chief Financial Officer will consult with West Sussex County Council and the Sussex Police & Crime Commissioner.

5.5 The suggested content of the consultation is shown in Appendix A. If Members wish to amend the content it is recommended that delegate authority is given to the Head of Revenues & Benefits in consultation with the Cabinet Member for Citizen Services to finalise the content.

6. Financial Implications

6.1 If members approve the removal of the discount, this will generate additional income to the Collection Fund, albeit the financial gain is likely to be marginal in the region of £60,000. The Council benefits from 12.41% of any tax generated and so this would increase income by £7,450 per year.

6.2 The cost of consultation will be met from within existing budgets.

7. Legal Implications

- 7.1 The Local Government Finance Act 2012 amended the Local Government Finance Act 1992, abolishing Council Tax exemptions for certain empty dwellings and increasing local authorities' discretion over discounts for empty dwellings. The Act also gave local authorities a new discretion to increase the Council Tax for certain empty dwellings.
- 7.2 The exemption for dwellings which are unoccupied and substantially unfurnished (Class C of The Council Tax (Prescribed Classes of Dwellings)(England) Regulations 2003, as amended by The Council Tax (Prescribed Classes of dwellings)(England)(Amendment) Regulations 2012) was abolished with effect from 1 April 2013. X
- 7.3 Under s.11B of the Local Government Finance Act 1992 (as inserted by the Local Government Finance Act 2012), from 1 April 2013, where a dwelling remains unoccupied and substantially unfurnished for a period of two years or more, the Council has discretion to charge an empty homes premium in addition to the full Council Tax charge.

Background Papers

Minutes of the Joint Strategic Committee meetings held on 10 September 2019 and 14 January 2020

Minutes of the meeting of Worthing Borough Council held on 18 February 2020

Sustainability & Risk Assessment

1. Economic

Income from Council Tax represents an important source of income to the Councils. The additional income that would be received if the local discount were to be abolished is modest, but they may encourage properties to be brought back into use more quickly.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered and no issues identified.

Appendix A - suggested content of the public consultation

Worthing Borough Council currently allows an exemption from Council Tax, for a maximum of one month for properties that are empty. It also allows other exemptions which are listed below the consultation.

The Council is considering removing this exemption from Council Tax for these empty properties.

The income from your Council Tax is divided up with just over 12p in every pound (12.41%) being kept by Worthing Borough Council, and the rest going to West Sussex County Council and Sussex Police and Crime Commissioner.

Last financial year the Council allowed a maximum of one month exemption on a total of ----- properties. The average discount received by each household was £-----, however this cost both Councils and Police a total of £----- in lost income (revenue) *[to be completed when information received]*

Other Councils such as Adur, Chichester, Horsham, Mid Sussex, and Brighton & Hove do not allow this discount and Crawley only allows it for 7 days.

Removing this exemption will allow both Councils and Police to keep more of their Council Tax income.

The Council would like to know if you think this exemption and lost income should continue or not.

The Council is considering ending the 100% discount from 1 April 2023.

For those that want more detail before making a decision you can find additional information and examples below the questionnaire which follows:

Consultation Question

Q1. Should the 1 month Council Tax discount for empty properties be abolished from 1 April 2023? (Yes/No)

About You

Q2. What is your postcode?

Q3 How old are you? (under 20, 20-29, 30-39, 40-49, 50-59, 60-69, 70-79, 80 and over)

Q4 Do you (live in Worthing, work in Worthing, run a business in Worthing)

Q5 Are you the landlord of a property in Worthing (Yes/No)

Q6 Are you a tenant of a property in Worthing (Yes/No)

Q7 Are you disabled (yes, No, Prefer not to say)

Additional Information on reasons For and Against removing the exemption

Landlords, tenants and owners will have to pay Council Tax even when their property becomes empty, instead of having up to one month free.

Worthing has a shortage of homes and it is hoped that reducing the vacancy period by removing the exemption will help encourage a quicker turnaround between one occupant and the next.

The Councils have lost a considerable amount of income from the government over the last — years and Councils are having to find other ways to raise income and reduce costs so that they can continue providing services. This exemption reduces the income kept by both Councils and Police.

The exemption is difficult to administer and often leads to disputes about dates between tenants, owners and Council officers. Removing the exemption will free up time so officers can use their time on more pressing issues.

In which circumstances does the Council currently allow an exemption of Council Tax for empty properties?

- The unoccupied property is owned or rented by a charity
- The property is unoccupied because the Council Tax payer has passed away and the executors are waiting for the grant of probate
- The property has been kept empty for a minister of religion
- The property has been repossessed
- The first month that a property becomes vacant

Only the last example is being considered for change after the consultation. The first four exemptions will still apply

Examples of when the current one month exemption applies:

- The tenant in a rented property moves out because their tenancy has ended and there is a short period before a new tenant moves in
- You buy a property but don't move into it straight away
- You sell your property but actually move out of it before the sale completes

Only one period of up to one month can be awarded when no Council Tax is charged and this sometimes leads to disagreements about when someone actually moved out of the property.

Example

Mrs Small owns a property that she rents to Ms Friar. The tenancy ended on 30 September 2022 but Ms Friar says that she actually moved out on 25 September 2022.

Mrs Small's new tenant is Mr Ahmed but his tenancy doesn't start until 1 November 2022, and this is the date that he becomes responsible for the Council Tax.

The owner Mrs Small is responsible for the Council Tax for the period in between her tenants. She considers that she should be awarded the 100% discount from 1 to 31 October 2022 but because the tenant Ms Friar moved out on 25 September 2022 the discount is shared between them as follows:

- The tenant Ms Friar has no Council Tax to pay from 25 to 30 September 2022
- The owner Mrs Small has no Council Tax to pay from 1 to 24 October 2022, but has to pay Council Tax from 25 to 31 October 2022

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WORTHING BOROUGH
COUNCIL

Worthing Joint Strategic Sub-Committee
8 November 2022

Key Decision [~~Yes~~/No]

Ward(s) Affected: All
Cabinet Portfolio: Climate Emergency

Carbon Emissions for 2021/22

Report by the Director for Digital, Sustainability & Resources

Officer Contact Details

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Executive Summary

1. Purpose

- 1.1. On 9 July 2019 Joint Strategic Committee (JSC) declared a 'Climate Emergency'. As part of the declaration, Members committed to *work towards Adur & Worthing Councils becoming carbon neutral by 2030.*
- 1.2. This report presents the third annual update on progress towards this target.
- 1.3. Since the previous report, the council has continued to improve the accuracy of its monitoring (particularly of gas consumption) and the easing of Covid-19 restrictions also saw office use increase as more staff returned to offices.
- 1.4. As a result, reported emissions for 21-22 increased by 2% when compared to the previous year.
- 1.5. An update on current carbon reduction projects is presented at Section 4.

- 1.6. A trajectory of future carbon emissions to 2030 is presented in Section 8. This uses indicative pipeline projects to map a potential route to meeting the 2030 target, subject to viable business cases being developed.

2. Recommendations

- 2.1. That the Committee notes:

- the councils' current carbon emissions and carbon reduction work programme
- the trajectory of future emissions reductions which aims to ensure the councils meet their carbon neutral 2030 target
- That further funding bids may be made, in consultation with the relevant executive member, and that if required further reports will brief members on the outcome of the bidding process

- 2.2. That the Committee approves:

- The publication of the carbon emissions report on the council website and the submission of these figures to external bodies where required by membership (e.g. UK100)

3. Context

- 3.1. Adur & Worthing Councils declared a climate change emergency on 9 July 2019, simultaneously setting a target to be carbon neutral by 2030.
- 3.2. The councils' adopted: Adur & Worthing Councils' Carbon Neutral Plan: Working towards the 2030 target on 3 December 2019 and a Carbon Reduction Team was appointed in September 2020 to facilitate work to achieve the target and attract funding to contribute to the councils decarbonisation.
- 3.3. Tackling Climate Change is also a key strand of the new Corporate Strategy.

- 3.4. The councils have committed to report on their emissions annually as part of their signatory to the UK100 Cities Pledge. This report sets out the emissions for the year 2021/22 for the councils.
- 3.5. The 2030 carbon neutral target required the councils to deliver approximately 10% reductions in emissions annually through the decade. Some years may see lesser and some greater emissions reductions, depending on interventions delivered, climatic conditions and other unforeseen events.
- 3.6. Following the installation of more accurate metering equipment at Worthing Town Hall in 2020/21, full Automated Meter Reading (AMR) has now been installed across all gas meters. This means the council is no longer billed based on estimated billing and has allowed us to increase the accuracy of emissions reporting. More information is presented at 3.2.1
- 3.7. Additionally, the councils are now able to monitor additional emissions arising from other sources (see Section 2). It is hoped that this ability will expand in the coming years
- 3.8. A model of the future trajectory the councils intend to take in order to meet their 2030 carbon neutral target has also been developed, as outlined in Section 8.

4. Background and Scope

- 4.1. The councils report their emissions according to the following Scopes, as defined in the BEIS Emissions Reduction Pledge 2020 guidance,

Category	Description	Data analysed
Scope 1	Direct emissions from sources owned or controlled by the reporting organisation.	Metered gas data in properties owned and operated by, and where the councils pay for gas. Diesel and petrol consumption for council-owned vehicle fleet and mileage figures for pool cars.
Scope 2	Indirect emissions from the generation of energy purchased by the reporting organisation.	Metered electricity data in properties owned and operated by, and where the councils pay for, electricity

Scope 3	Indirect emissions that result from other activities that occur in the value chain of the reporting organisation, either upstream or downstream.	<p>Scope 3 emissions are those from indirect council operations, for example leisure or cultural sites not operated by the council, or from activities not directly controlled by the councils, such as water consumption.</p> <p>Scope 3 emissions do not currently form part of the Emissions Reduction Pledge.</p>
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Table 1: Emission scopes

- 4.2. This report contains information on carbon emissions associated with water consumption. Whilst these emissions fall outside of the current carbon neutral commitment, they have been highlighted in this report for additional visibility.
- 4.3. As noted at JSC in October 2021, the councils' 2020/21 emissions were 2,875 tonnes of CO₂ equivalent (tonnes CO₂e), broken down as follows:

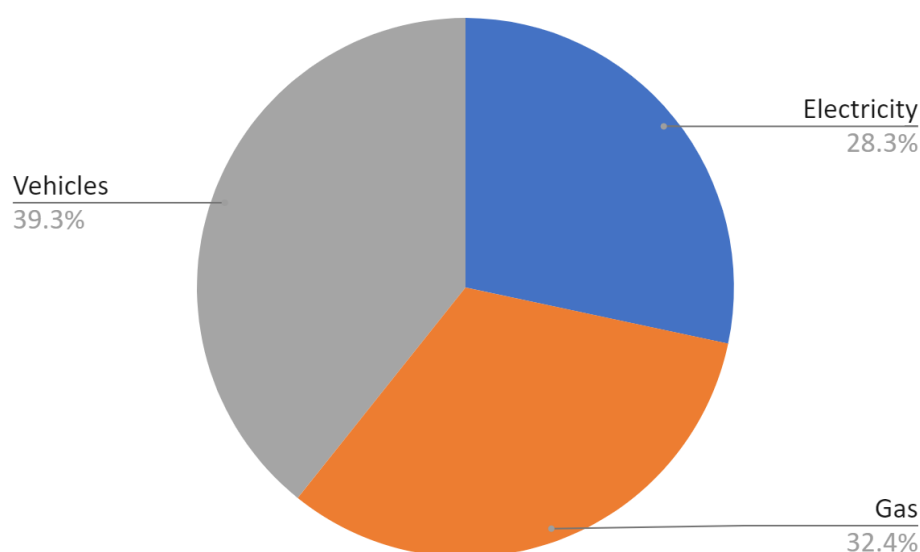


Chart 1: 2020/21 Emissions

5. 2021/22 Emissions

- 5.1. Given the shared nature of Adur & Worthing Councils offices, staff and operations, emissions are presented jointly for both councils. Where it is possible, emissions are presented separately.

Building Emissions

- 5.2. Analysis of the councils emissions associated with gas and electricity use in corporate buildings revealed that reported emissions increased by 4.57%, broken down as follows:

Emissions (tonnesCO ₂ e)			
	2020/21	2021/22	% change
Electricity	498	537	+7.95%
Gas	765	784	+2.37%
Total	1264	1322	+4.57%
<i>Water</i>	10	8	-14.26%

Table 2: 2021/22 Building emissions to nearest tonne

- 5.3. Adur Homes figures have been calculated separately:

Emissions (tonnesCO ₂ e)			
	2020/21	2021/22	% change
Electricity	78	71	-9.29%
Gas	311	378	+21.5%
Total	390	450	+15.3%

Table : 2021/22 Adur Homes Building emissions to nearest tonne

- 5.4. It should be noted that:

- 5.4.1. Following the installation of AMR technology across the councils' remaining gas meters, the reported emissions of two Sheltered Housing sites (Marsh House and Manor Court) have increased significantly from the 2020/21 totals. Without these, gas emissions from Adur Homes would've reduced overall.
- 5.4.2. Corporate gas emissions have increased slightly due to increased consumption when compared to under-occupied office accommodation the previous year.
- 5.4.3. Electricity emissions have rebounded since the start of the pandemic, with both the Town Hall and the return of the temporary ice rink at Steyne Gardens contributing to the increase seen in 21/22. Overall, electricity emissions remain lower compared to the pre-pandemic peak.

- 5.4.4. Since 2019, the council has procured 100% renewable electricity for all council buildings and sites through its corporate energy contract. This is an important signal to the market that the council wishes to utilise only renewable energy supplies, however according to the BEIS emissions reporting methodology, electricity generated by third-parties cannot be counted towards the councils' emissions reduction unless very specific criteria are met.
- 5.4.5. Water emissions have been reported for the first time. Whilst current guidance recommends excluding these from our scope 1 and 2 target, they are reported here in order to increase the transparency of the councils' total footprint.

Vehicle Emissions

- 5.4.6. Based on the amount of fuel consumed by the councils' fleet and the number of miles driven by pool cars, emissions from vehicles reduced by 4.95%:

	Emissions (tonnesCO ₂ e)		% change
	2020/21	2021/22	
Fleet	1152	1090	-5.35%
Pool Cars	0.5	5	+908.8%
Transport	1152	1095	-4.95%

Table 3: 2020/21 Vehicle Emissions

- 5.4.7. Fleet emissions are based on the amount of fuel received by the depot, rather than actual consumption totals. This amount reduced proportionally, in line with the carbon emissions reduction.
- 5.4.8. Pool car use has increased significantly as a result of staff returning to officers and undertaking additional site visits but still represents a negligible amount of emissions from vehicles.
- 5.4.9. It is hoped that future reports will also account for 'grey fleet' mileage - that is, business mileage completed by staff-owned cars. As with water consumption, these emissions are excluded from typical 'scope 1 and 2' calculations but are hoped to be quantified for a fuller picture.

Total Emissions

5.4.10. The councils' corporate emissions for 2021/22 are 2,417 tonnes, broken down as follows:

Corporate Emissions 2021/22

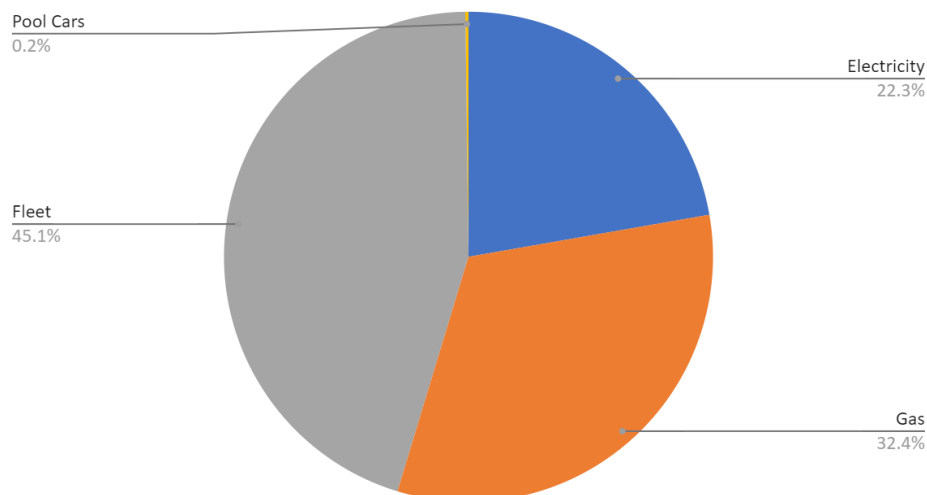


Chart 2: Corporate 2021/22 Emissions

5.4.11. Adur Homes emissions for 2021/22 are 450 tonnes, broken down as follows:

Adur Homes Emissions 2021/22

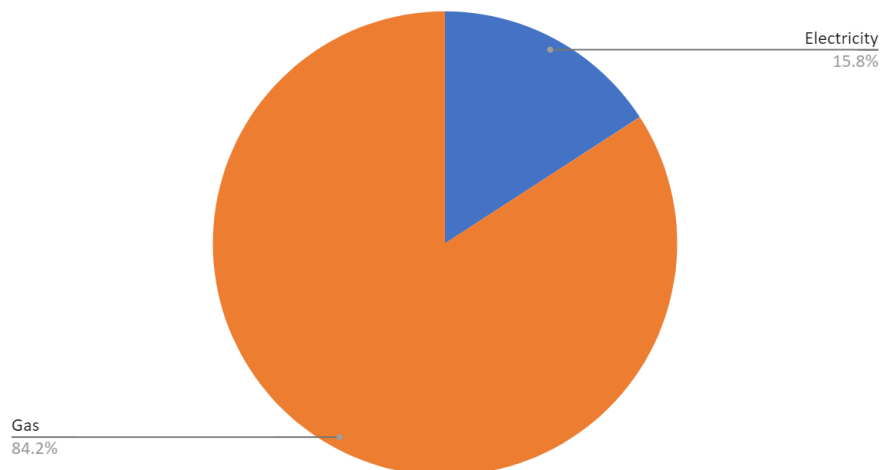


Chart 3: Adur Homes 2021/22 Emissions

5.4.12. Cumulatively, this means the Councils emissions for 2021/22 are **2,867 tonnes.**

6. Project Progress Pipeline

- 6.1. The councils continue to progress on the delivery of the 2019 Carbon Reduction Plan.
- 6.2. Projects completed this year include:
- Installation of multiple ground source heat pumps at two Sheltered Housing sites
 - Installation of air source heat pumps and efficiency works at the Shoreham Centre
 - Installation of 6 solar PV arrays on council-owned buildings which have already generated over 100,000kWh of renewable electricity
 - Installation of multiple energy efficiency measures on Civic Quarter Buildings
- 6.3. Whilst some of the above projects completed before March 2022, the majority of the emissions reductions reported will be seen in 22/23.
- 6.4. It is estimated that the above projects will save in excess of 200 tonnes of carbon annually.
- 6.5. The councils continue to seek external funding support for decarbonisation work where appropriate. To date this has totalled in excess of £7m from the Department for Business, Energy and Industrial Strategy (BEIS) through the Heat Network Delivery Unit/Heat Network Investment Project (HNDU/HNIP), the Public Sector Decarbonisation Scheme (PSDS) and Low Carbon Skills Fund (LCSF). A summary of this funding is presented at Appendix 1.
- 6.6. Additional LCSF funding was secured in August 2022 to produce additional heat decarbonisation plans for the following buildings:

Adur (total £55,000)	
Southwick Community Centre	Lancing Manor Leisure Centre
Southwick Leisure Centre	Wadurs
Sompting Community Centre/Parish Council	
Summer Close Communal Room	Kingsfield Close Communal Room
St Nicolas Court Communal Room	

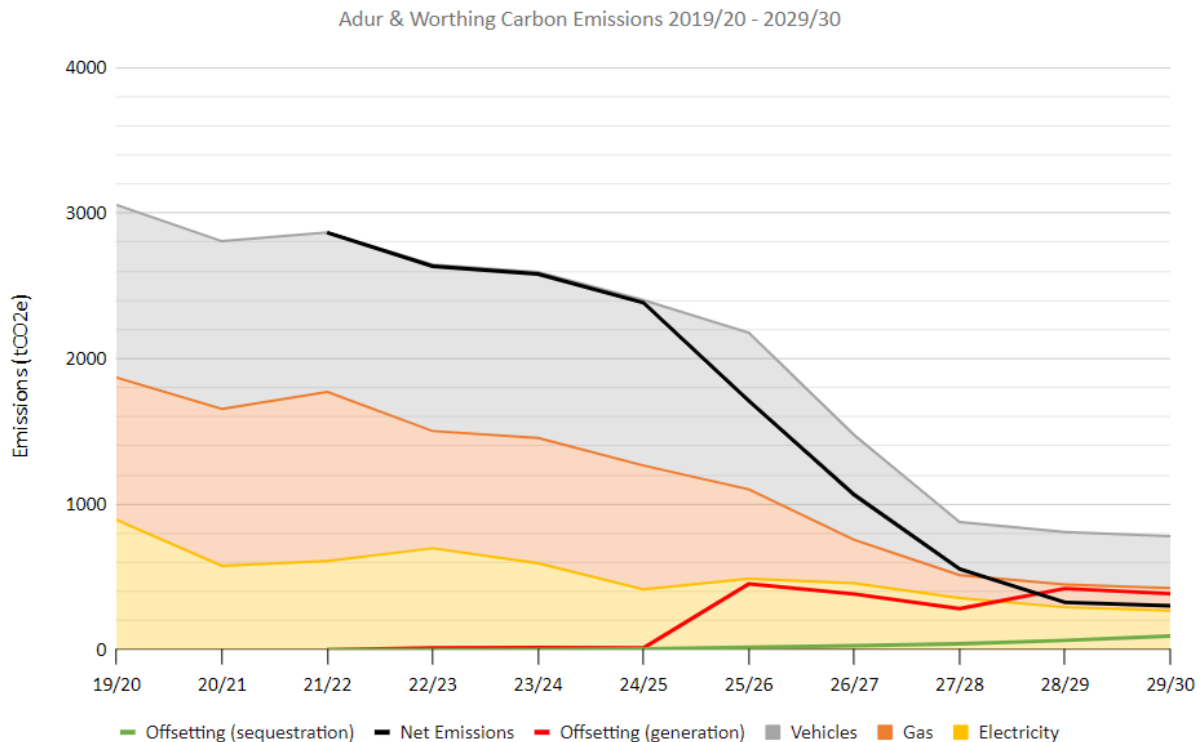
Worthing (total £85,000)	
East Worthing Community Centre	Heene Community Centre
Durrington Community Centre	Field Place
Worthing Leisure Centre	Connaught Theatre*
Pavilion Theatre*	Worthing Museum*

**funding secured to undertake detailed Mechanical, Electrical & Plumbing surveys to determine adaptations required to adequately heat the building with lower temperature heating systems*

- 6.7. Surveys will be produced this autumn and will be used to inform future capital bids to secure funding (internal and external) to decarbonise these buildings. Once complete, these surveys will mean that the councils have feasibility studies complete to decarbonise over 80% of the gas boilers currently operated by the councils.
- 6.8. A Public Sector Decarbonisation Scheme (PSDS) bid focusing on Worthing Civic Quarter buildings was submitted on 12 October totalling £2.99m. The outcome of this bid will not be known until mid-winter and the funding is very competitive, however if successful it will contribute significant funding to the decarbonisation of buildings throughout the Civic Quarter and is expected to lower the councils' carbon footprint by 300 tonnes per annum.
- 6.9. An additional PSDS bid to replace the end-of-life heating system at East Worthing Community Centre with a low carbon alternative was also submitted, totalling £57k and estimated to save 8 tonnes of carbon annually.
- 6.10. A further report will be brought to JSS-C Worthing seeking budgetary approval if either bid is successful.
- 6.11. Aside from the PSDS, LCSF and HNIP funded projects, additional work is ongoing on the following:
- Offsetting via renewable energy generation feasibility work
 - Scoping for additional rooftop solar PV installations on corporate and commercial buildings
 - The replacement of 5 fleet vans with fully electric models by 2024 and the development of a wider fleet strategy.

7. Forecasting

- 7.1. In order to become carbon neutral by 2030, the councils need to achieve approximately 10% reductions annually from 2019/20 to 2029/30. continue to progress the 'next steps' proposed in the 2019 Carbon Reduction Plan.
- 7.2. These carbon savings will accrue from:
 - Projects to reduce the amount of gas, electricity or vehicle fuel consumed in order to meet service needs
 - UK-wide reductions in emissions associated with gas, electricity or vehicle fuel (for example, increased renewable electricity supplying the national grid)
 - Offsetting of any residual emissions
- 7.3. Offsetting requires actions the councils take to be additional (i.e. not 'business-as-usual') and would typically involve either:
 - the generation of renewable electricity to meet or exceed the councils' demand
 - sequestering carbon, for example through tree planting
- 7.4. The councils are exploring options for both of the above alongside other projects.
- 7.5. Based on many of the pipeline projects identified in Section 4, plus consultation with officers from across the council, a future emissions profile has been plotted, accounting for each of the three methods of carbon reductions listed at 5.2 (Chart 3).



7.6. The solid black line represents the councils' residual emissions from its ongoing operations, less its additional (offsetting) actions. In other words, this is the net emissions line that the councils are committed to being net zero (or better) by 2030. As the chart shows, additional projects are presently required to be identified and delivered by 2030 to achieve net zero.

7.7. The chart makes assumptions about large projects in particular, for example:

- Connections to the Worthing Heat Network begin to be made in 25/26
- The refuse collection fleet begins to be replaced with low carbon alternatives at the end of their operational life in 25/26
- Investment in generation assets (e.g. a solar farm) occurs in 25/26

7.8. Each of the large interventions necessary to ensure this trajectory is followed is subject to resource restraints, development of an appropriate business case and funding proposal being approved by the relevant committee. The chart should therefore be read as 'a possible', rather than 'a definitive', however it gives a clear indication of the councils' potential trajectory.

- 7.9. It should be noted that the sequestration portion of the graph remains relatively small to 2030. This is because mature trees absorb more carbon than new plantations. Sequestration will play an increasingly important part in ensuring the council continues to be carbon neutral beyond 2030 as the impact of using renewable electricity generation (the red generation line in Chart 3) to offset emissions is reduced due to the continued decline in electricity emissions across the UK.

8. Engagement and Communication

- 8.1. The following internal groups and teams have had input into work that has been used to generate these figures:

- Carbon Reduction Delivery Group;
- Technical Services & Facilities;
- Building Services;
- Environmental Services;
- Housing;
- Waste, Recycling & Cleansing;
- Major Projects;
- Finance;
- Procurement;
- Legal;
- Democratic Services;
- Planning;
- Bereavement Services.

- 8.2 The following external groups have been consulted as part of various carbon reduction projects:

- BEIS (Heat Network Delivery Unit, and Heat Networks Investment Programme)
- Salix (Low Carbon Skills Fund and Public Sector Decarbonisation Scheme)
- West Sussex County Council
- Ministry of Justice (Worthing Law Courts)
- Worthing Theatres and Museums
- South Downs Leisure
- Sussex Police
- Goring Cricket Club
- Age UK
- Community Centre Trusts

8.3 Consultation has also been undertaken with the following external groups relating to carbon emissions reporting:

- TEAM (energy management software supplier)
- BEIS (emissions reporting)
- UK100

9. Financial Implications

9.1. The Council has committed a range of projects to support decarbonisation within the Capital and Revenue budgets to meet the 2030 target.

9.2. Where possible, the Council will bid for external funding to support the delivery of the decarbonisation ambitions of the Council given the associated costs.

10. Legal Implication

10.1. The Climate Change Act 2008 as amended by the (2050 Target Amendment) Order 2019 is the basis of the UK's approach to tackling and responding to climate change. The Act requires emissions of carbon dioxide and other greenhouse gases to be reduced from 80% to 100% by 2050 and the Council is committed to working towards this goal.

10.2. Section 1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.

10.3. Section 1 of the Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a Local Authority confers the powers on the Local Authority to enter into a contract with another person for the provision or making available of assets or services, or both (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the Local Authority.

10.4. In procuring for works goods or services to comply with its climate change proposals the Council must have regard to The Public Contract Regulations 2015 and / or The Public Concession Contract Regulations

2016 and take detailed legal advice as appropriate for each project.

- 10.5. When entering any arrangement with a provider the Council is to ensure that it does not infringe the rules relating to subsidies detailed in the Trade and Co-operation Agreement 2020 which are set out in Article 3 of the Agreement.
- 10.6. The Council is to remain fully compliant with any relevant grant funding terms and conditions and where there is an on-grant to an appointed provider, the Council is to ensure that there are appropriate indemnities in place in favour of the Council for any potential breaches of the funding terms, by that provider.

Background Papers

- [Carbon Neutral 2030: Working towards the councils' carbon neutral target: progress update](#) (JSC 7/10/22)
- Adur & Worthing Councils [Carbon Neutral Plan](#)
- Adur & Worthing Councils [SustainableAW](#)
- [UK100](#)
- [Public Sector Decarbonisation Scheme](#)
- [Low Carbon Skills Fund](#)
- [Climate Change Act 2008 \(2050 Target Amendment\) Order 2019](#)

Sustainability & Risk Assessment

1. Economic

Transition to a low carbon economy is vital to provide future energy systems resilience, and to address and reduce potential impacts of climate change. Improved energy efficiency across the councils' assets reduce ongoing revenue requirements for energy purchasing.

2. Social

2.1 Social Value

By securing affordable, low carbon energy into the future, the councils protect budgets from future energy price rises, drawing less budget into council operational costs away from services delivery that benefit local communities.

2.2 Equality Issues

The impacts of climate change are predicted to impact on all communities, but the greatest impact is predicted to impact the most vulnerable communities. It is imperative that all is done to mitigate climate change.

2.3 Community Safety Issues (Section 17)

No impacts identified

2.4 Human Rights Issues

The impacts of climate change are predicted to impact on all communities, but the greatest impact is predicted to impact the most vulnerable communities. It is imperative that all is done to mitigate climate change.

3. Environmental

The key driver for ongoing carbon reduction is to mitigate the predicted catastrophic impacts of climate change on the environment, economy and communities.

4. Governance

The reporting and management of carbon reduction emissions show leadership in response to our declaration of a climate emergency. This aligns with national legislation (the Climate Change Act 2008); national and regional policy, and the councils' own policy.

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WORTHING BOROUGH
COUNCIL

Worthing Joint Strategic Sub-Committee
8 November 2022

Key Decision [No]

Ward(s) Affected:
Cabinet Portfolio:

Delivering an alternative bike share network

Report by the Director for Digital, Sustainability & Resources

Officer Contact Details

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Executive Summary

1. Purpose

- 1.1. Due to the financial pressures being faced at the Councils Officers were tasked with developing an alternative to joining the BTN Bikeshare scheme.
- 1.2. In partnership with Adur District Council, an extended active travel network of 75 bikes and 19 hubs has been developed which will run East to West through town centres and along the seafront in Adur and Worthing, improving sustainable and active travel, reducing car use, and improving the health and wellbeing of scheme users.
- 1.3. Both the capital and operating costs for the Donkeybikes extension are significantly lower than those for BTN Bikeshare.
- 1.4. This report brings detail of the extended scheme, and funding strategy that have been produced and requests approval to progress to the procurement stage to seek an Operator for an Adur and Worthing extended Donkeybikes scheme.

2. Recommendations

2.1. That Members:

- Work in partnership with Adur District Council and proceed with the Donkey Bikes extension rather than join the BTN Bikeshare Scheme.
- Delegate authority to the Director of Digital, Sustainability and Resources to run an appropriate procurement exercise to secure an operator.
- Delegate authority to the Director of Digital, Sustainability and Resources to enter into all relevant contracts and purchases associated with the alternative scheme providing they are within the approved budget.
- Members to note that the monitoring of this scheme will be carried out under the active and sustainable travel mission in *Our Plan*.

3. Context

- 3.1. In 2019 Adur and Worthing Councils declared a climate emergency and subsequently set a target to become net zero carbon for the area by 2045. On road transport makes up around 24% of area-wide emissions at 165kTCO₂e. In order to meet our net zero commitments we need to ensure a modal shift for short journeys (under 2km) away from cars to more active, sustainable travel modes.
- 3.2. The Council's Local Cycling and Walking Infrastructure Plan (LCWIP) was developed in 2018. The document identifies key new and improved cycling and walking routes for prioritisation within Adur and Worthing. This document has been used as a basis for developing the hub location network and the recommended infrastructure.
- 3.3. In July 2021 at the Joint Strategic Committee, Members made the decision to proceed with the procurement in collaboration with Brighton and Hove City Council to procure a bikeshare operator using call off contracts from the BHSS framework.

- 3.4. Significant budget pressures at the councils prompted a review of the scheme in early 2022 which was set to cost over £830k in capital expenditure across the two Councils, primarily associated with cost of the bikes (300+ with a 50/50 cycle and ebike split) and the construction of 38 hubs for docking cycles. An alternative, significantly lower cost option has been formulated which proposes to extend the existing Donkeybike provision across Worthing and into multiple locations in Adur. Focusing on hub locations in close proximity to stations and seafront locations with the aim of building a strong network and encouraging a modal shift of short journeys (under 2km) to active travel.
- 3.5. Delivering an expansion to the current Donkey bike provision helps the councils towards its Vision from the Local Cycling & Walking Action Plan: to create a place where walking and cycling becomes the preferred way of moving around Adur and Worthing. This project will be key for delivering our new mission: We are a place where active travel is easy, with opportunities for cycling, walking and public transport.
- 3.6. The extension of the Donkey bikes scheme will help to deliver Worthing Borough Council's priorities to decarbonise the local area and promote sustainable and active travel, improving the health and wellbeing of residents who use the facility to cycle.

4. The alternative scheme

- 4.1. The proposed extended scheme would consist of the provision of 75 pedal bikes across Adur and Worthing, including the provision of 29 new bikes in Adur, and the refurbishment of the existing fleet of bikes which will be redistributed to Worthing initially. The Councils will jointly own all infrastructure including bikes and hubs.
- 4.2. BTN Bikeshare was originally costed at approximately £830,350 for the capital purchase of bikes and installation of hubs, resulting in a net annual subsidy (including debt charges) of £149,000. As part of the contract it was anticipated that a major sponsorship contribution would offset costs.
- 4.3. The alternative scheme, based on the expansion of Donkeybikes, includes the following financial projections over the initial 5-year term:

Item	Year 1	Year 2	Year 3	Year 4	Year 5
Income (fees / sponsorship)	£27,493	£27,943	£28,402	£28,870	£29,347
Income (grant funding)	£55,000	£8,500	£8,000	£8,000	£8,500
Total	£82,493	£36,442	£36,402	£36,870	£37,847
Expenditure (capital)	£46,200	£0	£0	£0	£0
Expenditure (revenue)	£36,200	£36,200	£36,200	£36,200	£39,050
Total	£82,400	£36,200	£36,200	£36,200	£39,050
Income less Expenditure	£93	£242	£202	£670	-£1,203
Cumulative Total	£93	£335	£537	£1,207	£4

**figures supplied cover the full scheme across both Adur District Council and Worthing Borough Council utilising all of the grant funding over the 5-year term*

- 4.4. The alternative scheme, based on the expansion of Donkeybikes, includes the following financial projections over the initial 5-year term:
- 4.5. The hubs will consist of Sheffield stand bike racks which will be reasonably easy to construct and locate and will not require the lengthy TRO process required by the BTN Bikeshare scheme. The ease of construction also allows for the hub locations to be moved relatively easily when the scheme is reviewed after its initial five year term of operation.
- 4.6. The bikes themselves have an estimated shelf-life of 5 years prior to the bikes being fully refurbished or additional bikes purchased. Therefore, the initial capital outlay in Year 1 will provide a fleet of 75 bikes over the 5-year term. All bikes will be regularly maintained as part of the agreement.
- 4.7. Income from the extended scheme is conservatively estimated as £22,493 (with a 2% uplift per annum); this was calculated using the previous three years of usage data from the existing scheme to

calculate an average income per bike. This is a conservative estimate as the scheme was closed for several months at the start of 2020 due to the Covid-19 pandemic. Please see 3.1 for additional income through sponsorship.

- 4.8. To assist with the initial setup costs, the Councils were successful in securing Pooled Business Rates funding from West Sussex County Council in 2019 under a joint cycling and walking bid. This funding was allocated towards the BTN Bikeshare Scheme, therefore this will transfer to the alternative scheme. The current balance is £44,000 per Council. Based on the figures in 2.3, £88,000 will be utilised in the first 5 years of the scheme (£44,000 per Council).
- 4.9. The financial model is based on 18 hub locations, 11 of which are in Worthing. The list below shows the indicative hub locations, based on those from the consultant's report developed for BTN Bikeshare which can be amended. The hubs have been primarily located on an East to West route focussing on the seafront, stations and town centres to maximise the transport links.

Proposed location	Number of bikes	Existing or new
Shoreham Town Centre	5	New
Southwick Town Centre	4	
Lancing Perch	4	
Lancing Station	4	
Shoreham Station	4	
Southlands Hospital	4	
Middle Road (Shoreham)	4	
Goring Road	4	
George V Avenue	4	
Brooklands	4	
Windsor Lawns	4	Existing
Pavillion Theatre	4	

Lido	4	
Promenade (Burlington)	4	
Steyne Gardens	4	
Worthing Town Hall	4	
Worthing Station	6	
West Worthing Station	4	

**locations are subject to change*

- 4.10. The main expenditure for the scheme relates to the management / operating contract, which is anticipated to run for the 5 year term. There is an existing operator managing the Worthing only scheme but this is due to end in December 2022, however a relevant procurement exercise will be undertaken to ensure best consideration for the Councils moving forward.
- 4.11. As outlined in 2.6, the projected income (the rental hire charges) have been conservatively estimated, however it is recommended that any surplus income is attributed back into the scheme to allow for future sustainability and growth. This will be subject to the financial position of the Councils at the time.
- 4.12. Based on the recommendations contained in this report, Officers will be working to a timeline of having the extended scheme up and running for Spring / Summer 2023.

5. Scheme branding and sponsorship

- 5.1. There is the opportunity to bring a local business onboard to contribute towards and sponsor the extended scheme; calculations have been based on scheme sponsorship of approximately £5,000 per year which would enable the Council to further offset management costs (this aligns with 2.6 and the rental income target). The sponsorship would enable the business to have an amount of space on each bike for branding, including associated editorial space.
- 5.2. The current Donkeybikes fleet is branded with the Time for Worthing logo as current operation is in Worthing only. The branding would need

to be amended to reflect the logos of both authorities as bikes will move between both the District and Borough.

6. Future development

- 6.1. Modelling has been undertaken to phase the scheme; at the end of the initial 5-year term there is the opportunity to amend the scheme accordingly, for example moving or increasing the amount or location of hubs / bikes.
- 6.2. Consideration will be given to the introduction of e-bikes into the network as soon as possible. E-bikes were considered for rollout during phase 1 but due to cost implications relating to charging and redistributing batteries, alongside the higher cost of the e-bikes, it was deemed financially prohibitive at this stage.
- 6.3. Additional extensions to be considered could include, e-cargo bike hire for local businesses, adding inclusive cycles through Cycall, bike trailers and dedicated youth bikes. Whilst the Councils do not currently have the financial provision for these 'extensions' now, Officers do commit to reviewing the scheme on an annual basis to determine whether any could be included as part of the initial 5-year term. This will be based on the financial performance of the scheme and costs associated with the 'extensions'.
- 6.4. Equally, there is a real opportunity to build social value. This could include the possibility of local employment / apprenticeships of mechanics to service the cycles (in partnership with the operator) and to include measures to ensure the social inclusion of disadvantaged groups/areas within the scheme. This will be a contractual element that will be discussed with the successful operator.

7. Engagement and Communication

- 7.1. AWC officers involved in the development of the Donkeybikes scheme include Finance, Place and Economy & Sustainability.
- 7.2. Once the scheme has been approved, work will commence with Communications and Place and Economy to work up a branding and communications plan for the new scheme.

- 7.3. There will also be an engagement process with the community as part of a wider engagement on active travel. It is worth noting that the AWC Cycling and Walking Group were involved in identifying the hub locations as part of the Steer Report (see appendices) which has informed the proposed locations in this paper.

8. Financial Implications

- 8.1. The alternative proposal to the BTN Bikeshare Network of the extension of the Donkey Bike scheme across Adur and Worthing provides a significant saving to both councils. The comparison of both schemes is shown in 6.2.
- 8.2. As follows:

Scheme	Capital Cost	Average Annual Revenue Cost
BTN Bikeshare	£830,350	£149,000
Donkey Bike extension	£46,200	£8,350
Saving from alternative extension of the Donkey Bike Scheme	£784,150	£140,650

- 8.3. There will be no financial impact on the capital or revenue budgets of Adur District or Worthing Borough Council over the first 5 years as the cost of the proposed extension of the Donkey Bike scheme will be fully funded by the Walking and Cycling grant. This is set out in the table at section 2.3 of the report.
- 8.4. Continuation of the proposed scheme beyond the 5 years would need to consider a number of factors including the level of rental and sponsorship income, revised cost estimates and the potential for further grant funding to support alternative travel opportunities.

9. Legal Implications

- 9.1. Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilities, or which is conducive or incidental to, the discharge of any of their functions.

- 9.2. The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 9.3. Section 3(1) of the Local Government Act 1999 contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regards to a combination of economy, efficiency and effectiveness.
- 9.4. Section 1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 9.5. Officers must ensure that the proposed Donkey Bikes extension is compliant with the Councils' Contract Standing Orders found at Part 4 of the Councils' constitution. Where the Contract is an above threshold contract for goods and/or services as defined by the Public Contract Regulations 2015 any procurement exercise to contract for those goods and services must be conducted in accordance with those Regulations.

Background Papers

- Previous JSC report (13-07-2021) - [Bikeshare progressing an Adur and Worthing scheme](#)
- [Local Walking and Cycling Infrastructure Plan](#)
- [Steer report](#) - development of bike share business case plan

Sustainability & Risk Assessment

1. Economic

- The alternative bike share scheme could support the modal shift intended to improve transport connectivity while reducing associated congestion which is predicted to increase by 51% by 2050. To maintain a vibrant economy it is crucial to maintain good transport flows; transport infrastructure will need to provide alternatives to car travel for business travel; commuting; visitor movement; leisure and utility trips.

2. Social

2.1 Social Value

- Improved cycling and walking infrastructure can increase safety and accessibility; helping more communities to make cycling and walking their first choice for shorter journeys and as part of longer ones. Cycling and walking provides the cheapest form of transport compared with car travel and public transport. It also brings health benefits through active travel.

2.2 Equality Issues

- As outlined in 4.3, the Council did review the provision of e-bikes and inclusive bikes as part of the initial phase. Due to the associated cost implications, it's proposed that Officers review the phasing in of this provision over the initial 5-year term if budgets allow.
- The locations of the hubs (and nikes) have been carefully considered to ensure ease of access, whilst also connecting to other forms of sustainable transport. As part of the operator agreement, the Councils will ensure the hub locations are regularly reviewed to ensure they continue to be accessible.

2.3 Community Safety Issues (Section 17)

- A risk register will be developed for the alternative bike share scheme and safety audits undertaken for the Hub locations. This will likely be in partnership with the successful operator.

2.4 Human Rights Issues

- Matter considered and no issues identified

3. Environmental

- Transport emissions account for over a third of carbon emissions in Adur & Worthing. Unlike other sectors, transport emissions locally have been rising since 2013. Cycling and Walking are both zero carbon forms of transport. Greater use of these forms help reduce poor air quality.

4. Governance

- Development of a bike share scheme for Adur and Worthing is well supported by Council policy and 'active travel' will also be an important mission under 'Our Plan'.
- The day to day operation will be undertaken by the successful operator. The contract, and the performance, will be reviewed on a regular basis by an Officer team as part of the overall monitoring of Our Plan.

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WORTHING BOROUGH
COUNCIL

Worthing Joint Strategic Sub-Committee
8 November 2022

Key Decision [~~Yes~~/No]

Ward(s) Affected: All
Cabinet Portfolio: Regeneration

Worthing Local Plan

Report by the Director for the Economy

Officer Contact Details

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Executive Summary

1. Purpose

- 1.1. Worthing Borough Council must prepare a Local Plan to establish local planning policies for the Borough. After a number of years of preparation the Worthing Local Plan is entering the final stages towards adoption. The Local Plan was Submitted for Examination in June 2021, the Hearing Sessions were held in November 2021 and a Schedule of Modifications was consulted on earlier this year
- 1.2. The Local Plan Inspector has now issued his Report to the Council. This report to JSC summarises the Inspector's key findings and his conclusion that the Plan, as modified, is sound and legally compliant. It goes on to set out the steps now required to formally adopt the Local Plan.

2. Recommendations

- 2.1. The Committee is recommended to:

- (a) note the Inspector's Report containing the Inspector's main modifications to be made to the submitted Worthing Local Plan in order for it to be found sound (Appendix 1);
- (b) note the process of Sustainability Appraisal that has been followed and the likely significant effects of the Local Plan (together with Main Modifications);
- (c) Note the schedule of Main Modifications (Appendix 2) to the Worthing Local Plan;
- (d) Recommend to Full Council the adoption of the Worthing Local Plan and Policies Map including main modifications and additional modifications relating to presentational improvements, factual updates, grammatical and typographical corrections (Appendix 3);
- (e) Note that if the Local Plan is adopted a copy of the Final Sustainability Appraisal report, including a Sustainability Appraisal Post-Adoption Statement, will be made available for inspection alongside the Local Plan.
- (f) To approve use of the Capacity Issues reserve to fund the additional £15,000 cost of the examination

3. Context

- 3.1. Preparation of a Development Plan (Local Plan) is a statutory requirement. If no Development Plan is in place the government's default presumption in favour of sustainable development will apply to relevant planning applications, which means that planning applications will be determined having regard to the National Planning Policy Framework (NPPF), without the opportunity of applying locally determined planning policies. The government also has powers to directly intervene in Plan-making where Councils fail in their duties to appropriately prepare or revise Development Plans.
- 3.2. The Worthing Local Plan (WLP) has been prepared alongside a Sustainability Appraisal which identifies, describes and evaluates the likely significant effects of implementing the plan and reasonable alternatives. The WLP has been through a number of formal and

informal consultation stages and the responses received, along with the Sustainability Appraisal, helped to shape the Plan. Subsequently, the Council formally submitted the Worthing Local Plan for independent examination on Friday 11th June 2021. Steven Lee BA (Hons) MA MRTPI was appointed on behalf of the Secretary of State to hold the examination which involved an assessment against legal and procedural requirements and consideration of the 'soundness' of the plan against four tests set out in national planning policy. The Hearing Sessions, held over 3 weeks, concluded on Wednesday 17th November 2021.

- 3.3. Following the close of the Hearing Sessions the Council received the Inspector's Post Hearing Advice Letter on the 9th December. This letter set out the additional work and main modifications to the Submission Draft version of the WLP which the Inspector considered were required to make the Local Plan sound and legally compliant. In response to this letter an update to the Sustainability Appraisal was also prepared to provide further clarity on the narrative.
- 3.4. Main modifications were also required to respond to: the revised NPPF (published July 2021); representations submitted at Regulation 19 stage; and address points that were raised by the Inspector before and during the Hearing Sessions. Although the modifications relate to a number of policy areas it should be noted that these, in general, help to strengthen the policy approach and improve their 'efficiency' - they do not change the trust / fundamental principles already established. Where necessary Sustainability Appraisal has been carried out.
- 3.5. In addition to the main modifications required for soundness, there were other, minor changes required to the Plan - these are referred to as additional modifications ('AMs'). These minor changes comprise: factual updates; corrections; clarifications and consequential changes arising from the main modifications (particularly referencing).
- 3.6. At the request of the Inspector, a further round of public consultation was held on the proposed main modifications and the associated sustainability appraisal. The Council consulted on all proposed modifications between 5th April and 17th May 2022. The responses to this consultation were put before the Planning Inspector for consideration and he concluded that further hearings were not necessary, nor that any issues need to be revisited.

4. Inspector's Report

- 4.1. The Inspector's final report (Appendix 1 to this report) was issued to the Council on the 14th October 2022. The report concludes that, subject to the inclusion of a number of modifications listed in the report, the Submission Draft Worthing Local is sound and legally compliant and provides an appropriate basis for planning in the borough. In addition it finds that the Sustainability Appraisal process was compliant with legal requirements and national guidance.
- 4.2. It is not unusual for a large number of main modifications to be recommended by an Inspector at this stage of the process. In this regard, it should be noted that, other than a few very minor additional wording changes made by the Inspector, the main modifications reflect the schedule that was considered by the Joint Strategic Committee on 8th February and which were subsequently the subject of consultation. As explained in February, the modifications are required to respond to issues raised by respondents and the Inspector before and during the Examination along with other changes that were required to respond to changes made to the NPPF.
- 4.3. The Inspector's report highlights the modifications that are required to enable the Plan to be adopted. In addition, as highlighted within the extract below, the Inspector sets out a clear endorsement of the Council's approach taken towards balancing housing & development needs with other environmental objectives.

There is no evidence to suggest that the Council has failed to understand the importance of housing delivery or the need to maximise capacity and delivery. A local plan must find a balance between providing land for housing and other uses. A local plan must also strive to meet the NPPF's objectives in relation to the quality of the built environment, the recognition of the intrinsic beauty of the countryside, protection of the natural environment and ensuring the residents of the Borough live in well-designed, beautiful and safe places with accessible services and open spaces. Housing delivery is important, but it is not the be-all and end-all of a Plan's role.

- 4.4. As evidenced within the extracts below, the Inspector has also given strong endorsement for the Council's spatial strategy and the

protection of valued and sensitive sites around the town (this includes land at Chatsmore Farm).

When modifications are taken into account, the strategy is supported by 14 allocations, five of which are urban extensions. There will always be disagreement about the sites that have, or have not, been allocated for development and/or the level of protection provided to certain locations. However, there are few, if any, alternatives to the broad spatial strategy proposed. The only realistic options available relate to the scale of development on the edge of the built-up area. However, in summary, I am content that all reasonable alternatives and options for growth have been considered and the overall spatial strategy is sound.

The Council has concluded that identifying the last few remaining opportunities that exist for housing would result in a degree of harm to the overarching spatial strategy and character of the Borough which would significantly and demonstrably outweigh the relatively limited additional benefits. This is a judgement the Council is entitled to make, and I have found nothing unreasonable or irrational in how they reached this conclusion.

Whether or not the western gaps are called gaps, buffers, wedges, indentations or some other description is somewhat semantic. What is important is their character, role and function, which are clearly consistent with the aims of the spatial strategy. Their definition as Local Green Gaps is therefore justified.

5. Related Documents

Sustainability Appraisal

- 5.1. Local Plans must undergo a statutory process of sustainability appraisal, which incorporates the statutory requirements for Strategic Environmental Assessment and Habitat Regulations Assessment. A sustainability appraisal is a systematic process that aims to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

- 5.2. The approach taken in Worthing was to incorporate into this exercise a Habitats Regulations Assessment, an Equalities Impact Assessment and a Health Impact Assessment. The policies in the WLP (including consideration of reasonable alternatives) were appraised against environmental, social (including health and equalities) and economic objectives. This was an iterative process, with an appraisal undertaken and consulted on at each stage of plan preparation and subsequently published alongside the Submission Draft WLP.
- 5.3. An assessment was also undertaken of each of the proposed main modifications, considering them against the sustainability appraisal objectives. This assessment was published as part of the public consultation on the main modifications. The Sustainability Appraisal of the Main Modifications concluded that as the proposed modifications were to ensure legal compliance and soundness no alternatives had been proposed and the do-nothing option was not considered reasonable at this stage. Although the modifications resulted in some changes to scores, the cumulative impacts arising from the implementation of the Worthing Local Plan are not considered to be significantly different to those identified at the Publication stage.
- 5.4. The Inspector concluded that the requirements of sustainability appraisal and under the Habitats Regulations Act had been met in full.
- 5.5. Following the adoption of the Local Plan a copy of the Final Sustainability Appraisal report, including a Sustainability Appraisal Post-Adoption Statement, will be made available for inspection alongside the Local Plan.

Policies Map

- 5.6. A local planning authority must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. Alongside the Submission Draft WLP the Council submitted proposed changes to the Policies Map. Subsequently, a small number of the modifications required consequential changes to the Policies Map and these were again illustrated on an amended map as part of the modifications consultation.

- 5.7. Following the adoption of the WLP, officers will produce an updated Policies Map – the on-line version will provide links to all relevant adopted policies.

6. Local Plan Adoption

- 6.1. The Inspector has concluded that the Local Plan, subject to the main modifications, is sound, capable of adoption, and complies with Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF. Adoption of the Plan will ensure the Council has a recently adopted Local Plan and policies for decision making are up to date. Once adopted, a final version of the Plan, incorporating all agreed modifications and updated foreword, will be prepared and then published on the Council's website. Hard copies will also be made available.
- 6.2. The Worthing Local Plan will become part of the development plan immediately following its adoption along with its accompanying Policies Map. It will simplify the development plan position in Worthing as on adoption it will supersede the Worthing Core Strategy (2011) and Saved policies from the Worthing Local Plan (2003).
- 6.3. The Inspector's findings represent a key milestone that justifies the process undertaken to date, and the time and resources spent, both by the Council and by other participants on getting to this stage. In this regard, it should be noted that in the event that a decision was made not to adopt the Local Plan this work would have been in vain. The Council would not have an up-to-date development plan and would continue to be reliant on policies from the documents listed above, both of which pre-date the NPPF. Where applications for housing are considered those policies have been deemed to be out of date for the purposes of decision making.
- 6.4. Failure to adopt the Plan without sound reasons could expose the Council to legal challenge on the grounds that it acted unreasonably. Given the process to date there are no sound reasons for this approach. Furthermore, in the event the WLP is not adopted the Council would still be obliged to prepare and submit a revised Local Plan in accordance with the NPPF and accompanying Planning Practice Guidance.

7. Engagement and Communication

- 7.1. A number of statutory stages of consultation have been undertaken throughout the preparation of the WLP and the representations received have helped to inform the preparation of the development strategy and related policies. Consultation has been undertaken in line with the Council's Statement of Community Involvement (2019).

8. Financial Implications

- 8.1. The Local Plan is supported by consultation stages and an extensive evidence base and other supporting documentation that has been a considerable draw on the planning budget over the last few years. This was delivered within previously approved budget allocations and existing resources.
- 8.2. The Examination of the Local Plan represented another significant additional one-off cost. The exact amount will not be known until the Examination has completed. However, officers have previously estimated this to be circa £70,000 and in January 2022 members agreed to the release of this funding from the Capacity Issues Reserve. To date, the cost of the Examination has been circa £85,000. The additional £15,000 will need to be met from reserves. There are not expected to be any further significant costs relating to the Examination.
- 8.4. In the event Members reject the WLP, significant staff and financial resources will need to be engaged in the preparation of updated evidence documents and revised Plan. This would require additional monies to be made available within the reserve for the preparation of such evidence bases given the need to engage technical consultants.

9.0 Legal Implications

- 9.1. The Planning and Compulsory Purchase Act 2004, The Localism Act 2011, The Housing and Planning Act 2016 and associated regulations (including the Town and Country (Local Planning) (England) Regulations 2012 (the 2012 Regs)), set out the statutory framework for the production of local plan documents by the Local Planning Authority and the requirements for a Local Development Scheme. National

policy in relation to the production of local plan documents is provided through the NPPF, supported by Planning Practice Guidance.

- 9.2. As indicated in the main body of the report, the Council is under a statutory duty to produce a Local Plan. The preparation and adoption of a Local Plan is subject to various statutory requirements and procedures (set out above) which have been followed. Adoption of the Local Plan is reserved to Full Council.
- 9.3. Once adopted there is scope for challenge on the grounds of legal or procedural irregularity however such challenge can only be brought by a person aggrieved by the Plan and there is only a six week period in which they may seek permission from the Court to do so.
- 9.4. The adopted Local Plan will become the starting point for determining any planning applications that are submitted to the Council for consideration. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

Background Papers

- Appendix 1 - Local Plan Inspector's Report
- Appendix 2 - Schedule of Proposed Main Modifications (MM)
- Appendix 3 - Schedule of Additional Modifications (AM)
- Submission Draft Worthing Local Plan (Jan 2021)
- [Sustainability Appraisal Report \(2021\)](#) and [Appendices](#)
- [Sustainability Appraisal Update \(2022\)](#)
- [Sustainability Appraisal Addendum - Main Modifications \(2022\)](#)
- Report to Joint Strategic Committee (JSC) (1st December 2020)
- Report to Joint Strategic Committee (JSC) (28th January 2022)
- Various reports to Planning Committee & JSC (2016-20)
- National Planning Policy Framework (2021)
- Planning Policy Guidance

Sustainability & Risk Assessment

1. Economic

- When adopted, the Local Plan will be a key tool for protecting employment sites and meeting the ambition for sustainable economic growth.

2. Social Matters

2.1 Social Value

- When adopted, the Local Plan will be a key tool for meeting the ambition for our communities' prosperity and wellbeing.

2.2 Equality Issues

- The Local Plan was subject to an equalities impact assessment, which confirms that there are no inequalities identified that cannot be easily addressed or legally justified.

2.3 Community Safety Issues (Section 17)

- The Local Plan considers community safety issues and requires development to incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- The Government requires that all Development Plan Documents (including Local Plans) be subject to a formal Sustainability Appraisal. The WLP promotes sustainable development. The UN Sustainable Development Goals are embedded in the Plan and will be used to monitor its effectiveness.

4. Governance

- The new Local Plan aligns with many of the Councils' priorities, specific action plans, strategies and policies.
- The delivery of a new Plan will help to meet the spatial needs of the Borough and therefore have a positive impact on the reputation of the Council.
- Failure to adopt a new Plan could impact on a number of this Council's priorities. In addition, failure to get a new Development Plan in place in a timely manner may impact on local control when determining applications and increase the risk of speculative development proposals.

Report to Worthing Borough Council

by Steven John Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 14 October 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Worthing Local Plan 2020-2036

The Plan was submitted for examination on 11 June 2021

The examination hearing sessions were held between 2 and 17 November 2021

File Ref: PINS/M3835/429/9

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Abbreviations used in this report

DtC	Duty to Cooperate
GI	Green Infrastructure
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LGG	Local Green Gap
LGS	Local Green Space
LWS	Local Wildlife Site
NPPF	National Planning Policy Framework
OAHN	Objectively Assessed Housing Need
PCPA	Planning and Compulsory Purchase Act 2004
PPG	National Planning Policy Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SEA	Strategic Environmental Assessment
SDNP	South Downs National Park
SPA	Special Protection Area
WLP	Worthing Local Plan
WMS	Written Ministerial Statement – March 2015

Non-Technical Summary

This report concludes that the Worthing Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Worthing Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing sessions, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. Where necessary, I have amended their detailed wording and/or added consequential modifications. I have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deleted Site A13 – Titnore Lane
- Deleted Local Green Spaces at Chatsmore Farm and the Goring- Ferring Gap
- Modified policies SS4, SS5 and SS6 to remove internal inconsistencies and ensure consistency with national policy.
- Modified Policy SS6 to ensure compliance with national policy on Local Green Space
- Introduced a Housing Trajectory to ensure consistency with national policy
- Included the shopping centre hierarchy within Policy DM13
- Modified Policy DM14 to clarify requirements for digital infrastructure to ensure consistency with national policy
- Modified employment and retail floorspace requirements to reflect deliverable supply
- Modified site-specific allocations policies to ensure clarity and internal consistency; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Worthing Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is compliant with other legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant plan. The Worthing Local Plan 2020-2036, submitted in June 2021 is the basis for my examination. It is the same document as was published for consultation in January 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearing sessions, the Council prepared a schedule of proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the

submission Policies Map comprises the set of plans identified as the Worthing Local Plan Map¹ and Town Centre Inset Map².

6. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified, and changes are needed to ensure that the relevant policies are effective.
7. These further changes to the Policies Map were published for consultation alongside the MMs as document 'MOD4 – Policies Map Modifications'. In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in Worthing Local Plan Map and Town Centre Inset Map and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

Context of the Plan

9. The Worthing Local Plan (2020-2036) is proposed to replace the policies set out in the Worthing Core Strategy (2011) and the saved policies of the Worthing Local Plan (2003). The Plan does not cover the whole of the Worthing local authority area. The parts of the Borough that lie within the South Downs National Park (SDNP) are subject to a separate Local Plan.
10. Worthing lies on the south coast and is bordered by the SDNP and Horsham to the north, Adur to the east and Arun to the west. Worthing is one of the largest towns in West Sussex, with a resident population of around 110,700 and a working population of approximately 60,000.

Public Sector Equality Duty

11. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including whether there is a need to provide sites to meet the needs of Gypsies, Travellers and Travelling Showpeople and accessible and

¹ CD/H/2

² CD/H/3

adaptable housing. These matters are discussed in more detail in the assessment of soundness that follows.

Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. The Consultation Statement³, the Duty to Cooperate statement⁴ and its Addendum⁵ set out the different ways in which the Council has engaged with neighbouring planning authorities and other prescribed bodies, such as National Highways. The Council's response to my initial letter⁶ provides additional explanation. These are all complemented by signed Statements of Common Ground (SoCG)⁷ with nearby authorities and various relevant bodies. These documents set out the strategic matters that have arisen during the preparation of the Plan such as meeting housing and employment needs, the effect of development on the Strategic Road Network (SRN)⁸ and the SDNP.
14. Meeting housing needs, not only in Worthing but across the West Sussex Coastal authorities as a whole, is unarguably the most important and pressing of all strategic issues facing the Councils. The lack of land availability has similar connotations for employment land. As discussed later, the Plan falls some way short of meeting Worthing's full housing or employment needs. It is clear that this is a long-standing issue, and much time and effort has been dedicated to it through a range of formal Member and officer groups, including the West Sussex and Greater Brighton Strategic Planning Board and associated officer groups. This is just one example and there is substantial evidence of other formal and informal consultation, engagement and feedback from all neighbouring and nearby authorities.
15. The Councils are collectively working on measures to help deliver housing and employment. They are also in the process of preparing an updated Local Strategic Statement (LSS). Version 3 of the document will explore options for meeting unmet needs across the area and will develop a long-term strategy for

³ CD/H/5

⁴ CD/H/10

⁵ CD/H/11

⁶ WBC-E-02 – Response to IL07 (August 2021)

⁷ CD/H/13

⁸ The SoCG with National Highways was only agreed after submission. A draft of the agreement was submitted alongside the Plan. This is evidence of on-going engagement and does not suggest any failure with regard to the Duty.

the sub-region for the period 2030-2050. This will be a non-statutory strategic framework to guide the future location and delivery of development. While this may not be the solution that everybody wishes to see, it is nevertheless clear evidence of long-term and ongoing engagement between authorities on strategic matters.

16. This activity has clearly not resulted in any agreement to meet Worthing's unmet housing or employment needs in other authority areas. However, this in itself does not mean they have failed the Duty. It is generally accepted that the DtC is not a duty to agree, but rather a process of constructive, active and on-going engagement between local planning authorities and other bodies to maximise the effectiveness of plan preparation. In this respect, the Council cannot force nearby authorities to help meet their needs. Furthermore, the evidence suggests those Councils are having similar problems in meeting their own needs. In my view, the Council has done everything it can reasonably be expected to do to meet the Duty with regard to housing and employment needs.
17. Concerns were raised that a failure to agree a solution to housing need in Worthing, and the remainder of the West Sussex area, is a sign of collective failure of the Duty. In particular, that this is evidence of strategic matters being 'deferred', contrary to paragraph 35c of the NPPF. However, while a solution to the housing problem has not been reached, the Council has still sought to address the issue of housing with nearby authorities. In doing so, I am satisfied it did not seek to defer finding a solution or defer the matter of housing to a subsequent plan update.
18. Furthermore, there is no indication that failing to resolve any outstanding strategic matters results in the automatic failure of the DtC. National guidance⁹ clearly states that where an authority has been unable to secure the cooperation necessary, this should not prevent the authority from submitting a plan for examination. To conclude otherwise would be illogical as it would effectively prevent any Council in Worthing's situation from submitting a legally compliant plan.
19. The Council has also produced extensive evidence of its activities in relation to other strategic matters, including highways. I am therefore satisfied that the Council has also met the Duty with regard to these matters and their engagement with prescribed bodies.
20. I am therefore satisfied that the Council has submitted comprehensive and robust evidence of the efforts it has made to cooperate, and the outcomes achieved. They have done everything they realistically could to gain assistance from other authorities and thus comply with the expectations of national guidance. In this regard, they have sought to maximise the effectiveness of plan

⁹ PPG ID:61-022-20190315

preparation. The Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

Sustainability Appraisal

21. The Environmental Assessment of Plans and Programmes Regulations (2004) requires environmental reports to identify, describe and evaluate the likely significant effects on the environment of implementing the plan and reasonable alternatives considering its objectives and geographical scope.
22. The publication of the Draft Local Plan (October 2018) was supported by the Draft Integrated Impact Assessment (DIIA)¹⁰. This incorporated the requirements of SA. It also incorporated the Habitat Regulations Assessment (HRA), which I refer to below. The document considered reasonable alternatives for the spatial strategy, though these were limited to a brownfield only option versus the preferred option of a mix of brownfield development and urban extensions. Given the nature of Worthing and the constraints it faces, this is both understandable and acceptable in principle.
23. The report also considered different levels of housing growth. These included a 'need' based approach, a 'supply' based approach and an 'evidence' based approach. The latter two were differentiated by the anticipated scale of delivery from potential sites. Again, I am content that the options considered represent a robust approach and unreasonable options were ruled out for sensible reasons. The DIIA also assessed options relating to Local Green Gaps (LGG) and potential allocations and, where appropriate, options for thematic development management policies.
24. The Council did not however consider any alternatives for the employment land requirement. The only option they considered 'reasonable' was to maximise delivery of employment land on suitable sites. As this was already unlikely to meet the 'need' identified, it was not considered reasonable to consider other higher options as they would not be deliverable. 'Lower' options, or those suggesting an existing oversupply, were also deemed unreasonable as they would not have delivered any form of economic growth, which would have been in conflict with national policy. I am also content that in this context other options would not be 'reasonable'.
25. The Publication version of the Plan was published for consultation in January 2021. It was accompanied by an individual SA Report¹¹. This generally did not

¹⁰ CD/F/8

¹¹ CD/H/14

repeat what was in the DIIA. It did, however, assess the preferred strategy, allocations and the policies of the Plan. It also identified any changes that had taken place between the Draft and Publication versions of the Plan and considered the effects of this and any additional mitigation necessary. A significant change was in the anticipated housing requirement, which fell from 4,232 dwellings to 3,672. This was ostensibly as a result of further analysis and refinement of the earlier growth options and sites. The report also set out how the SA had been taken account of in the preparation of the Plan.

26. It is acceptable in principle for the SA to be split into separate documents, provided it does not result in a 'paper chase' and there is clear signposting between documents. To that end, I raised some concerns in my post-hearing letter¹² that the Publication version of the SA did not always fully explain how alternatives or policies evolved or had been refined between the Draft and Publication versions of the Plan. Moreover, the SA was not always clear about the reasons for any changes, why resulting options had been selected or why there had been no change in likely effects between the Draft and Submission versions of the Plan.
27. Importantly, my concerns were not with whether a full or thorough assessment of reasonable alternatives had been carried out, but that the 'narrative' could have been clearer. I therefore recommended that an addendum to the SA should be prepared to provide further clarity. This was published for consultation alongside the Main Modifications. It was not intended to introduce new evidence, or retrospective justification for policies or allocations, but rather was a means of ensuring existing evidence was clearly referenced and brought together.
28. Concerns have been raised throughout the examination about the accuracy or consistency of the scoring for strategic options and individual sites. Disputes about such things are to be expected. These are due to differences in planning opinions and judgements and do not undermine the SA process. Furthermore, decisions about the content of the Plan have not been made solely on the basis of the SA. The SA is a high-level document focussing on the likely significant effects of the Plan. Taken as a whole, it allows a range of considerations affecting the sites to be assessed in a coherent way but does not remove the need for the exercise of judgement by the decision maker.
29. The SA has also been criticised for not carrying out the assessment set out in paragraph 11b of the NPPF. This is whether the adverse impacts of meeting the objectively assessed needs for housing significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. However, it is also not the role of the SA to carry out this balancing exercise. The SA is part of the process, but it is not used in isolation to

¹² IL07

determine the strategy or which sites should be allocated. Judgements about the content of the Plan are appropriately made *using* the SA; they are not made *by* the SA.

30. Overall, I am satisfied that the SA process was proportionate, objective, underpinned by relevant and up-to-date evidence and compliant with legal requirements and national guidance.

Habitats Regulation Assessment

31. The Plan was subject to Habitats Regulations Assessment (HRA) during its preparation, as required by the Conservation of Habitats and Species Regulations 2017 (as amended). There are no protected sites within the Borough. The Arun Valley Special Protection Area (SPA) and Duncton and Bignor Escarpment Special Area of Conservation (SAC) are within 15km from the Borough boundary. The assessment also considered potential effects on Castle Hill SAC (over 20km away) and Ashdown Forest SAC (over 35km away).
32. As noted above, the initial screening exercise was contained within the DIIA¹³. An HRA Screening Addendum was published in 2021¹⁴. Both exercises concluded that the Plan would not lead to any likely significant effects on protected sites, alone or in conjunction with other plans and projects. It was therefore not necessary to carry out Appropriate Assessment of any part of the Plan.
33. Natural England were involved and consulted in the process and have raised no objections or concerns about the HRA methodology, the content of the various documents or their conclusions. No other statutory consultees dispute the findings of the assessment. I am therefore satisfied that the relevant legal requirements relating to HRA have been met.

Climate Change

34. Climate change is embedded into the Vision and Strategic Objectives of the Plan. The Spatial Strategy seeks to focus development in the existing built-up area, or in sustainable urban extensions that ought to minimise the need to travel. Policy SP2 sets out a range of measures relating to minimising carbon use, maximising carbon sequestration and adapting to or mitigating the effects of climate change. These strategic objectives and policy are supported by a range of thematic policies which seeks to avoid or mitigate flood risk, promote sustainable travel, protect and enhance green infrastructure (GI) and biodiversity and support energy efficiency and renewable energy production.

¹³ CD/G/9

¹⁴ CD/H/26

35. I am satisfied that, when read as a whole, the Plan includes policies designed to secure that the development and use of land in the area contributes to the mitigation and adaptation to climate change.

Consultation

36. Section 19(3) of the 2004 Act requires Councils to comply with their Statement of Community Involvement¹⁵ (SCI). The Council's Consultation Statement sets out the process of consultation as part of the Plan's preparation. It also includes details of how representations were considered and how they shaped the strategy. At publication stage, all consultees, anyone who had made comments during the previous stages of consultation, as well as anyone who had requested to be kept informed were notified of the consultation.
37. Inevitably, consultation at Regulation 19 was affected by the COVID-19 pandemic and thus it was not possible for documents to be viewed in person. This was however consistent with the changes to national regulations which temporarily removed requirements to make certain development plan documents available for inspection at premises and to provide hard copies on request. An Interim Addendum¹⁶ to the Joint Statement of Community Involvement¹⁷ (2019) was published in January 2021 (further revised in August 2021). Consultation on both the Plan and MMs were carried out in accordance with this document. I am therefore content that consultation met the necessary statutory requirements.

Strategic Priorities

38. Section 19(1B) and 19(1C) of 2004 Act requires the local planning authority to identify its 'strategic priorities'. The Plan's vision and objectives set out the Council's high level strategic priorities. These are addressed through subsequent policies in the Plan. Taken as a whole, the Plan includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. The requirements of the Act have therefore been met.

Superseded Policies

39. Regulation 8(5) of the Regulations¹⁸ requires a Plan to identify any policies that are intended to be superseded. Paragraph 1.5 of the Plan clearly states that, when adopted, it will supersede all of the policies in the Worthing Core Strategy (2011) and saved policies of the Worthing Local Plan (2003). The requirements of the regulations have therefore been satisfied.

¹⁵ CD/G/20

¹⁶ CD/G/21

¹⁷ CD/G/20

¹⁸ The Town and Country Planning (Local Planning) (England) Regulations 2012

Local Development Scheme

40. Finally, the Plan conforms to the scope, subject matter and timescales set out in the Local Development Scheme¹⁹ (LDS). The area of Worthing within the South Downs National Park (SDNP) is excluded from the Plan area. This is logical given the National Park Authority produces a separate local plan for the SDNP as a whole.

Conclusion

41. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

42. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing sessions, I have identified 13 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors and focusses instead on the main issues of soundness.

Issue 1 - Is the overall spatial strategy and distribution of growth positively prepared, justified, effective and consistent with national planning policy?

Strategic Policies

43. Paragraph 21 of the NPPF states that the Plan must clearly set out which policies are strategic. **MM1** confirms that the policies in Chapter 2 and 3 are those which are strategic. This provides the clarity required by national policy.

Policy SP1 – Presumption in Favour of Sustainable Development

44. Policy SP1 is a 'catch-all' policy which reflects the 'presumption' set out in paragraph 11 of the NPPF. Criterion a) is superfluous and does not assist in decision making. Consequently, it is in conflict with paragraph 16d of the NPPF. This paragraph is more suited to supporting text, where it explains the principles of the 'presumption'.
45. While seeking to reflect the NPPF, criteria b) and c) diverge from its wording to the extent that aspects are no longer consistent with it. In particular, the wording

¹⁹ CD/W/8

implies more stringent requirements than exist in national policy, which are not justified. **MM2** is therefore necessary to ensure consistency with national policy.

The Spatial Strategy and Policy SS1

46. Policy SS1 establishes the broad spatial strategy for development in the Borough. This seeks to direct growth to land within the defined built-up area and a number of edge-of-town sites. It also seeks to protect remaining areas of open countryside and identifies four Local Green Gaps as being strategically important for maintaining the separation of settlements and retaining Worthing's identity. The strategy also seeks to increase the rate of housing delivery from small sites, deliver regeneration opportunities, particularly in the town centre and seafront, and to meet the needs of the community by providing or protecting local services and employment sites.
47. The Plan explains that the spatial strategy effectively continues that set out in the Worthing Core Strategy. The focus on previously developed land, with some urban extensions, is consistent with the thrust of the NPPF which, at paragraphs 119 and 120, encourages the use of brownfield land while also recognising the benefits of rural land for both development and other functions, such as wildlife, recreation and food production. Areas outside the built-up area are relatively scarce and many are subject to other constraints which make them valuable resources for a variety of reasons. On this basis, the Plan also sets out a high level of protection for the remaining areas of countryside. This is appropriate in Worthing's context.
48. When modifications (detailed elsewhere in this report) are taken into account, the strategy is supported by 14 allocations, five of which are urban extensions. There will always be disagreement about the sites that have, or have not, been allocated for development and/or the level of protection provided to certain locations. However, there are few, if any, alternatives to the broad spatial strategy proposed. The only realistic options available relate to the scale of development on the edge of the built-up area. I consider this issue in more detail below. However, in summary, I am content that all reasonable alternatives and options for growth have been considered and the overall spatial strategy is sound.
49. Turning to Policy SS1 itself, it is necessary to modify criterion a) to include provision for delivering 'high quality development'. This will ensure the overall strategy is consistent with paragraph 130 of the NPPF and provide clarity about the Council's intentions. A consequential change is also needed to reflect the deletion of the Titnore Lane allocation, discussed later in this report (**MM5**).

Development in the Countryside – Policies SS4 and SS5

50. Policy SS4 defines anywhere outside the defined built-up area as 'countryside and undeveloped coast'. Outside the SDNP, there remain only pockets of countryside within the Borough. These are generally valued, and have value, as areas of open land which provide relief from the dense urban form or provide other benefits such as food production and agriculture, biodiversity, flood management and recreation. The undeveloped coast is similarly valuable in terms of shoreline management, biodiversity and recreation. The strategy for the countryside is one of protection. This is achieved both in general terms, through Policy SS4 and more specifically through the designation of Local Green Gaps in Policy SS5. The Plan also seeks to identify Local Green Spaces, which I deal with in relation to GI under Issue 13.
51. The NPPF does not advocate blanket restrictions on development in the countryside. However, it does recognise its importance, both in terms of landscape and local character but also in a functional perspective. The limited opportunities for growth in Worthing generate commensurate pressures on the countryside that remains. I therefore consider a cautious approach to development justified in this case.
52. However, it is important to recognise that Policy SS4 does not impose a blanket restriction on all development in the open countryside. While limited in nature, it does allow for some development to take place. However, as submitted, even development which had demonstrated a need to be in the open countryside would still have to demonstrate it could not be located within the built-up area. This is an unduly onerous and unjustified approach. There may be uses, such as those relating to agriculture or recreation, that would be suitable in the countryside without resulting in harm to the strategy. While demonstrating a need for a countryside location may be legitimate in the context of this Plan, demonstrating that such uses cannot be located in the built-up area should not be a necessity. The policy should be modified to remove this requirement **(MM8)**.
53. Paragraph 72 of the NPPF states that local authorities should support the development of entry level exception sites, suitable for first time buyers or those looking to rent their first home, unless the need is already being met within the authority's area. By definition, such sites are located in the countryside on the edge of settlements. Given the restrictions on the scale of delivery in Worthing, it is unlikely that specific needs for first time buyers will be fully met by existing allocations or windfalls. This makes the need to be supportive of such development all the more important. Notwithstanding the constraints that exist, to ensure consistency with national policy, the Plan should make provision for entry-level exceptions in appropriate circumstances **(MM8)**.

54. Criterion f) highlights the importance of the SDNP and the need for development to respect dark skies and improving access to the park. However, there is nothing in this policy which recognises the importance of the setting of the SDNP in landscape character terms. Making it clear that development in the countryside should be sensitively located and designed to avoid or minimise impact on the national park would ensure the policy's overall effectiveness (MM8).
55. The Plan identifies four areas as Local Green Gaps. These are the Goring-Ferring gap, Chatsmore Farm, Brooklands Recreation Ground and land at Upper Brighton Road. The areas differ in size, form and existing use but all are designed to help maintain the physical and visual separation of settlements and to preserve the separate characters and identities of Worthing as distinct from Adur and Arun. I consider this is particularly important as there are few breaks in development between Brighton and Chichester and those in Worthing are demonstrated to be fragile. The LGGs are therefore a fundamental part of the Plan's spatial strategy.
56. The Council acknowledges that there is no single element of national policy which provides a basis for designating LGGs. However, the aims of the LGG reflect a number of different policies relating to making efficient use of land, which includes recognising the benefits of undeveloped land for wildlife, recreation, food production or improving public access to the countryside. They also support national policy objectives relating to the protection of open land of public value, creating high quality, beautiful and sustainable places and those which seek to protect and enhance the natural and local environment. Though the Council were at pains to point out that LGGs are not landscape designations, they nevertheless still have importance to local character, not least in providing an antithesis to the built-up area.
57. The principle of a 'gap' policy is well-established in the West Sussex area, going back to at least Structure Plans of the 1980s. The West Sussex Structure Plan of 2005 defined 'strategic gaps' as did the Worthing Local Plan of 2003. In response to prevailing national and regional planning guidance, formal 'gaps' were not specifically identified in the Worthing Core Strategy. However, that Plan still contained general protections for areas outside the built-up area. Thus, the intention to protect the open countryside and maintain existing 'gaps' remained extant. In response to changes made to national planning guidance and with greater development pressures, the Council determined that it needed to reinstate a specific gap policy in this version of the Plan.
58. The Local Plans of the neighbouring authorities of Adur and Arun (adopted in 2018 and 2017 respectively) both contain equivalent policy designations. The Goring-Ferring and Chatsmore Farm gaps (the western gaps) are contiguous with those in Arun. The Brooklands Recreation Ground and Upper Brighton Road gaps (the eastern gaps) are contiguous with those in Adur. The NPPF has

been updated since these plans were adopted. However, there has been no significant change in policy which suggests these gaps would no longer be considered acceptable in principle.

59. The arguments in favour of maintaining this long-standing policy approach and providing a degree of consistency with neighbouring plans is compelling. Even with the extensive development pressure in Worthing, maintaining a sense of place and identity remains a justifiable strategic objective. I saw for myself that there are few breaks in the built form along the coast and those which exist are not all significant in size. I am therefore content that the definition of LGGs is sound.
60. In terms of the specific designations, and with reference to a proposal for housing development not included in the plan, it was put to me that the Chatsmore Farm does not function as a 'gap' and is rather an indentation in an otherwise continuous pattern of development. It is true to say that between the proposed Chatsmore Farm and Goring-Ferring gaps there is a block of development which already joins Goring and Ferring, with housing estates and a school located either side of Goring Way. Notwithstanding this, the western gaps clearly provide breaks in the built form and help prevent the sense that the two areas have merged completely or lost their own identities.
61. This is particularly the case for Chatsmore Farm when viewed from the SDNP and Highdown Hill looking down the slope into Worthing. The same applies when looking north across the Goring-Ferring gap. The built form which segregates the gaps is not the dominant feature in these views and is also absorbed to an extent by landscaping. The predominant sense when viewing the gaps is one of relief from the continuous built form running east to west.
62. The Chatsmore Farm gap is also separated from the existing built form by the A259 to the north and east, and the railway line to the south. The field boundary also creates a strong 'edge' to the west, albeit the presence of housing highlights the vulnerability of encroachment from Arun. The area is largely self-contained and enclosed agricultural land. When travelling along the A259, it provides a very obvious break to the settlement pattern and allows for a sense of arrival or departure from Worthing. It also allows the countryside to penetrate into Worthing from the SDNP to the north. This helps to soften the hard edge of the road that currently exists and makes a positive contribution to the setting of the SDNP. The area also provides a degree of recreation value from public rights of way around the edge of the site. Although the SDNP and coastline are not too distant, it still provides scope for local residents to have access to the countryside and the benefits this provides.

63. Based on the evidence before me, my own observations of the area and the overall strategy being proposed, I am satisfied that this land is justified as a LGG.
64. Following the close of the hearing sessions, outline planning permission was granted on appeal for 475 dwellings on a large proportion of the Chatsmore Farm designation²⁰. It was put to me through the MM consultation that I should reconsider the designation of the LGG as a result of this decision. However, subsequently this permission has been quashed by the High Court on 1 August 2022²¹. Given that my conclusions above take account of the evidence before me in respect of a potential housing development on the land there is no need to consider the implications of a specific permission for such a development.
65. The Goring-Ferring Gap is varied in character, with a mixture of agricultural land and other uses, including formal recreational facilities. The area also includes public rights of way. The gap here is clearly defined by a strong tree line to the north, which softens the visual impact of housing beyond, and the housing to the east. The designation continues in Arun to the west but housing is clearly visible which provides a hard edge to the gap as a whole.
66. Although my visits can only provide a snapshot of normal activities, I saw that the area as a whole was used for a range of leisure purposes. It also seamlessly links to the sea front, which adds both to the recreational value of the area and local character. The break in the built-up sea front is keenly felt here and the obvious link with the 'gap' on the Arun side of the border only adds to its cumulative importance in maintaining Worthing's identity. The Goring-Ferring gap clearly performs the strategic function intended for a LGG.
67. Whether or not the western gaps are called gaps, buffers, wedges, indentations or some other description is somewhat semantic. What is important is their character, role and function, which are clearly consistent with the aims of the spatial strategy. Their definition as LGGs is therefore justified.
68. Brooklands Recreation Area effectively creates a wedge between Worthing and Lancing in Adur, starting at the coastline and heading roughly northwest to the railway line and the Borough boundary. Adur's gap is to the north of this. The area is predominantly in formal recreation use, but also plays an important biodiversity role. The area is quite varied in landscape and character, with different areas of open grassland, more formal areas of parkland and ponds, woodland, formal play areas, car parks and other complementary facilities. As

²⁰ Appeal reference: APP/M3835/W/21/3281813

²¹ Worthing Borough Council v SSLUHC & Persimmon Homes (Thames Valley) Limited [2022] EWHC 2044 (Admin)

well as these, it still performs the function of maintaining physical and visual separation and thus the principle of a LGG is acceptable.

69. The Upper Brighton Road gap is the smallest of the four designations. It would provide a small buffer between the edge of the A15 allocation and the boundary with Adur. Beyond this is a larger 'gap' designation. The defined area also includes an easement strip which accommodates cabling from the Rampion offshore windfarm. This already precludes any form of development and creates a natural edge to the potential built-up area in Worthing. It thus also forms a natural and logical extension to the gap in Adur which will help to bolster its strategic value. The principle of the LGG here is also justified.
70. While I am satisfied that the principle of LGGs is sound, Policy SS5 still needs to be modified to ensure effectiveness. Firstly, the distinction between LGG and Local Green Spaces (LGS) must be recognised. There is overlap between the policies in places. LGS are subject to the same policies as Green Belt. As submitted, the LGG policy was potentially more restrictive than that for Green Belt. As such, proposals acceptable in principle in a LGSs may have fallen foul of LGG policy. This would not have been justified. **MM9** gives precedence to LGS policy where there is overlap. This does not negate the value of identifying the area as a LGG, as the strategic importance of the gap will still be recognised.
71. **MM9** also removes the requirement for 'exceptional circumstances' to be needed for any form of development in a LGG. This is a high bar to meet and could effectively have placed a blanket ban on development coming forward. However, the purpose of the LGG is to maintain visual and physical separation, not to maintain openness. There may be forms of development that can be accommodated within the gaps without undermining their purpose. To that end, criterion ii) needs to be modified to remove reference to 'openness' and 'unobtrusive' as these are not factors which relate to the strategic purpose of the gap. 'Openness' in particular is more akin to Green Belt, which the policy should not be seeking to replicate.
72. **MM9** replaces this with alternative wording relating to the 'integrity' of the gap which is consistent with policies of the neighbouring authorities and allows the Council to consider whether the purpose of the gap would be undermined by development. The removal of reference to 'coalescence' in criterion i) also better reflects the purpose of the LGG in terms of physical and visual separation and is consistent with policies of neighbouring authorities. This is important as some designations cross boundaries and so a consistent approach to considering proposals is sensible. These modifications are necessary to ensure the policy is justified and effective.

73. To ensure Policy SS5 is effective, amendments are also needed to the inset map on page 61 (**MM11**). The Goring-Ferring and Brooklands gaps are incorrectly shown as extending to the coastline. This should be amended for accuracy. The Brooklands designation also includes areas that may be required for operational reasons by Southern Water. This was included in error and could prejudice future works. Accordingly, it is not justified. Associated amendments to the Policies Map will also be necessary to reflect this change.

Plan Period

74. Paragraph 22 of the NPPF states that strategic policies should look ahead over a minimum 15-year period from adoption. As submitted, the Plan period runs from 2020 to 2036. It was anticipated that the Plan would be adopted in 2021 and thus would have met this requirement.
75. The Plan has been prepared during the COVID-19 pandemic, which has had understandable consequences in terms of the preparation and submission of the Plan. This means that the Plan will now be adopted in 2022 and will thus have a lifespan of around 14 years. Although the period will now fall marginally short of the 15 years recommended by the NPPF, I conclude that this does not render it unsound. Delaying the adoption of the plan to address any implications for extending the period would be more likely to frustrate, rather than accelerate the delivery of new housing and employment in Worthing. This would be contrary to the Government's objective of significantly boosting the supply of housing and for Councils to have up-to-date plans in place.
76. On balance, a plan period of up to 2036 would remain broadly consistent with the aims of paragraph 22 of the NPPF in allowing adequate time for the Plan's strategic policies to take effect.

Conclusion

77. I am satisfied that, subject to the indicated MMs, the overall spatial strategy and distribution of growth is positively prepared, justified and consistent with national planning policy.

Issue 2 – Is the Plan informed by a robust and objective assessment of housing need, is the process for selecting allocations robust and is the housing requirement justified and positively prepared?

Objectively assessed housing needs

78. Paragraph 61 of the NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a housing need assessment conducted using the standard methodology, unless exceptional

circumstances justify an alternative approach. I agree with the findings of the Strategic Housing Market Assessment²² (SHMA) which confirms there are no such circumstances here. The standard methodology results in an objectively assessed housing need (OAHN) for Worthing of 885 dwellings per annum or 14,160 over the Plan period.

Site Selection Process

79. The Council's approach to site selection is summarised in their response to my initial letter²³. The identification of potential housing sites was informed by the Strategic Housing Land Availability Assessment (SHLAA) (August 2020) and Update (December 2020). These were themselves informed by a 'call for sites'; a process which never formally closed, thus providing a wider scope for potential sites to be put forward. A range of other sources were also used to identify potential allocations, including unimplemented permissions, brownfield sites register, review of Council assets and unimplemented allocations. The SHLAA included any site capable of accommodating 5 or more dwellings.
80. This is not a borough blessed with a surfeit of options and opportunities for housing or employment development. Nevertheless, I am satisfied that the Council considered all reasonable options as part of the process. I am also content that the assessment of sites, carried out using the criteria in the SHLAA and supplemented by the SA and various specific and bespoke evidence base documents, provided a proportionate and robust basis on which to identify allocations. As with the SA, there are disagreements about the Council's conclusions on these matters, but these are inevitable. The Council is entitled to exercise its own planning judgement.
81. In identifying sites, the Council must also provide a balance between delivering housing, delivering new employment opportunities, protecting or enhancing the quality of the environment and ensuring its residents have access to all services and facilities they need. The identification of suitable sites has no doubt been a challenging task for the Council. It is heavily built up, with relatively few undeveloped areas and, of those, most have some importance in terms of their existing recreational use, biodiversity, landscape character or a combination of these factors. The Council has also identified others as being important to the overall spatial strategy. The area is also constrained by the presence of the SDNP and the coast, issues relating to traffic, in particular the A27, and flood risk.
82. As discussed under Issue 3, this means that the majority of sites considered, and ultimately allocated, are subject to some form of constraint, including flooding and drainage, potential contamination, access and highways, sensitive

²² CD/I/1

²³ WBC-E-02

landscape considerations or the presence of existing uses and users that may need to be removed or relocated. Any consideration of the robustness of the site selection process must be set in this context, as well as the significant need that exists for development.

83. Taking the totality of the evidence into account, I am satisfied that the allocations were selected on the basis of a proportionate, consistent and robust assessment of all potential sites. As set out in more detail under Issue 3, I am also content that the Council properly considered the potential effects of development on viability, flooding and drainage, transport, biodiversity, pollution, local character and consistency with the spatial strategy. They also assessed the capacity and deliverability of each site in a sensible and pragmatic manner. The site selection process was therefore sound.

Capacity to accommodate objectively assessed housing needs and the housing requirement

84. Policy SS2 establishes a housing requirement of 3,672 dwellings or 230 per annum. This is very clearly some way short of the OAHN. Paragraph 11b of the NPPF states that 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 the application of policies in the NPPF 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 7 of the NPPF sets out the areas or assets of particular importance which provide a strong reason for restricting the scale of development. These include National Parks, areas of flood risk and coastal change.
85. The Council considers there to be insufficient capacity to meet all of the OAHN within the Plan area based on an assessment of a range of constraints and opportunities. The Borough is squeezed between the SDNP to the north and sea to the south and its boundaries are also drawn tightly to the east and west. The current built form takes up the vast majority of the Plan area and thus the scope for suitable expansion is limited. When considering that much of the land outside the built-up area also forms part of the environmentally sensitive coastline, it is clear that the challenges facing Worthing are both real and significant. These constraints, and the effect they have on development, are long standing and well-rehearsed. Indeed, there was no serious suggestion by any interested party that Worthing would be able to realistically meet its full OAHN.
86. The question is more whether enough has been done to maximise the level of housing delivery and/or whether enough has been done to seek to meet the

needs in neighbouring areas. I have already determined that the DtC has been complied with. However, in the context of paragraph 35c of the NPPF, concerns were raised that the issue of meeting housing needs had been 'deferred' and thus the Plan is not sound as a result.

87. A phrase used often in the examination hearings was whether 'every stone had been unturned' in allocating sites. I have already concluded that the Council has done everything it could realistically do to identify potential sites. Very few alternatives were identified and those were all considered thoroughly by the Council. Planning judgements were made about the suitability of the 'omission' sites for development and the harm that would result, either to the Council's underlying strategy or to other planning matters of considerable importance, including the landscape character and function of the Borough. There will always be disagreement about such judgements. Nevertheless, when the evidence base is considered as a whole, there can be little doubt as to why the Council considered the sites not worthy of allocation.
88. It is also important to note that many of the sites allocated are subject to significant constraints that may have ruled them out in some local authority areas. An example of this is the degree to which many are subject to some form of flood risk. These and other constraints are such that it is clear to me that identifying realistic opportunities for growth has not been a straightforward task. There is nothing to suggest that this process has shied away from difficult decisions. Indeed, I conclude elsewhere that one of the allocations at Titnore Lane would not be suitable for allocation for a number of reasons. I have had regard to paragraph 11 of the NPPF in coming to that conclusion.
89. As noted above, nobody realistically believes that it would be possible for Worthing to meet the overall need within its own boundaries. Including all omission sites would make a relatively small difference to the overall shortfall. While I acknowledge that every house delivered is important, and substantial weight should be given to delivering as much housing as possible, national planning policy does not expect housing needs to be met at the expense of all other planning matters.
90. There is no evidence to suggest that the Council has failed to understand the importance of housing delivery or the need to maximise capacity and delivery. A local plan must find a balance between providing land for housing and other uses. A local plan must also strive to meet the NPPF's objectives in relation to the quality of the built environment, the recognition of the intrinsic beauty of the countryside, protection of the natural environment and ensuring the residents of the Borough live in well-designed, beautiful and safe places with accessible services and open spaces. Housing delivery is important, but it is not the be-all and end-all of a Plan's role.

91. The Council has concluded that identifying the last few remaining opportunities that exist for housing would result in a degree of harm to the overarching spatial strategy and character of the Borough which would significantly and demonstrably outweigh the relatively limited additional benefits. This is a judgement the Council is entitled to make, and I have found nothing unreasonable or irrational in how they reached this conclusion.
92. The 'effective' test of soundness requires the Plan to be 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 statements of common ground. With regard to the first element of this, I am satisfied that, subject to MMs, the housing sites allocated have a good prospect of being delivered in the Plan period. My conclusions on the DtC demonstrate that I am satisfied there has been effective cross-boundary working on housing matters.
93. In terms of 'deferral', the housing 'issue' has been dealt with through the plan making process. It has not been ignored or set aside for consideration through a future plan. Clearly, there are very significant strategic matters to address. Progress is being made on these through the LSS3, though perhaps not as expediently as many would wish or would be ideal. Nevertheless, there is no obvious immediate solution to meeting *all* of Worthing's housing needs or those of other West Sussex Coastal districts.
94. Moreover, even had I accepted the arguments relating to additional capacity, it would not have resulted in all needs being met. If I were to agree with the view that failing to meet the OAHN was a sign of 'deferral', then the Council would have no way of demonstrating the Plan is effective and no way I could find it sound. This would be irrational and fly in the face of the PPG and the NPPF, both of which allow for situations where overall needs cannot be met.
95. The Council were also criticised on the basis that the evidence base did not explicitly refer to paragraph 11b of the NPPF or spell out the weight given to the harms and benefits of development. This is not decisive. Planning judgements are not mathematical or tick-box exercises where decisions are based on the 'totting up' of scores or checklists and it would be wrong to criticise the Council for not assessing alternatives in this way. Moreover, I must consider the evidence as a whole, including the oral submissions of the Council at the hearing sessions. There can be little doubt about the Council's conclusions in terms of NPPF paragraph 11b. I am content that their reasoning in this regard is justified.
96. I am therefore satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity that exists in the Borough. To that end, the housing requirement set out in Policy SS2 is positively prepared

and justified. Modifications to Policy SS2 are still necessary, however, to reflect the deletion of the Titnore Lane site and other consequential changes resulting from my conclusions on sites A6 and A10 (**MM6**).

Conclusion

97. I am satisfied that, subject to the main modifications set out above, the Plan has been informed by a robust and objective assessment of housing need, the process for selecting allocations was robust and the housing requirement is justified and positively prepared.

Issue 3 - Are the specific allocations justified, effective and consistent with national planning policy?

98. The following complements the consideration of the site selection process and constraints associated with land supply under Issue 2 and considers whether the allocation of specific sites was justified. This starts with general cross cutting issues which relate to all potential allocations and is followed by consideration of each allocation individually.

Allocations – General Matters

Viability and Delivery

99. NPPF paragraph 34 states that the Plan should set out the contributions expected from development and that such policies should not undermine the deliverability of the plan. National guidance²⁴ explains that this should be informed by a proportionate assessment of viability that considers all relevant policies and other requirements, such as Community Infrastructure Levy (CIL).
100. The viability and delivery of the strategy was assessed through the Strategic Viability Assessment²⁵ (2021). The methodology used was robust and followed national guidance. With certain policy measures in place, including a variable approach to affordable housing, the assessment concluded that the housing sites and policies of the Plan have good prospects of delivery. There is nothing to suggest I should come to a different conclusion.
101. The position on commercial development was more varied. However, the assessment concluded this was not due to any policies in the Plan, but more general market conditions. This is largely outside the control of the Council. Moreover, there is no evidence that policies of the Plan will undermine its delivery. Importantly, the Council also recently adopted a CIL which did not include charging on non-residential development. The Council are therefore

²⁴ PPG ID:10-009-2019509

²⁵ CD/G/14

‘cutting their cloth’ in order to not discourage employment or other commercial growth. Subject to modifications, the Plan also contains mechanisms that allow for flexibility where developers can demonstrate development is not viable.

102. Where new services or facilities are necessary, the Plan contains policies to ensure that appropriate supporting infrastructure is provided and/or upgraded as part of new developments. These issues have been identified as part of the site selection process and are fully acknowledged in the development requirements for each relevant site. There is no substantive evidence to suggest existing infrastructure cannot accommodate the scale of development proposed by the Plan, or that mitigation cannot be put in place to address any issues arising.

Flooding and Drainage

103. The Strategic Flood Risk Assessment (SFRA) (2020) identified the constraints associated with flood risk in the Borough. These are significant. Indeed, the majority of allocations are either partially or fully within Flood Zones 2 (a medium risk of flooding) or Flood Zones 3a/3b (a high risk of flooding). As required by paragraphs 161-162 of the NPPF, the Council has carried out a sequential test²⁶ to determine whether there are any preferable sites to deliver growth. However, with the general paucity of supply, even if other sites were considered suitable for development, it would not negate the need for the allocations that have been made. As such, the sequential approach required by paragraph 161 of the NPPF has been adhered to.

104. Where necessary for housing and mixed-use sites, the Council also considered the ‘exception test’ in line with paragraphs 163 and 164 of the NPPF. This considered whether development would provide wider sustainability benefits that outweigh the flood risk, whether development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. This exercise concluded that the relevant sites all ‘passed’ the exception test.

105. I am satisfied the Council’s approach to the issue of flooding is consistent with national policy and robust. With appropriate controls in place, there should be no undue risk to occupants of affected sites or those nearby. However, **MM13** is necessary in this context to provide clear explanation as to the flooding context in the Borough and the basis on which the sites have been identified. This will also help provide clarity in terms of how allocations are considered, thus ensuring policies are both justified and effective.

106. Nevertheless, several sites are still subject to flood risk to one extent or another. While this has not resulted in any being considered unsuitable for development in principle, main modifications are necessary to ensure an effective and

²⁶ CD/G/13

internally consistent approach which properly reflects the requirements of national policy.

107. In some cases, the site-specific policies refer to applicants carrying out a sequential test. However, paragraph 166 of the NPPF states that sites allocated in a Plan through the sequential test need not apply it again. Seeking to limit or mitigate flood risk by directing development to lower risk areas *within* sites is consistent with paragraph 167 of the NPPF. However, reference to a sequential approach or test is still misleading. MMs are required to remove this reference. Moreover, there are examples of some sites where this wording has been omitted, but where similar issues still exist. MMs are therefore needed to include these criteria for completeness, internal consistency, certainty and effectiveness.
108. In addition, to be effective, it should be made clear in affected site policies that development will only be permitted where it can be made safe and would not increase flood risk elsewhere. This will also provide comfort for local residents and clarity for decision makers and applicants. Consequential changes to the supporting text are also needed to better explain the flood risk context for each site and the Council's likely requirements (**MM17, MM19, MM20, MM21, MM22, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).

Transport

109. The Worthing Local Plan Transport Assessment²⁷ (2018) and Addendum²⁸ (2021) assessed the likely impact of the Plan on the SRN. This work concluded that the scale and location of development proposed would not have any significant harmful effects. Capacity issues around the A27 in particular are acknowledged. However, both the Highway Authority and National Highways are content, subject to MMs, that the Plan will not result in severe cumulative transport issues. Where there are local issues, the evidence outlines appropriate potential mitigation measures. I am therefore satisfied that in selecting sites, the Council has robustly considered transport matters and both the strategy and sites are consistent with national policy, in particular NPPF paragraph 111.
110. I have however recommended MMs to provide greater detail and certainty in relation to the mitigation that would be needed. These have all been based on the findings of the above assessments and will provide clarity and certainty for decision makers and applicants. The modifications are therefore necessary in the interests of effectiveness (**MM16, MM17, MM19, MM21, MM22, MM24, MM26**).

²⁷ CD/L/1

²⁸ CD/L/2

Biodiversity

111. A number of allocations have the potential to impact on biodiversity assets either within, or adjacent to, the site. I am satisfied that, apart from A13 (Titnore Lane), development should not result in impacts on biodiversity assets that cannot be avoided or mitigated. This is often reflected in the individual site policies by a requirement to be informed by up-to-date ecological information. While this would obviously be necessary, the policies provide no guidance on how this information would be used, what the objectives should be in relation to biodiversity or whether there would be any circumstances in which development would not be permitted. The relevant site policies are therefore ineffective in this regard.
112. To address this, new criteria have been included where necessary to replace this text and highlight the need to protect or enhance existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. This cross reference will provide clarity and certainty. The revised criteria also incorporate any detailed biodiversity requirements already set out in policy (**MM17, MM19, MM20, MM21, MM22, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).
113. A number of allocations may also be at risk of contamination, including A3 (Centenary House), A4 (Civic Centre), A9 (Lyndhurst Road), A10 (Martlets Way) and A14 (Union Place). There is nothing to suggest that risks are so significant that they should rule the site out of being allocated. The policies for these highlight the need for assessment of potential risks, but do not set out any requirements for resulting issues to be mitigated. With particular regard for those sites near to existing residential areas, MMs are necessary to rectify this omission so as to give certainty to development and comfort for local residents. The relevant allocation policies also do not always follow a consistent approach to this issue and thus MMs are also needed to remove any ambiguity. Collectively, the modifications will provide certainty and effective policies (**MM19, MM20, MM25, MM26, MM30**).

Character and appearance

114. The site selection process considered the likely effect on landscape and character. Several of the housing allocations in the Plan are greenfield sites on the edges of the existing built-up area. As a result, there will be an inevitable degree of encroachment into the countryside and an urbanisation of existing open and undeveloped land. This is unavoidable in seeking to contribute to housing needs and there is no presumption against greenfield development in the NPPF.
115. Furthermore, where necessary, the Plan contains measures which seek to minimise the impact of development on local character, such as controls over

layout and landscaping. Although the Plan seeks to keep this to a minimum, there will however be an inevitable degree of harm to the existing character resulting from the development of greenfield sites. Apart from in relation to site A13 (Titnore Lane), I am content that this is not sufficient to render any allocation unsuitable for development in principle.

116. There is however an inconsistent approach within the site policies to the issue of layout, design and impact on the living conditions of nearby residents. While there are general policies relating to these issues, it may not be clear to decision makers, developers or the local community, why some sites are subject to specific criteria and others are not. A lack of clarity in this regard diminishes the effectiveness of the Plan. MMs are therefore necessary to make it clear what the Council will expect in terms of design and what it will consider in relation to the effect of development on living conditions (**MM19, MM20, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).

Type of Development and Capacity

117. In the context of Worthing's land supply, it is legitimate for the allocations to require a 'minimum' number of dwellings or floorspace provision. This helps to provide a degree of certainty about what development is likely to come forward without limiting a developer's ability to deliver higher numbers where possible. Apart from in relation to sites A5 and A6, where capacity has been reassessed, the scale of development proposed on each site appears to be reasonable. There is clearly likely to be some uncertainty about what may come forward on some of the mixed-use brownfield regeneration sites. Nevertheless, the assumptions are justified starting points, they provide some certainty in terms of minimum delivery and the policies provide sufficient flexibility to accommodate different proposals should they come forward.
118. MMs are however necessary for each allocation to clearly set out in policy what scale and type of development is proposed. Although these are set out in the supporting text, this does not have the same status as policy. MMs are therefore necessary in the interests of effectiveness and to provide certainty for applicants, decision makers and the local community. Subject to MMs, the scale of development proposed on each site is therefore sound (**MM16, MM17, MM19, MM20, MM21, MM22, MM23, MM24, MM25, MM26, MM27, MM28, MM30, MM31**).
119. Similarly, in terms of ensuring clarity about the Council's expectations and how the Plan is intended to be used, **MM14** amends paragraph 4.8 such that it provides absolute certainty about the role of site allocation policies. Again, this ensures a clear and effective approach to determining proposals on allocation sites.

Specific Site Allocations

120. The following considers each of the allocations in turn and the modifications needed to make them sound. For the avoidance of doubt and duplication, I do not intend to repeat any discussion set out above about MMs that apply to multiple sites. The following concentrates on unique or specific issues.
121. Site A1 (Beeches Avenue) is allocated for around 90 dwellings. It is predominantly made up of an open field at the end of a suburban residential street. Part of the site is in use as a car repairer. The SDNP boundary abuts the site to the north, with dwellings to the south and west. Worthing United Football Club's ground sits to the east. While a sensitive site in relation to the setting of the SDNP, there is nevertheless already a significant amount of development in the vicinity of the site. The site does not form an important gap and, considering the nature of Beeches Avenue, it would form a natural extension to the existing built form.
122. Design and layout must have regard to the SDNP but is not an impediment to relatively small-scale development. A main modification is however needed to criterion d) to strengthen the guidance relating to the effect of development on the SDNP. In particular, the need to have regard to the transition between the national park and built form, the effect of artificial lighting and the need to have regard to the Worthing Landscape and Ecology Study²⁹, which identifies specific mitigation measures. This is in addition to general modifications on design and layout and will ensure the policy is effective (**MM16**).
123. The A27 is accessed from Beeches Avenue. Congestion on the A27 is a recognised issue. For this reason, direct access cannot be taken from Beeches Avenue itself, but must be from Lyons Way. Neither the Highway Authority nor National Highways raised any objections in principle to this or the effect of development on the operation of the highway network. There is also no convincing evidence to suggest such an access could not be achieved. In terms of other transport mitigation, there is no specific justification for requiring the delivery of a car club in this location. While there are local issues relating to the A27 and associated Air Quality Management Area (AQMA), this requirement is unduly prescriptive. **MM16** therefore replaces this requirement with a more general requirement for a travel plan that will improve accessibility and sustainability. This will allow developers and the Council to identify the most suitable mitigation measures through the development management process.
124. The site is in a Source Protection Zone. Criterion f) sets out requirements in relation to the provision of sustainable drainage. For effectiveness, a modification to this criterion is necessary to ensure clarity and accuracy about

²⁹ CD/M/2

what is required in terms of assessing risks to groundwater supply and quality **(MM16)**.

125. Criterion g) refers to giving consideration to the suitable relocation of the car repairers. However, while it might be preferable for an existing business to relocate within the Borough, there is no justification for this to be a pre-requisite. Moreover, the criterion is imprecise as it only requires an applicant to 'give consideration' to the issue and does not give any guidance as to what this might mean in practice. Criterion g) is therefore both unjustified and ineffective and should be deleted **(MM16)**.
126. Site A2 (Caravan Club, Titnore Way) is allocated for around 100 dwellings. It is currently in use as a caravan park and thus, while there is paraphernalia associated with the use, it is generally open and relatively verdant. It is, however, well related to an existing residential area immediately to the south. There are constraints associated with flooding and drainage, the proximity of the Titnore & Goring Woods Local Wildlife Site (LWS) and the setting of the SDNP. None of the constraints caused by these designations are insurmountable. The allocation is therefore acceptable in principle.
127. In addition to modifications referred to above in relation to flooding, criterion b) should also include a reference to providing a buffer to the nearby lake. This is necessary for effectiveness and to ensure certainty for applicants and decision makers. Additional modifications are also necessary to clarify and strengthen provisions designed to protect the setting of the SDNP. These will provide more certainty about expectations for any proposal. Similarly, provisions relating to the protection of the adjacent LWS need to be modified to make it clear that development should seek to enhance, as well as safeguard, the biodiversity asset. This will ensure consistency with paragraph 179 of the NPPF, as well as the Plan's overall strategy **(MM17)**. The site is of sufficient scale that the proposed development can be accommodated without undue harm to the woodland.
128. The site is in close proximity to a composting site. To be effective, a modification is necessary to criterion i) to clarify the requirements in relation to this; in particular that any development should not prejudice the safeguarding or operation of the facility. In addition to general modifications to transport mitigation measures, criterion k) should be amended to provide a requirement to improve accessibility to the site and promote a travel plan. This is both in the interests of effective mitigation and internal consistency with the remainder of the Plan **(MM17)**.
129. Finally, the policy refers to the need to protect and support the continued use of the land to the north as a caravan site. The leaseholder has recently decided not to renew the lease for that part of the site. Criterion g) is therefore no longer

necessary or justified. At the time of the hearing sessions, the Council had not had the opportunity to fully consider the options for this part of the site. While residential development may be one potential use, there is insufficient evidence to justify its allocation at this stage.

130. Delaying the adoption of the Plan to consider the future of this site, particularly when there is no guarantee that residential development would be an appropriate use, is not appropriate. Accordingly, criterion g) should be deleted to remove the unjustified reference, along with consequential changes to supporting text and inset map (**MM17, MM18**). The modification will also give the Council some flexibility in how it might consider windfall proposals prior to any review of the Plan. A consequential modification to the Policies Map is also necessary to reflect this change.
131. Site A3 (Centenary House) is a relatively large and prominent brownfield site, currently in use as offices for the police and West Sussex County Council. There is an operational need for replacement office space on site, but the overall scale of this is under review as a result of the COVID pandemic. Redevelopment of the site for a mix of uses is acceptable in principle.
132. Main modifications are needed in the interests of providing an effective policy framework. In addition to the general modifications described above, constraints associated with wastewater infrastructure should be highlighted in the policy to ensure developers are aware of potential layout and phasing issues. Finally, there is the potential for archaeological remains and the policy should recognise this and the need to carry out any necessary mitigation measures (**MM19**).
133. Site A4 (Civic Centre, Stoke Abbot Road) is allocated for a new integrated health hub. It was previously used as a car park for office staff and is well related to various Council offices and other public services, such as the library and museum. Planning permission has already been granted for the health centre use and is in the very early stages of construction. This renders it unavailable for alternative uses.
134. The following modifications are also necessary to ensure the policy will be effective if ever called upon. Criterion b) should be modified to include reference to the provision of green infrastructure. This is to ensure internal consistency with other policies on brownfield land and to properly reflect the Council's expectations. The policy only requires 'consideration' to be given to protection of neighbouring listed buildings and other assets. This is inconsistent with national policy on heritage and is unclear. A modification to criterion e) is necessary to ensure development does not result in unacceptable harm. Criterion f) is vague and should be modified to be clear as to what is meant by 'sufficient' parking (**MM20**).

135. Site A5 (Decoy Farm) is a large former landfill site that sits on the edge of the built-up area and adjacent to an existing industrial estate. It is an appropriate site and location for large scale employment development. There is no convincing evidence to suggest it should, or could, be used for alternative uses. As submitted, the site is allocated for a minimum of 18,000 sqm of new employment floorspace. The Council has reassessed the likely delivery from the site and concluded it was unduly optimistic about the scale of likely delivery. I agree that the 18,000 figure is not justified and should be modified to identify a minimum delivery of 14,000 sqm of employment floorspace. This would not preclude higher levels of floorspace coming forward in appropriate circumstances (**MM21**).
136. Further changes are necessary to provide clarity about the potential impact of any development on the nearby household waste recycling site. In particular, criterion f) should be modified to make it clear that development should accord with the West Sussex Waste Local Plan and should not prejudice current or future operations. The scale of the Decoy Farm site is such that this requirement should not have any particular impact on delivery (**MM21**).
137. For effectiveness, modifications are also necessary to enhance the protection given to existing waterbodies by ensuring all affected features are retained, protected and enhanced. The revised wording to criterion h) expands protection to all watercourses, including the Teville Stream. Moreover, criterion h) should be modified to remove the unnecessary requirement to remove culverts. How waterbodies can, or should, be enhanced is a matter best left to the determination of any application and can be considered under the modified criterion. To better reflect the Council's expectations for the site, the policy should refer to the creation of new wetland habitats. This will provide necessary clarity and is consistent with the NPPF's objectives of enhancing biodiversity assets and delivery of net gains (**MM21**).
138. Site A6 (Fulbeck Avenue) is a greenfield site allocated for 120 units. The site already has planning permission for 152 units and is currently in the early stages of construction. The permission demonstrates that the capacity figure of 120 dwellings was not justified and thus **MM22** increases this to 152. The site is well related to the existing built form on Fulbeck Avenue, recent development to the north and the A2 (Caravan Club) allocation. It is a verdant greenfield site on the edge of the built-up area and thus would result in a degree of encroachment into the countryside. It does not however form part of an important gap and is relatively contained by the Caravan Club site, pond and road network. The allocation is consistent with the overall spatial strategy and is suitable for development.
139. In addition to general modifications relating to biodiversity, criterion a) should also set out what would be necessary in terms of woodland retention and provision of green infrastructure. This will ensure consistency with national

policy and the spatial strategy set out in policies SP1-SP3. A modification to criterion g) is also necessary to require development to safeguard and consider opportunities for enhancement of the adjacent LWS. These are necessary for clarity, consistency with the strategic policies of the Plan and consistency with paragraph 179 of the NPPF (**MM22**).

140. Modifications are necessary to provide additional clarity in relation to site specific issues of protecting and enhancing water bodies, including the creation of new wetland habitats and the provision of a buffer to the lake. Consequential changes to other parts of the policy are necessary to accommodate these changes. Criterion i) refers to the safeguarding of the composting site located to the west of the site. There is little likelihood of any development having an impact on this facility and thus this criterion should be deleted as being unjustified (**MM22**).
141. Site A7 (Grafton) is allocated as a mixed-use housing and commercial development. It is in a prominent seafront location and is currently in use as a multi-storey car park, bowling alley, retail units and service yards. While in use, the building is ostensibly coming to the end of its useful life. The principle of regenerating this site is therefore sound. It is in a sustainable location; the evidence does not suggest that the loss of existing parking will result in severe transport problems and flood risk should be able to be satisfactorily mitigated. The site also provides scope for significant aesthetic, environmental and economic improvements to the seafront.
142. In addition to general modifications, it is necessary for criterion f) to be amended to emphasise the requirements for pedestrian accessibility improvements. This is a key objective for the Council and would be important in terms of town centre vitality and viability. Thus, the requirement should also be reflected in policy for certainty and effectiveness. The supporting text also identifies the 430-space car park as a constraint, which may imply either a need to deliver replacement spaces or that the loss of parking may stymie development. Neither of these are accurate and thus this reference is unjustified and should be deleted (**MM23**).
143. Site A8 (HMRC Offices) is allocated for a minimum of 250 dwellings, provision of a care home and the retention of some existing employment uses. It is currently in use as offices and offers a good opportunity for regeneration in a location well related to the existing built form and Durrington railway station. I am content that all constraints on the site, including flooding, can be satisfactorily mitigated. The allocation is therefore sound in principle. **MM24** is necessary for effectiveness and addresses matters of design, layout, flooding and drainage, transport mitigation and contamination, as set out above.
144. Site A9 (Lyndhurst Road) is allocated for a minimum of 150 dwellings. It is a previously developed site in the built-up area that is currently being used for

temporary parking. It is in an area with a mix of residential and other uses and is well related to nearby shops and the hospital. This is a suitable location for housing in principle but is subject to constraints, including a medium risk of flooding, contamination, the proximity of nearby dwellings, the hospital and other commercial uses. Subject to suitable controls and mitigation, none of these are sufficient to suggest the site cannot, or should not, be delivered for housing.

145. The scale of development envisaged will require a high density of development. However, this is consistent with the spatial strategy. There is no reason in principle why high-density development should necessarily be harmful. The modifications described above will however provide greater certainty to developers about what is expected and comfort to local residents that a high quality of design and layout is expected that will not result in unacceptable harm to their living conditions.
146. An additional criterion is however needed to recognise the proximity of nearby heritage assets and the need to protect their settings. This will provide certainty and consistency with national policy (**MM25**). I am satisfied that the modified policy will provide an appropriate and effective framework for ensuring the suitable regeneration of the site.
147. Site A10 (Martlets Way) is allocated primarily for employment uses. This is a brownfield site that was previously used as a wastewater treatment works and gasholder. It is adjacent to the Goring Business Park and is well related to Durrington railway station. It is an appropriate location for industrial development. As with many sites, there are potential constraints associated with flood risk and contaminated land. Nevertheless, there is a reasonable prospect that these can be mitigated and do not result in the site being unsuitable for development.
148. The policy and supporting text refer to the potential for some residential development on part of the site known as 'the nib'. While criterion g) could be read to mean that residential development will be required, there is no indication of the Council's expectations in terms of scale. Moreover, there is no reference in Policy SS2 of the likely contribution from this site. Discussions at the hearing concluded that the site could accommodate around 30 dwellings, and this is what the Council expect to be delivered. In the interests of clarity, certainty and effectiveness, the policy should therefore be modified to reflect this. Consequential changes to Policy SS2 will also be necessary. As well as general matters described above, criterion g) should also be modified to be precise about the point of access to the employment element of the site (**MM6, MM24**). Collectively, these modifications will ensure the policy is clear and effective.

149. Site A11 (Stagecoach, Marine Parade) is a large mixed-use housing and employment allocation on the seafront. The site is currently in use as a bus depot. There are a number of constraints, including proximity to listed buildings and conservation areas, protected trees, potential for contamination and flood risk. Nevertheless, there is no evidence to suggest that these issues cannot be satisfactorily addressed through careful and considerate design. Given its scale and prominent seafront location, it provides an obvious opportunity for regeneration for a range of uses, including residential.
150. Any development would be dependent on the relocation of the existing facility. Discussions are on-going about this and there is every reason to believe these will be successful in the longer term. Given the Council's sensibly cautious approach to timescales, there is also no reason to conclude that the site is not developable within the plan period. Modifications are mainly only necessary to address the general matters raised above and to ensure an internally consistent approach to the scale of development, biodiversity and layout.
151. Criterion a) sets out an unduly prescriptive approach to the mix of commercial floorspace that is neither justified nor effective. **MM27** therefore brings the scope of the policy into line with changes proposed under Policy SS2. A more flexible approach is warranted in this case given the sustainable town centre and seafront location. Further MMs are necessary to criterion f) and j) to ensure the effect of development on heritage and archaeological assets are properly considered. In particular, it is not necessarily achievable for development to 'enhance' the significance of nearby heritage assets. Such a requirement sets an unjustifiably high bar that may stymie acceptable forms of regeneration. In this context, it is appropriate to ensure development does not result in unacceptable harm to the setting of nearby assets. Taken together, **MM27** provides an effective policy framework to guide the regeneration of this site.
152. Site A12 (Teville Gate) is a prominent, largely cleared brownfield site on the edge of the town centre. It is allocated for a mix of residential and commercial development. This is entirely appropriate for the location and nature of the site. The Council has recently acquired the site in order to facilitate development. Therefore, while there is a history of proposals not coming forward, the Council's involvement should provide fresh impetus. There is no obvious reason why this site should not be able to be delivered for the type and scale of development envisaged and any constraints should be able to be addressed through appropriate layout and design.
153. In addition to the general MMs referred to above, criterion d) needs to be modified to reflect the fact that it may not be possible, or necessary, to 'enhance' the setting of nearby heritage assets. Setting an unachievable requirement is neither justified, effective or consistent with national policy. It is however important to ensure that development does not result in unacceptable harm. Modifications to criterion e) are necessary to provide clarity about the

Council's expectations with regard to accessibility and provision of Green Infrastructure. Flooding and drainage issues are a known constraint. A specific additional criterion is needed in this case to draw developers' attention to the culverted watercourse that runs through the site and how this might affect development. This gives weight to the reference in the supporting text and allows the Council more control over what is delivered. **MM28** is therefore necessary as a whole for clarity, effectiveness and consistency with national policy.

154. Site A13 (Titnore Lane) is made up of two open arable fields, bordered on three sides by Ancient Woodland. This is also designated as the Titnore and Goring Woods Complex LWS. Part of the LWS runs roughly through the middle of the site, separating the fields. Mature hedgerow runs along the western boundary. Notwithstanding the pylons that run across the site, it has a particularly attractive character. The submitted policy for the site also identifies several other constraints, including surface water flooding and the setting of the SDNP.
155. These constraints are obviously not entirely unusual for sites allocated in the Plan. However, the specific relationship between the LWS and developable area is such that, even with the policy requirements in place, the risk of harm to the integrity of the woodland and wildlife site is significant. This is particularly the case when considering that any internal distributor road would have to cut through the designated LWS. While this would be in the gap in trees created by the pylons, the land remains part of the LWS and may still have biodiversity value. Both the construction, and on-going operation of the road, could have direct and indirect impacts on the trees and associated wildlife within the LWS. There appears to be no other way of providing internal access and distribution without resulting in greater potential harm.
156. Any development of the site would also be visually and physically separate from the existing built form and settlement pattern. Filtered views through trees might be possible from the east, but this would not constitute a close interrelationship with existing housing. The sense of separation would be emphasised by accessing the site from Titnore Lane, which is not associated with existing residential development in this location. Even with improved public rights of way to the east, the siting of the vehicular access is such that development here would still not relate well to the existing estate to the east or any other housing. It would therefore be seen and function as a physically and visually isolated adjunct to the existing built form.
157. It is not unusual for allocations in the Plan to encroach into the countryside. In this case, I consider the disconnected nature of the site and its obvious aesthetic qualities are such that development here would have the potential to cause very significant harm to the character and appearance of the area. Indeed, I am concerned that any housing would appear to have been unacceptably squeezed into the spaces between the woodland with little scope

for mitigation. While visual impact would be localised, it would nevertheless be very significant in nature.

158. Development of this site therefore raises significant risks and concerns about the impact on ancient woodland and the integrity of the LWS. The likely harm to the character of the area adds to my concerns. I acknowledge that the proposed policy sets out many requirements that seek to mitigate the impacts. However, I am not persuaded that these would be sufficient to ensure a satisfactory form of development. Indeed, these tend to highlight the difficulty in which a suitable form of development could be achieved.
159. In my view, the allocation conflicts with NPPF paragraph 179, which seeks to promote the conservation of priority habitats. It also conflicts with paragraph 174 which expects planning policies and decisions to recognise the intrinsic character and beauty of the countryside, including the benefits of trees and woodland. I also have concerns in relation to paragraph 180 which, though related to planning applications, highlights that development resulting in the loss or deterioration of ancient woodland should be refused unless there are wholly exceptional reasons, or a suitable compensation strategy exists. There is a high probability that any subsequent development of the site could not meet this requirement.
160. I acknowledge that sites A2 and A6 are also closely related to the same LWS. However, they are not effectively surrounded, or intersected by the designation. They are also of sufficient scale to be able to avoid unacceptable harm to the woodland. I do not have the same confidence about this site.
161. Given Worthing's housing supply situation, I do not take the deletion of a housing site lightly. However, while housing delivery is of substantial importance, it does not trump all other matters. In this instance, I consider that the likely adverse impacts from developing the site for 60 dwellings would significantly and demonstrably outweigh the benefits. Consequently, the allocation is not justified or consistent with national policy and is deleted from the Plan by **MM29**. Consequential changes will also be needed to Policy SS2, the sites map and legend on pages 70 and 71 (**MM6**, **MM15**) and the Policies Map.
162. Site A14 (Union Place) is allocated for around 150 dwellings and 700 sqm of leisure and commercial uses. It is a predominantly cleared previously developed site, some of which is in use as a car park. It is in a highly sustainable location, well related to shops and services. The location, type and scale of development proposed is justified and sound in principle. **MM30** sets out the general modifications relating to biodiversity, design and layout, contamination, flooding and drainage. These are necessary for clarity, consistency and effectiveness. Criterion b) only asks developers to give careful consideration to the protection

of heritage assets. This is not effective or consistent with national policy and other relevant policies in the Plan. To address this, the criterion should be modified to ensure nearby heritage assets and their settings are not unacceptably harmed (**MM30**).

163. Site A15 (Upper Brighton Road) is allocated for around 123 dwellings in two parcels on either side of the road. This is a greenfield site on the edge of the existing built-up area and close to the boundary with Adur. It abuts an easement strip associated with cabling for the Rampion offshore windfarm.
164. The Adur Local Plan identifies a strategic 'gap' on its side of the boundary. Although there are pockets of development within this, including linear development associated with Sompting Conservation Area, it still retains a largely open and rural character. Development would reduce the size of the gap and bring housing in Worthing nearer to that in Adur. However, the Plan identifies its own LGG between the site and district boundary. While this is not as significant in scale as the others, it would still provide a buffer. Moreover, while the gap on the Worthing side would be reduced, that on the Adur side still allows for a significant degree of visual and physical separation. The integrity and function of the gap as a whole would remain intact.
165. The policy also precludes development from encroachment into the easement strip and emphasises the importance of the gap. To bolster this further, and better reflect the Council's expectations, criterion b) should be modified to make it clear that development should protect or enhance the distinctive character of the gap. I have modified the Council's suggested modification to refer to protect 'or' enhance, as protecting 'and' enhancing may not be achievable or necessary to achieve an acceptable form of development. Nevertheless, the modification is needed for the policy to be effective (**MM31**).
166. Again, it is not unusual for a site in Worthing to be affected by the setting of the SDNP. However, the two parcels of land are not separated from the existing estate by large roads or other significant physical barriers and thus any development would appear as a relatively modest continuation of the existing housing. The scale of development proposed is unlikely to have any significant impact on the setting of the SDNP or views into Worthing from the national park. The policy also requires a buffer of open space along the northern edge of the site and planting to help mitigate any impacts.
167. This would be reinforced by modifications to criteria b) and d) that require development to protect the distinctive character of the LGG and to conserve the setting of the SDNP. These changes are necessary to ensure the policy is effective and provide certainty about the Council's expectations. The MM consulted on referred to development *enhancing* the setting of the SDNP. On reflection, this may not necessarily be achievable and thus I have amended

MM31 to allow for development to conserve *or* enhance the setting of the SDNP. This does not change the intent of the policy to effectively ensure development does not harm the setting of the national park.

168. Concerns were raised about the impact of any development on the setting of nearby heritage assets, including Sompting Village Conservation Area and Upton Farmhouse. There may be some encroachment on the settings of these assets, but I see no reason why development here would be unacceptably harmful in principle. The setting already includes residential development and there is no evidence before me which suggests the site has any historic connection or importance to these assets. The policy also refers to protecting the setting of these assets. A modification is necessary to this requirement, however, to provide further detail and clarity about the Council's expectations and internal consistency with other policies (**MM31**). This will aid effectiveness.
169. The site is near to the A27 and thus any development will add to the pressure on that road. This is an inevitable consequence of almost any development in Worthing. The scale of development proposed here is unlikely to result in severe transport problems in its own right or cumulatively with others. Upper Brighton Road narrows in the vicinity of the site and does not have a footway. However, I see no reason why a suitable form of access could not be achieved. The policy also requires improvements to public rights of way on parcel B, that already provides access to the existing estate and school. Pedestrian access through the existing estate should also be possible into parcel A. This should reduce any need for pedestrians to use Upper Brighton Road in this location. There is therefore no reason to conclude that development will lead to road or pedestrian safety issues.
170. Given the constraints that exist, and potential air quality issues in the locality, it is necessary for criterion l) to draw attention to the need for a travel plan. This is consistent with the content of the Air Quality Action Plan and ensures clarity, consistency and effectiveness. The development may also affect nearby water bodies. The policy recognises this in criterion e). A modification is necessary however to provide greater certainty about the need to protect the Winterbourne chalk stream. Again, this is necessary for clarity and effectiveness (**MM31**).
171. The policy requires development to provide a playing field for Bramber First School. However, this has already been delivered. Criterion n) is therefore no longer justified and should be deleted (**MM31**). This should also be deleted from the inset map and aerial photograph on page 100 (**MM32**). Consequential changes to the Policies Map will also be needed to ensure consistency with the policy.
172. Finally, following the MM consultation, I have amended the suggested modification relating to 'site constraints'. This provides a more accurate

description of flood risk on the site and thus ensures there is no misunderstanding. It does not however alter the requirements of the policy or the related modifications that are needed for effectiveness (**MM31**). With these modifications in place, I am content that site A15 is acceptable in principle and the policy sound.

Conclusion

173. I am satisfied that, subject to the recommended main modifications, the specific allocations are justified, effective and consistent with national planning policy.

Issue 4 – Is there is a reasonable prospect of there being a five-year supply of deliverable housing sites on adoption of the Plan, and will the policies and allocations in the Plan be effective in ensuring the housing requirement will be met?

Five-year housing supply on adoption

174. Paragraph 74 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been a significant under delivery over the previous three years.

175. The Council acknowledge that the number of completions over the last three years warrants the use of a 20% buffer. Based on the overall requirement of 3672 dwellings over the Plan period (or 230 per year), the basic five-year requirement would be 1,528. Even accounting for completions since the Plan was submitted, the updated Housing Trajectory, attached as Appendix 1 to the MM schedule, indicates that from the likely year of adoption, the deliverable supply would stand at around 2,306 dwellings.

176. I am satisfied that this is a reasonable assessment of likely deliverable supply. This comfortably exceeds the likely five-year housing land requirement. It is possible that some sites may stall or take longer to start delivering new housing, especially taking into account uncertainties surrounding the outcome of Brexit and COVID-19. However, there is sufficient headroom to be reasonably confident that a five-year supply of deliverable housing land would exist at adoption.

177. The overall supply, and some of the five-year supply, includes a windfall allowance of 67 dwellings per annum. NPPF paragraph 71 states that where an allowance is to be made for windfalls, there should be compelling evidence that they will provide a reliable source of supply.

178. The Housing Implementation Strategy³⁰ sets out the evidence for the windfall allowance. This looks back at windfall completions from 2006/7 to 2019/20. The average over this period is around 67 units. While there is some variance in the annual completions over this period, use of the average figure is not unreasonable. The built-up area character of Worthing provides significant scope for small infill development and changes of use. Policy SS1 allows for development in principle within the built-up area. There are no unusual or stringent restrictions on windfall development coming forward in this area. Changes to permitted development rights also provide greater scope for changes of use. Clearly, the Council will need to monitor windfall development, but I am satisfied that there is compelling evidence that an average of 67 dwellings per year is likely to come forward. I am also content for this to form part of the 5 year deliverable supply.

Overall housing land supply – will requirement be met?

179. Having regard to the trajectory set out in Appendix 1 of the MM schedule, the Plan allocates land for 1753 dwellings. Taking account of completions, commitments and the agreed windfall allowance, the overall scale of delivery equates to 3680. Given the relationship between the housing requirement and supply, there is inevitably little to no headroom between the overall supply figure and the requirement. Had any additional suitable supply been identified, this would have added to the overall requirement.

180. The specific context of Worthing and the restrictions on available supply and opportunities for development, justify this approach. The Council has identified all opportunities for development that have a reasonable chance of coming forward and would not result in unacceptable harm or undermine the spatial strategy. The phasing of development, as with much of the Plan, is driven by the availability of suitable land.

181. In any event, the Council is also obliged to review the Plan after 5 years. Given the requirement to return to the 'standard' methodology for determining the 5-year housing land supply after this period, there is nothing for the Council to gain in not maintaining an up-to-date plan. It is, of course, also open to the Council to prepare a new plan at any time if it considers it necessary to do so.

182. NPPF paragraph 74 states that the strategic policies should contain a trajectory illustrating the expected rate of housing delivery over the Plan period. This is missing from the submitted Plan. **MM6** and **MM57** rectify this by adding the trajectory as an appendix.

³⁰ CD/H/16

Conclusion

183. I am satisfied that there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption and the policies and allocations of the Plan will be effective in ensuring the housing requirement will be met.

Issue 5 – Is the approach to the type and mix of housing positively prepared, justified, effective and consistent with national planning policy?

184. Paragraph 62 of the NPPF expects the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. The SHMA carries out this assessment. The results of this, and other relevant evidence, are effectively addressed by policies DM1, DM2, DM3 and DM4.

Policy DM1 – Housing Mix

185. Policy DM1 is a general policy which seeks to facilitate meeting the housing needs of different groups of people. It is written very much in the context of the constraints on the overall housing land supply. Accordingly, the Plan does not set out specific requirements for different types of housing, but rather creates a framework within which different types of housing can come forward to help meet all needs. Setting out specific requirements for certain types of development could have the effect of limiting delivery for other types of housing. Given the constrained nature of the supply, imposing limits on delivery of any kind would be counterproductive. The policy remains supportive of housing for older people, self-build and custom build. Combined with the requirements of criterion a) to consider up-to-date evidence on housing needs and demand, Policy DM1 therefore establishes an appropriately pragmatic approach.

186. Modifications are however necessary for effectiveness and consistency with national policy. Criterion a) requires development to deliver sustainable, mixed and balanced communities. The criterion expects applications for new housing to consider the most up-to-date evidence of housing needs and demands. A modification is necessary to make it clear how the information will be used and what other factors, including location and character, will be considered in determining the appropriate mix of dwellings (**MM32**).

187. In this regard, paragraph 5.8 of the supporting text stipulates that 3-bedroom homes should be prioritised on larger sites and on flatted schemes. As criterion a) requires the consideration of the most up-to-date information, this paragraph seems to pre-judge any outcome. This may not be justified in the long term or provide an effective approach. **MM33** therefore removes the prescriptive requirements and allows greater flexibility. Further to this, other modifications are needed to the supporting text to paragraphs 5.14 and 5.15 to ensure the

definitions of housing products for older people are clear and accurate. This will remove any ambiguity and aid interpretation and implementation of the policy.

188. Footnote 49 of the NPPF states that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. National guidance³¹ states that local plans should clearly state what proportion of new dwellings should comply with the requirements.
189. Policy DM1 requires all new dwellings to meet optional standard M4(2). The SHMA forecasts that around 43% of Worthing's population will be over 65 by 2036. This is from a starting point of approximately 22% in 2018. The SHMA also estimates that the need for 1,601 additional market and affordable homes to provide housing with support or housing with care and a maximum of additional care bed spaces. The Plan does not, and cannot, realistically identify specific site allocations to meet these needs. To do so would be likely to restrict the delivery of other types of housing.
190. On this basis, I am satisfied that ensuring all new dwellings are M4(2) compliant will help to meet demand for those households who will continue to live in mainstream housing. While not a complete solution to meeting the needs of the elderly population, it will provide some assistance by ensuring future housing stock is more capable of meeting wider needs. The policy has been tested as part of the Whole Plan Viability Assessment and there is no suggestion it would result in any impediment to delivery. However, national guidance states that local plan policies should also take account of factors that might make a site less suitable for M4(2). To ensure consistency with this, **MM33** includes provisions to allow the practicality and viability of providing M4(2) to be considered.
191. Finally, paragraph 5.25 sets out various requirements and considerations relating to the provision of live/work units. These are acceptable in principle but have no formal status. To rectify this, and to ensure effectiveness, **MM33** moves this text into the policy.

Policy DM2 – Density

192. Policy DM2 requires development to make the most efficient use of land. It also states that this will usually mean developing at densities higher than those in the immediate area. It is legitimate for the Council to seek to maximise the level of delivery on sites coming forward. There is no reason to assume that increasing densities would automatically have a detrimental impact on the character of the Borough. The Plan also contains sufficient controls to ensure an innovative

³¹ PPG ID: 56-008-20160519

approach to housing delivery can be suitably integrated with the existing built form and to resist development that would be harmful.

193. Paragraph 125 of the NPPF advocates the use of minimum densities. In this regard, the Council has identified a minimum density of 35 dwellings per hectare (dph) for family housing and 100 dph for flatted development and proposals in the town centre or close to public transport interchanges. These are appropriate in principle and should not stymie development. In addition, the policy provides scope for flexibility for family housing in appropriate circumstances. However, this scope does not extend to higher density proposals. There is no justification for two different approaches and thus criterion c) should be modified to allow for the same degree of flexibility (**MM34**).
194. Further modifications are needed to alter the flow of the policy so that it is clear that the starting point is the minimum density. Consideration of the 'optimum' density will then flow from this and be based on a range of listed factors. The modification also consolidates the range of different issues that need to be considered into a single list for clarity. Taken together, **MM34** will provide an effective framework that will be easier for applicants and decision makers to interpret.
195. Footnote 49 of the NPPF states that policies may make use of the Nationally Described Space Standard (NDSS) where the need for an internal space standard can be justified. Although not exhaustive, national guidance³² provides an overview of the type of evidence that might be used to demonstrate the justification for use of the NDSS. This includes evidence on the size and type of dwellings currently being built in the area.
196. The Council has ostensibly applied a SPD on space standards for many years. Although not policy, they consider this document has still been successful in encouraging developers to deliver housing of an acceptable standard. On this basis, it is understandably difficult for the Council to provide evidence which shows that new housing is generally not being provided under the required standard. Indeed, this is likely to be the case for many Councils who wish to maintain an existing approach that has proven successful. However, the Council also suggested that there have been cases where the lack of formal policy has resulted in development that was below the national standards. The totality of the evidence on this issue, including that heard at the hearing, suggests this is a valid concern.
197. I am also conscious that a number of allocations are for higher density forms of development and that Policy DM2 seeks to promote higher density development. This may be used as a justification by some developers to provide smaller units. In my view, this adds to the justification for adopting NDSS. The

³² PPG ID: 56-020-20150327

Council's viability assessment also factored in the NDSS standards and there is nothing to suggest that the policy would impede delivery. Under criterion e) there would also be scope for the Council to allow some flexibility in exceptional circumstances.

198. On balance, I am therefore satisfied that there is sufficient justification to adopt the NDSS in this instance. Criterion e) should however be modified to remove reference to the specific examples of 'exceptional circumstances' the Council will consider. What constitutes an 'exceptional circumstance' should be determined on a case-by-case basis. Pre-judging this is neither a justified nor effective approach. Finally, criterion d) refers to the Council's local standards for external space. However, these are not included in the Plan and thus cannot be determinative. To be effective, this criterion should be modified to make it clear that development should 'have regard' to the relevant SPD in terms of outdoor space (**MM34**).

Policy DM3 – Affordable Housing

199. The SHMA concludes that there is an affordable housing need of 490 dwellings per annum. In the same way as overall needs, there is no realistic way to ensure this scale of affordable housing can be provided. This is an unfortunate reality. Policy DM3 sets out the approach and requirements in relation to affordable housing. This sets out to maximise delivery through a variable approach, with a 20% requirement on previously developed land involving flats, 30% for all housing on previously developed land and 40% for development on greenfield land. This is based on the findings of the Whole Plan Viability Assessment.

200. I am satisfied that this is a robust assessment and that a variable approach is justified. Setting the requirement to the lowest common denominator of viability would inevitably result in even less provision than might otherwise be achieved. The evidence is clear that different forms of housing and locations of development can accommodate different levels of affordable housing provision. This is particularly important given that overall affordable housing needs will clearly not be met.

201. Nevertheless, there may be situations where individual proposals cannot provide the required level of affordable housing on-site. The policy provides the necessary flexibility to allow off-site provision in certain circumstances and, where provision is not viable, for applicants to demonstrate this through an open-book approach. This is an entirely sensible and robust approach.

202. Some modifications are however necessary to ensure compliance with national policy. In particular, criterion c) needs to be amended to better reflect paragraph 65 of the NPPF and the need for 10% of homes be available for affordable

home ownership. This will not adversely affect the viability of development³³. To provide for a more flexible approach on tenure split and size of units, additional provisions should also be made to the policy to allow some negotiation on a case-by-case basis. This will allow the specific characteristics of a site to be considered in the interests of effectiveness (**MM35**).

203. As referred to above, the NPPF and PPG advocate adoption of optional standards for accessible and adaptable homes where there is a justified need. As submitted, criterion d) establishes that where there is a need for a wheelchair accessible dwelling, the provision of affordable homes constructed to optional standard M4(3) will be a matter for negotiation taking account of the suitability and viability of the site. National guidance³⁴ states that local plans should clearly state the proportion of housing that will be subject to any standard. As submitted, the policy conflicts with this guidance.

204. However, paragraph 5.51 refers to the SHMA's recommendation that 3% of households need to meet the needs of wheelchair users. The evidence produced in the SHMA is robust and provides a reasonable basis on which to establish the proportion of housing that will be subject to this requirement. **MM35** brings this requirement into policy, while making it clear that it would only apply where the Council is responsible for allocating or nominating a person(s) to live in that dwelling. This is necessary to ensure the policy is positively prepared, justified and effective.

Policy DM4 – Gypsies, Travellers and Travelling Showpeople

205. The Plan does not include a specific requirement, or any allocations, for Gypsies, Travellers and Travelling Showpeople. The 2019 Coastal West Sussex Gypsies and Travellers Accommodation Needs Study³⁵ found that there was no need for Gypsy, Travellers or Travelling Showpeople plots or pitches in Worthing. Consequently, the Plan does not include a specific requirement. There is nothing to suggest this is not a robust assessment of need. As such, I am content that the Council's approach is justified.

206. It is, however, necessary for there to be a policy in place to determine any windfall applications that may be submitted. Policy DM4 fulfils that role and is broadly consistent with the national Planning Practice for Traveller Sites guidance. Modifications are still necessary for effectiveness. To that end, criterion b) is a vague and generalised comment relating to best practice that serves no particular purpose. It should therefore be deleted. While criterion c) is justified in seeking to safeguard any sites that come forward for this use, this should not necessarily be in perpetuity. A modification is necessary to allow

³³ WBC-E-19

³⁴ PPG ID: 56-008-20160519

³⁵ CD/I/14

consideration of 'release' where it can be demonstrated the use is no longer needed. This will provide a degree of flexibility (**MM36**).

Conclusion

207. I am satisfied that, subject to the recommended MMs, the approach to the type and mix of housing is positively prepared, justified, effective and consistent with national planning policy.

Issue 6 – Has the Plan been informed by a robust, objective assessment of employment needs and is the employment requirement justified and positively prepared?

Employment Land Requirement and Supply – Policy SS2

208. The Council's Employment Land Review Focussed Update³⁶ (2020) considered four scenarios for potential employment land growth. Of these, the Council determined that the only reasonable option was to use the 'Baseline Labour Demand' scenario. This is consistent with the recommendations of the study and resulted in an overall 'need' of around 32,650 sqm of employment floorspace in total. The assessment was based on a robust approach and that this is a reasonable and realistic basis on which to determine the 'need' for new floorspace.

209. As with housing, there is a paucity of suitable or available sites to fully address employment land needs in the Borough. The need to provide a balance between housing and employment also limits the opportunities that exist with housing potentially being considered the priority in some circumstances. This led to a suggested requirement of 28,000 sqm. While this is still below the suggested level of 'need', this allows for a reasonable level of growth and delivery across a number of significant employment sites.

210. A reassessment of the capacity of Site A5 (Decoy Farm) also suggests that the site would be unable to deliver 18,000 sqm of employment floorspace. This figure is therefore not justified and should be reduced to 14,000 sqm to properly reflect likely delivery (**MM6, MM21**). This has the effect of reducing the overall requirement to 24,000 sqm. There are no realistic alternatives that could be allocated without resulting in unacceptable harm. For this reason, I am satisfied the amended employment land requirement remains acceptable and appropriate in the Worthing context. This should not stifle economic activity or growth to any significant degree; there are still sites in the supply that can provide a substantial amount of new floorspace.

³⁶ CD/J/2

211. In addition, **MM6** removes the specific requirements for industry, warehousing or offices on each allocated employment or mixed-use site. Given the shortage of land in Worthing it is unnecessarily restrictive and unjustified to limit the types of employment development that may come forward on different sites. It is sufficient for allocations to be for 'employment' uses. This will provide flexibility and give as much scope as possible for different types of use to come forward. Consequently, this will assist in supporting economic growth.

Conclusion

212. I am satisfied that, subject to the MMs referred to above, the Plan has been informed by a robust and objective assessment of employment needs and the employment requirement is justified and positively prepared.

Issue 7 - Is the approach to employment development justified, effective and consistent with national planning policy?

Policy DM10 – Economic Growth and Skills

213. Policy DM10 sets out how the Council intends to support, promote and enable economic growth and development in the Borough. The policy is consistent with national policy and would provide an effective framework for employment related development. However, for effectiveness modifications are necessary to the policy's supporting text to correct a factual error and to reflect other MMs to the employment land requirement (**MM42**).

Policy DM11 - Protecting and Enhancing Employment Sites

214. Policy DM11 sets out the Council's approach to protecting existing employment sites. It identifies 'protected' employment and 'key' office location and sets out how proposals within these areas will be considered. The locations listed in criteria b(i) and (ii) have been identified on the basis of a robust approach. The principle of providing a degree of protection to existing employment sites is reasonable, particularly in a context where it may not be possible to meet all future needs. In this context, the policy sets a justifiably high bar to allowing alternative uses. Nevertheless, there is a sufficient degree of flexibility to ensure sites with little or no chance of being used for employment are not protected unnecessarily. This is consistent with paragraph 82 of the NPPF.

215. As submitted, criterion c) seeks to delegate important policy matters to a 'Sustainable Economy' Supplementary Planning Document (SPD). To ensure effectiveness, **MM43** brings these matters into the policy and thus provides clarity about the different factors that will be taken into account. This modification also removes any ambiguity about which locations the second part of the policy applies to. I have made a minor alteration to the published MM to

make it completely clear that criterion d) applies to the sites in criterion b). This does not change the essence of the policy.

216. In order for the policy to be effective, modifications to the Policies Map will also be necessary, including correcting the boundary of the Meadow Road Industrial Estates and Broadwater Business Park. This will ensure the Plan protects the correct areas. The A5 (Decoy Farm) and A10 (Martletts Way) allocations are adjacent to existing 'protected' employment sites. Once complete, they will form logical extensions to these areas. To ensure they are subject to the same policies in the longer term, it is necessary to extend the existing 'protected' designations around these sites. This is necessary for the policy and strategy to be effective.

Policy DM12 – The Visitor Economy

217. The visitor economy is clearly very important to Worthing and Policy DM12 sets out an appropriate framework for promoting new attractions and dealing with the potential loss of existing facilities. The approach is consistent with the spatial strategy and national policy and is thus sound in principle.

218. The reference to the Sustainable Economy SPD in criterion b) is however misleading, as it implies there are additional measures to those set out in criteria i)-v) that would have to be adhered to. This is not the case, and the policy already fully reflects the requirements of the SPD. To ensure the policy is clear and effective, **MM44** removes the superfluous reference to the SPD and any resulting ambiguity.

Conclusion

219. I am satisfied that, subject to the recommended MMs, approach to employment development is justified, effective and consistent with national planning policy.

Issue 8 – Is the approach to retail, leisure and the shopping centre hierarchy justified, effective and consistent with national planning policy?

Policy SS2 – Retail Need and Supply

220. NPPF paragraph 86d requires Councils to allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking forward at least 10 years. The Council's Retail and Town Centre Uses Study³⁷ (2017) and Update³⁸ (2021) conclude that there is a minimum need for around 9,200 sqm of comparison floorspace and 1,250 sqm of convenience

³⁷ CD/K/2

³⁸ CD/K/1

floorspace up to 2026. Although it does not look forward the full 10 years, the assessment was carried out on a robust basis and thus these figures represent a reasonable starting point.

221. Policy SS2 identifies an overall requirement of 10,000 sqm for retail. However, prior to submission, a modification was proposed to reduce this to 9,200 sqm. This was based on a reassessment of the potential capacity of allocations. The shortfall of supply against need is once again an indication of the lack of realistic options available to the Council. In this case, this is unlikely to result in any substantive shortfall in new floorspace. The Plan does however justify potential sites and opportunities within, or on the edge, of the town centre which will allow needs to be met to a significant extent.
222. Given the uncertainties relating to the long-term implications of the COVID-19 pandemic on the retail market, which was already in a period of rapid change prior to the pandemic, the Council's approach to meeting retail needs is pragmatic. The Plan provides sufficient scope for new retail development to meet the vast majority of needs for the foreseeable future. I am also conscious that the situation 'on the ground' is changing rapidly and there remain quite significant vacancies in the town centre, the occupation of which should arguably take priority over delivering new floorspace.
223. Any deviation from national policy is minor and unlikely to result in residents being unable to meet their needs or harm the Council's aspirations for town centre vitality and viability. In the current context, I am content that the Council's approach is positively prepared and justified. **MM6** is however necessary to better reflect the reality of what is likely to come forward and ensure Policy SS2 is justified and effective.

Policy SS3 – Town Centre Strategy

224. Policy SS3 sets out the overarching Town Centre strategy from which other policies flow. This sets out a positive strategy for the future of the Town Centre, in line with paragraph 86b of the NPPF. It establishes the Town Centre as the primary location for new retail, leisure and office uses; establishes the objective of improving the public realm and improving accessibility. These are important in terms of ensuring developers understand the Council's aspirations and in providing strategic context for specific requirements set out in other allocation and thematic policies.
225. As drafted, it is not clear how criteria b) to f) would be implemented. **MM7** addresses this by amending their wording such that each criterion represents a clear action by the Council. This will make sure the policy is clear and effective. An additional criterion should also be included relating to green infrastructure and biodiversity. This will make the strategy for the town centre consistent with other policies of the Plan and highlight the importance of these issues as part of

the overall vision. This will also ensure consistency with paragraphs 174 of the NPPF, which seeks to promote the importance of green infrastructure and biodiversity in all aspects of development (**MM7**).

Policy DM13 – Retail and Town Centre Uses

226. Policy DM13 provides additional detail on how the strategy set out in Policy SS3 will be implemented. This refers to a shopping centre hierarchy comprising Worthing Town Centre and a number of District and Local Centres. These are made up of medium and small-scale centres. The hierarchy is justified but, to ensure effectiveness and consistency with paragraph 86 of the NPPF, it should be set out in the policy rather than just supporting text (**MM45**).

227. It is reasonable to assume that an over concentration of hot food takeaways or other food and drink uses in certain parts of defined centres could undermine their vitality and viability. An additional criterion is therefore needed under criterion b) to ensure the policy is effective in preventing such an occurrence (**MM45**). For clarity and effectiveness, a modification is needed to criterion c) to make it clear what the relationship is between Town Centre Strategy under Policy SS3 and Policy DM13. For the same reason, modifications are also necessary to criteria d) and e) to make the role and function of the Town Centre Character Areas clear (**MM45**). To ensure the policy is effective, the Town Centre Character Areas should also be identified on the Policies Map.

228. The Council is justified in seeking to ensure 65% of units in primary frontages are in retail use. This is based on robust evidence and recommendations of the Town Centre Retail Study Update. This will provide an appropriate balance between maintaining the function of the primary frontages and allowing a degree of flexibility. However, the threshold is only expressed in supporting text and thus would not have the weight of policy itself. **MM45** includes the threshold in the policy, thus ensuring effectiveness and an internally consistent approach.

229. The broad approach to district and local centres is justified. However, criterion g) requires modifications to improve the clarity of the policy. In particular, the final sentences under criteria g)i) and g)ii) should be deleted as they effectively repeat what is in the first part of the criterion and could lead to unnecessary confusion. As drafted, criterion g) would also be unduly rigid and inflexible by establishing the criteria as determinative, rather than being part of the wider consideration of vitality and viability. This is inconsistent with paragraph 86a of the NPPF, which expects centres to be allowed to grow and diversify in a way that can respond to rapid changes. **MM45** makes it clear that the factors in g)i) – iii) are issues the Council will have regard to in coming to a decision, rather than a rigid set of requirements. This provides the Council with the scope to consider each case on its merits. This is particularly important given the changing nature of retail, particularly in smaller centres, and the need to ensure they remain viable.

230. Other modifications are needed to reflect changes made to the Use Class Order in September 2020 which introduced Class E and replaced Classes A1, A2, A3, A4 and A5. Reference to these use classes is not justified (**MM45**).

Conclusion

231. I am satisfied that, subject to the recommended MMs, the approach to retail, leisure and the shopping centre hierarchy justified, effective and consistent with national planning policy

Issue 9 – Is the approach to transport and accessibility positively prepared, justified, effective and consistent with national planning policy?

Policy DM15 – Sustainable Transport and Active Travel

232. I have already concluded that the transport implications of the spatial strategy and allocations have been robustly assessed and should not lead to severe transport issues. Moreover, the overall spatial strategy is broadly consistent with national policy in terms of the distribution of growth and promotion of more sustainable transport options.
233. Policy DM15 provides more detailed decision-making criteria to ensure the strategy is delivered in practice. The policy sets out an objective of promoting an integrated transport network, alternatives to the car and use of public transport, walking and cycling. It also explains how proposals will be assessed and the likely evidential requirements in terms of transport assessments and statements and travel plans. The policy also sets out the Council's broader transport strategy and the measures it intends to pursue to deliver a safe, efficient and sustainable transport network. All of this is broadly consistent with paragraphs 104 and 105 of the NPPF.
234. Criterion iv) is not justified in requiring proposals to 'accord with' the West Sussex County Council guidance, particularly in relation to parking standards. If the Council wished to rely on parking standards, then they should be set out in the Plan and not delegated to another document that does not form part of the development plan. **MM47** therefore amends this such that it becomes a document to have regard to, rather than something determinative.
235. A new criterion is necessary to introduce the need for the design of street, parking areas and other transport elements to have regard to the guidance included within the National Design Guide and National Model Design Code. This will ensure consistency with paragraph 110 of the NPPF and address an omission in the Plan's policies on design and character. A modification is also needed to include an additional criterion which makes it clear that proposals which might prejudice highway improvement schemes will not be permitted.

This provides necessary clarity to developers and helps ensure the policy is an effective tool for managing and mitigating the effects of transport in the longer term (**MM47**).

236. Finally, criterion b) v) relating to air quality and Air Quality Management Areas should be moved to be placed under criterion a). This is a more logical place for this element of policy to sit as it relates to the effects of development and should be part of the decision-making criteria, rather than a Council activity. This is necessary in the interests of overall clarity and effectiveness (**MM47**).

Conclusion

237. I am satisfied that, subject to the recommended MMs, the approach to transport and accessibility is positively prepared, justified, effective and consistent with national planning policy.

Issue 10 – Is the approach to infrastructure provision, including health and community facilities positively prepared, justified, effective and consistent with national planning policy?

Policy SP3 – Healthy Communities

238. Policy SP3 sets out a broadly sound approach to ensure development of all types helps achieve the Council's objectives in terms of promoting healthy lifestyles and a safe environment. The principle of the policy is consistent with the NPPF, particularly paragraph 92 which seeks to support healthy lifestyles. MMs are however necessary to ensure the policy is justified and effective.
239. Criterion a) refers to the Adur & Worthing Public Health Strategy. This does not form part of the Development Plan and thus cannot function as policy. Reference to this document should be moved to the supporting text. For clarity, this reference should also be updated to reflect the most up-to-date position regarding public health in Worthing. Further modifications are needed to the supporting text to provide clarity about the role of health impact assessments for major development. This will ensure effectiveness by providing the necessary guidance to allow applicants and decision makers to properly understand what is expected from any development (**MM4**).

Policy DM8 – Sustainable Communities / Community Facilities

240. Policy DM8 sets out requirements for the provision and protection of community facilities. It is generally sound, though a modification is necessary to criterion e)i) to make it clear that only one of the two criteria needs to be met to justify the loss of an existing facility. A modification to the supporting text is also necessary to clarify the existence and role of the Developer Contributions SPD. These

modifications will provide the necessary clarity to make the policy effective (**MM40**).

Policy DM9 – Delivering Infrastructure

241. Paragraph 34 of the NPPF states that plans should set out the contributions expected from development. The Plan as a whole meets this requirement. Policy DM9 fulfils the role of a 'catch-all' that fills any gaps in specific policies. In this way, it sets out the broad approach to infrastructure delivery and provides absolute certainty for developers and decision makers about what will be expected from them.
242. Criterion c) suggests that infrastructure will always be provided prior to the development becoming operational or being occupied. While a reasonable 'preference', this will not always be possible or desirable, particularly in larger phased developments. It may also stymie otherwise acceptable proposals from coming forward. As such, this requirement is not justified. **MM41** provides a degree of flexibility to the policy and further explanation as to how the Council's approach will work in practice.
243. Paragraph 5.123 sets out the Council's desire for legal agreements to include 'clawback' mechanisms. This provides a way of enabling development with viability issues to go ahead, while still giving comfort that full mitigation could be provided in the fullness of time. This is a pragmatic and justifiable approach. However, to give it full policy effect, the provisions in paragraph 5.123 should be transferred into the policy. Consequential changes to the supporting text are also necessary to reflect this modification (**MM41**).

Policy DM14 – Digital Infrastructure

244. NPPF paragraph 114 expects plans to support the expansion of electronics communications networks. Policy DM14 seeks to promote this locally. In principle, this is justified and consistent with national policy. However, there are elements which are unclear, unduly onerous or are not justified. In particular, the requirements for all residential and employment development to enable fibre to premises (FTTP) on first occupation. This may not always be achievable. Criterion d) also effectively contradicts criterion b) by opening up possibilities where FTTP might not be practical. Criterion c) is not justified in expecting development to exceed Building Regulations relating to FTTP infrastructure. The whole approach is unduly onerous and unclear, which renders the policy ineffective.
245. **MM46** seeks to address these issues by setting out a clearer and more flexible approach. This still promotes the use of FTTP or superfast broadband and/or future proofing development, while accounting for situations where this may not

be feasible. The modifications will result in a clear and effective approach that would not affect the viability of development.

246. Criterion e) expects developers to demonstrate there is sufficient mobile telecommunications coverage. It would generally be outside the scope of a housing or commercial developer to provide mobile telecommunications coverage. Existing or future levels of coverage would also be outside their control, and it would be unreasonable to expect them to address any gaps that might exist. This is completely within the purview of telecommunications providers. Moreover, solutions to any under provision, such as new masts, might not always be appropriate. Refusing development on this basis would not be justified. **MM46** deletes this criterion as it is neither justified nor effective.

247. Criterion g) refers to information that would be required in relation to telecommunications applications. This includes reference to those made for prior approval. However, the content of any application in this context is governed by the General Permitted Development Order (GPDO). This reference is therefore not justified or effective and should be deleted (**MM46**).

248. Consequential changes are necessary to the supporting text to provide further information and clarity about the aims of the policy, how it will be implemented and useful sources of information for applicants and decision makers. This will solidify understanding of expectations and thus assist in making the policy an effective tool (**MM46**).

Conclusion

249. I am satisfied that, subject to the recommended MMs, the approach to infrastructure provision, including health and community facilities, is positively prepared, justified, effective and consistent with national planning policy.

Issue 11 – Is the approach to the quality of the built environment and heritage assets justified, effective and consistent with national planning policy?

Policy DM5 – Quality of the Built Environment

250. Policy DM5 would, in principle, make adequate provision for high quality inclusive design in accordance with the requirements of the NPPF. However, some modifications are necessary to ensure the policy is fully consistent with national policy and effective for applicants and decision makers.

251. Firstly, criterion a)ii) lists various features of the local area to which attention should be paid. Reference to tree canopy should be included in this list to better reflect changes made to national policy in July 2021 and ensure consistency

with the overall strategy set out in policies SP1-SP3. The modification also allows for the possibility that it may not always be possible for development to enhance the setting of heritage assets. Failure to do so should not necessarily result in development being unacceptable in principle, particularly where the significance of an asset is being preserved. This should be the minimum requirement and is consistent with national policy and any statutory requirements, particularly in relation to listed buildings and conservation areas (**MM37**).

252. Criterion a)viii) sets out what the Council will consider in relation to effects on living conditions of neighbouring residents. Modifications are necessary to ensure clarity about the circumstances in which the Council will have concerns, particularly in relation to impacts from noise, traffic and loss of open space. As submitted, the policy precludes any negative impacts. However, there may be circumstances where some harm occurs which does not result in development being unacceptable. The policy should be amended to reflect this and avoid unintended consequences (**MM37**).

253. A cross reference to Policy DM7 is also necessary to ensure internal consistency and clarity with regard to the circumstances in which open space may be lost. Criterion a)ix) seeks to ensure development respects existing natural features. To ensure consistency with NPPF paragraph 131, a modification is necessary here to refer to the need to protect and integrate existing trees and green infrastructure into new development (**MM37**).

254. It is consistent with NPPF paragraph 175 for the policy to seek to ensure the quality of development is not diminished through changes to approved schemes. Criterion c) should however be modified to remove reliance on conditions alone as a mechanism for ensuring this. It is possible that developers will choose other avenues to amend schemes and thus the recommended modification will ensure a more effective approach is adopted that covers all possibilities (**MM37**). This would not preclude the use of conditions in appropriate circumstances.

255. Finally, an additional criterion is needed to reflect changes to the NPPF, and which emphasise the importance of good design, innovation and the use of design guides and codes. Consequential modifications are necessary to the supporting text to reflect paragraphs 127 to 129 and 134 of the NPPF with regard to the preparation and importance of local design codes, the National Design Guide and National Model Design Code. A modification is also necessary to paragraph 5.72 to highlight the Council's intention to prepare SPD on design. **MM37** therefore aids the interpretation of the policy and ensures effectiveness and consistency with national policy.

Policy DM6 – Public Realm

256. Policy DM6 sets out the Council's approach to the public realm. The aims and intentions of the policy are broadly consistent with national policy on achieving well-designed places and promoting healthy communities. Modifications are however necessary to ensure the policy is effective. Criterion a) could be read as a statement of intent by the Council, rather than a development requirement. **MM38** removes any ambiguity about the scope or intent of the policy. Further to this, criterion c) should be amended such that the Council's 'Public Realm Strategy and Seafront Investment Plan' is a document to 'have regard to' rather than something that is determinative. This document is not part of the Development Plan and thus cannot act as policy (**MM38**).

257. Criterion e) sets out very detailed and prescriptive requirements relating to the nature of illuminated advertising. These are neither justified nor effective and should be deleted. The effects of individual proposals can be assessed on a case-by-case basis and can be controlled by condition if necessary. Finally, under criterion f) it will not always be possible or appropriate for all major development to provide public art. As submitted, this criterion is not justified and should be modified to provide a degree of flexibility (**MM38**).

Policies DM23 and 24 – Historic Environment

258. Policy DM23 sets out the strategy for the historic environment, as required by paragraph 190 of the NPPF. This is broadly sound with the only modification necessary to criterion b)ii). This includes reference to a review of lists of Local Interest Buildings. This is necessary for effectiveness and to clearly reflect the strategy the Council intends to pursue (**MM55**).

259. Policy DM24 sets out how the Council will consider applications which affect designated and undesignated heritage assets. Criterion c) does not properly reflect paragraphs 201-202 of the NPPF in terms of establishing the difference between 'substantial' and 'less than substantial' harm or how any harm will be considered. Moreover, the criterion does not provide effective protection of heritage assets as it only mentions the setting of designated heritage assets, and not the assets themselves. Similarly, criterion g) does not set out how harm to non-designated assets will be considered. This is inconsistent with NPPF paragraph 203 and ineffective. **MM56** is necessary to rectify these issues and ensure consistency with national policy.

260. Finally, criterion i) refers to the protection of important views. While not inherently problematic, the wording is vague in terms of how and when such views will be identified. As such, it is unclear when the policy would be implemented. Moreover, the criterion is written in a way that applicants could have no certainty about whether or not a view is 'important' until an application was submitted. This creates unwelcome uncertainty both for applicants and

decision makers. The provisions of the criterion are also not limited to heritage assets. They are so wide-ranging in potential scope that they are also already addressed in other general policies on design and landscape.

261. **MM56** therefore deletes this criterion and relevant supporting text to ensure clarity and effectiveness. Additional supporting text is inserted by this MM to highlight the role views can *potentially* have in the setting of heritage assets. This is in keeping with the scope and intent of this policy and will ensure the Council's underlying objectives are understood and met. The MM does not weaken any protection of landscape quality or heritage assets.

Conclusion

262. I am satisfied that, subject to the recommended MMs, the approach to the built environment and heritage assets is positively prepared, justified, effective and consistent with national planning policy.

Issue 12 – Is the approach to climate change, flood risk and pollution justified, effective and consistent with national planning policy?

Policy SP2 – Climate Change

263. Policy SP2 sets out the Council's overall approach to climate change. It establishes broad principles relating to carbon reduction, maximising carbon sequestration and climate change mitigation and adaptation, which are taken forward by subsequent policies. The policy is sound in principle.
264. Paragraph 179 of the NPPF states that plans should safeguard components of local wildlife rich habitats and wider ecological networks. As well as protecting biodiversity assets for their own sake, this can also assist in the Council's approach to climate change adaptation and mitigation. To this end, an additional criterion, and associated supporting text, is needed to make it clear that development must not compromise land that is required to deliver a nature recovery network. This will ensure effectiveness by establishing the broad strategy and internal consistency with other elements of the Plan (**MM3**).

Policy DM16 – Sustainable Design

265. Policy DM16 builds on the strategy set out in Policy SP2 by seeking to ensure that development meets a number of standards relating to carbon emission, overheating and minimising waste. Collectively, these are important in helping to achieve the Council's objectives in relation to climate change. However, there may be situations where it is genuinely not possible or practical to adhere to all aspects of the policy. Criterion a) therefore needs to be modified to recognise

this and provide a degree of flexibility. This will ensure the policy is justified and effective (**MM48**).

266. The Written Ministerial Statement (WMS) of March 2015 precludes Councils from adopting any optional standards for housing which go beyond those set out in national policy. Criteria b) seeks to adopt the Government's optional standards on energy efficiency. However, by seeking to achieve a 31% reduction in carbon dioxide emissions, this goes well beyond the optional standard. The 31% requirements are therefore in conflict with the WMS. Accordingly, the MM consulted on removed the 31% figure and referred only to the 20% reduction against Part L of the 2013 Building Regulations. This figure reflects the optional standard and is thus justified (**MM48**).

267. The Council's intent was to pre-empt and reflect anticipated changes to Building Regulations. At the time of publication and submission, these had not been confirmed by Government. New Building Regulations were published in December 2021 relating to carbon reduction which now supersede Part L of the 2013 standards. These came into force on 15 June 2022. The MM consulted on did not reflect this change in circumstance. It did, however, anticipate that the change was intended at some point. The modification to criterion b) is clear that new housing should meet the 20% reduction in carbon emissions compared to Part L of the 2013 standards *unless superseded by national policy or Building Regulations*. While this has already technically occurred, the modified policy remains clear and thus does not need any further modification.

268. Similarly, criterion c) also seeks to achieve a 31% reduction for all major development, which will include residential. Accordingly, this criterion also needs to be modified such that it refers only to non-residential development. In this instance the figure of 31% should also be modified to 27%. This reflects what was anticipated through Building Regulation changes. The WMS places no restriction on setting standards for commercial development and thus, in this case, it is acceptable to refer to the higher figure. However, to ensure consistency with criterion b) I have amended the MM to include reference to Building Regulations being superseded. This will ensure long term clarity and effectiveness (**MM48**).

269. For the same reasons as above, criterion f) needs to be modified to remove reference to residential and mixed-use development for achieving BREEAM very good as a minimum rating. This effectively seeks to impose additional standards which would be contrary to the requirements of the WMS (**MM48**).

Policy DM17 – Energy

270. Policy DM17 relates to energy and energy efficiency. This is part of the Council's overall approach to climate change and is broadly consistent with the provision of paragraphs 153 to 157 of the NPPF.

271. Criterion c) seeks to encourage major development to connect to heat network opportunity clusters. This ties into criteria a) and b) and is a reasonable requirement in principle that is consistent with paragraph 157 of the NPPF. However, as submitted, the policy is unduly onerous in *requiring* connections and/or expecting development to maximise opportunities for the development of a future district heating network. **MM49** therefore addresses this by seeking to ensure developers can demonstrate how they have considered connecting to a district heating network. This would provide a reasonable degree of encouragement and flexibility.

Policy DM20 – Flood Risk and Sustainable Drainage

272. Policy DM20 deals with flood risk and drainage. It is broadly consistent with paragraphs 159-169 of the NPPF. Modifications are however necessary to ensure complete consistency with national policy and for effectiveness. Firstly, paragraph 5.280 sets out the requirements of the 'exception test'. This should be included in policy to give it the necessary weight. Consequential changes to the supporting text are necessary as a result of this modification. Further modifications are necessary to criteria a), b) and c) to make it clear that the policy applies to flooding from any source, the circumstances in which a flood risk assessment would be required and where the sequential test would, or would not, be applied (**MM52**).

273. An additional requirement is also necessary under criterion c) to ensure that development is flood resilient, such that it can be quickly brought back into use without significant refurbishment. This is necessary to bring the policy into line with paragraph 167 of the NPPF. Criterion d) needs to be modified for the same reason, in particular to recognise there may be circumstances where sustainable drainage systems are not appropriate (**MM52**).

Policy DM21 – Water Quality and Sustainable Water Use

274. Policy DM21 establishes the Council's approach to water quality and efficiency. Again, this policy is broadly consistent with national policy and effective. However, criterion b) provides little clarity about when the policy would apply, who it applies to or the consequences of not taking opportunities even when appropriate to do so. The intention of the criterion is to highlight the Council's support for proposals which seek to improve the drainage infrastructure. The criterion should be modified to make this clear and effective (**MM53**).

275. Criterion e) seeks to ensure new housing should incorporate water efficiency measures to limit water use to 110 litres/person/day (lpd) and, where possible to 100 lpd. The 110 lpd figure corresponds to the Government's optional housing standards on water efficiency. Southern Water predict a water supply and demand deficit by 2030. They have identified improving water efficiency from development as one of the tools necessary to mitigate the growth in water

demand. Adopting the optional standard is therefore justified. However, 100 lpd goes beyond the optional standard. I acknowledge the scale of the issue facing the area, and that Southern Water themselves are seeking to encourage lower standards. However, the WMS is clear that any additional local technical standards or requirements relating to the performance of new dwellings are not to be included in Local Plans. The requirement for 100 lpd is therefore inconsistent with national policy and should be deleted (**MM53**).

Policy DM22 – Pollution

276. Policy DM22 sets out the Council's approach to dealing with pollution. The scope of criterion a) is vague. It is too open ended and does not provide applicants or decision makers with the clarity they need. The criterion therefore needs to be modified to clearly set out the sources of potential pollution that the policy seeks to address. To ensure clarity and effectiveness, the criterion should also be amended to reflect the Council's objective to seek improvements to the quality of the environment where possible (**MM54**). Criterion b) needs to be modified to make it clear that only 'unacceptable' pollution risks should be avoided. It is possible that some risks can be within acceptable parameters and/or can be adequately mitigated (**MM54**).

277. To be effective, criterion d) should include reference to the impact of light pollution. This will ensure internal consistency with other parts of the policy and properly reflect the main sources of potential pollution. With regard to air quality, this criterion should also be modified to include reference to the Air Quality Action Plan. This will rectify an important omission and make the policy consistent with paragraph 186 of the NPPF. To provide clarity for applicants, it is also necessary to modify paragraph 5.313 to add reference to the Sussex Planning Advice Document (2021). This is relevant to decisions on noise (**MM54**).

278. Criterion e) seeks relevant investigations and assessments in relation to contamination. However, the criterion provides no indication about how the evidence will be used or, in effect, what the Council's policy is for dealing with contaminated land. A modification making it clear that permission will be refused for any development where mitigation cannot be adequately mitigated is therefore necessary for the policy to be effective (**MM54**).

Conclusion

279. I am satisfied that, subject to the recommended MMs, the approach to climate change, flood risk and pollution is positively prepared, justified, effective and consistent with national planning policy.

Issue 13 – Is the approach to the provision of green infrastructure, the natural environment, including Local Green Spaces, justified, effective and consistent with national planning policy?

Policy SS6 – Local Green Spaces

280. The Plan identifies three areas as Local Green Spaces (LGS); Chatsmore Farm, the Goring-Ferring Gap and Brooklands Recreation Area. Paragraph 102 of the NPPF establishes three criteria for designating LGS. These are that the area is in reasonably close proximity to the community it serves, is demonstrably special to a local community and holds a particular local significance and is local in character and is not an extensive tract of land.

281. I am satisfied that all three proposed LGS are in close proximity to the areas they intend to serve. They also all exhibit characteristics that make them demonstrably special to local communities and have particular local significance. In the case of Chatsmore Farm, the local community benefits from the access it provides to the open countryside, the value to the character of the area by providing welcome physical relief from a fairly dense built-up area. It also allows the countryside to penetrate south of the A259, which creates a clear physical and psychological barrier to the SDNP to the north. The same applies for the Goring-Ferring designation, though the link to the seafront adds significantly to the recreational and 'beauty' of the area. Parts of the area are also identified as a Local Wildlife Site (LWS). This only adds to its local significance. The Brooklands Area appears to be a unique recreational and wildlife area within the Borough that has attraction for both local residents and those from a wider area.

282. There is no definition of what constitutes an 'extensive tract of land' in national policy. National guidance³⁹ provides some assistance by stating that a "blanket designation of open space adjacent to settlements will not be appropriate. In particular, designations should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name".

283. The Chatsmore Farm designation is around 30ha and is primarily made up of open agricultural fields. The designation therefore covers a large area of land. It also has the appearance of unbroken area of open agricultural countryside. The area also coincides with the proposed LGG, the main purpose of which is to retain separate identities and characters of settlements. In the context of national policy, the scale and character of the area is that of a 'blanket' designation of open countryside. Moreover, given the relationship with the LGG, designation as a LGS would effectively function as a new area of Green Belt.

³⁹ PPG ID: 37-015-20140306

On this basis, the Chatsmore Farm designation conflicts with national policy and is not justified.

284. The Goring-Ferring designation covers 33ha in Worthing. It is predominantly agricultural, but is more varied than Chatsmore Farm, with some areas of formal recreation and pockets of woodland. The LGS covers much the same area as the proposed LGG. This constitutes part of a sizable gap between the built form of Worthing and Arun. Given its scale and predominantly agricultural character, I consider that the majority of land would also fall into the category of a blanket designation adjacent to a settlement. It would also function as *de facto* Green Belt. This is also in conflict with national policy.
285. The Council were given the opportunity to consider whether there would be any scope to subdivide the designations and designate smaller or more discreet areas that would be consistent with the NPPF. In response⁴⁰, they concluded that there were no alternatives to designating the entire areas. Without any alternatives to consider, I conclude that neither Chatsmore Farm or Goring-Ferring areas are justified and should thus be deleted from the Plan, with consequential modifications needed to Policy SS5, the supporting text and the inset map on page 63 (**MM10**, **MM12**). The Policies Map will also need to be modified to reflect this change.
286. I am content that the Brooklands Recreation Area does not constitute a 'blanket designation' adjacent to a settlement. Although of significant scale, it is very different in character to the other proposed spaces. Unlike these, it is clearly not an unbroken area of open countryside; rather it is largely a formal recreational area made up of areas of different character. On this basis, I am satisfied that the designation is consistent with national policy. **MM12** does however modify the relevant inset map to remove the area owned by Southern Water. This was included in error and may be needed for operational reasons. It therefore does not meet the requirements of paragraph 102 of the NPPF. This modification also corrects a plotting error whereby the designation erroneously extended to the coastline. This change is needed to ensure the policy is justified. Consequential changes to the Policies Map will also be needed to reflect these changes.
287. Turning to Policy SS6 itself, paragraph 103 of the NPPF states that policies for managing development within a LGS should be consistent with those for Green Belt. As submitted, the policy does not reflect this. In particular, it seeks to impose restrictions on the type of development that can take place in LGS which are not included or consistent with the exceptions set out in paragraphs 149 and 150 of the NPPF. To avoid any potential confusion, the most straight forward approach is to modify the policy simply to refer to national Green Belt policy. This will ensure effectiveness (**MM10**).

⁴⁰ WBC-E-20

Policy DM7 – Open Space, Recreation and Leisure

288. I am satisfied that the open space standards alluded to in Policy DM7 are based on robust evidence and are thus justified. However, neither the policy nor supporting text are entirely clear what the Council's adopted standards are or where they are referenced. Table 1 provides some partial information but, in the main, the document appears to point people in the direction of the Joint Leisure and Open Space Study⁴¹ (2019). This document is not part of the Development Plan and thus it is not appropriate to rely on it, not least as it may be subject to change without scrutiny. For this reason, the recommended standards from the study should be included in the supporting text, such that they will form part of the Plan (**MM39**).
289. The Open Space Study also suggests that off-site open space provision would be the preferred approach for the majority of development in the Borough. This is acceptable in principle. However, this is not reflected in the policy which sees off-site provision as an exception. Criterion a) is therefore not justified or effective and should be modified to properly reflect the evidence on standards (**MM39**).
290. The reference to the Open Space Study in criterion b) needs to be modified so that applicants 'have regard' to it, rather than it being seen as determinative. The criterion should also be modified to ensure applicants have regard to any updates to this document. This will provide clarity and longer-term assurance about the types of open space to be provided. The supporting text should also be modified to explain the relevance of the document and highlight the intention to produce a Developer Contributions SPD that will provide guidance on this issue. These modifications all serve to ensure the policy will be justified and effective (**MM39**).
291. In terms of the loss of open space, criterion c) iii) states that there should be a net gain in provision elsewhere. This provision is inconsistent with paragraph 99 of the NPPF and not justified. Accordingly, this requirement should be deleted (**MM39**).
292. Criterion e) seeks to provide additional protection for areas of open space which have significant nature conservation, historic or cultural value, even where there is an identified surplus in an area. This criterion is inconsistent with the NPPF's policies on considering the loss of open space. It is also unnecessary, as other policies can adequately address issues of nature conservation or heritage. Stating that such sites will be protected is also not consistent with the provisions of those policies, which contain their own criteria for assessing the effect of development. The criterion is therefore unnecessary, potentially misleading and internally inconsistent. To ensure effectiveness and consistency with national

⁴¹ CD/S/1

policy, this should be deleted (**MM39**). This will not undermine the protection given to open spaces under this or other policies.

Policy DM18 – Biodiversity

293. Policy DM18 sets out the requirements for biodiversity net gain. The principle of this is consistent with NPPF paragraph 179. The policy seeks a minimum of 10% net gain. It also encourages 20% net gain on greenfield sites where achievable and on all brownfield sites. There is no evidence to suggest this requirement will prejudice development or is not achievable. I see no harm in the Council having an aspiration to seek more than 10% net gain on greenfield sites, though this will need to be assessed on a case-by-case basis. Similarly, a requirement of 20% net gain on previously developed sites is not likely to be an onerous requirement given that, in many cases, existing biodiversity levels may be relatively low.

294. National policy does not stipulate what level of net gain should be set out in local policy, only that net gains for biodiversity are encouraged. I am conscious that The Environment Act (2021) has recently been enacted and that this sets out a biodiversity net gain objective of at least 10%. The policy is not inconsistent with this approach. Should any forthcoming regulations related to this Act supersede the policy, then this would be a matter that could be addressed through normal development management procedures. I am therefore satisfied that the requirements are broadly consistent with national policy and are justified.

295. However, it may not always be possible to provide net gain on-site and thus the policy should be modified to include provision for off-site provision where necessary and appropriate. Consequential changes are also needed to paragraph 5.259 of the supporting text to properly define what is meant by net gain, and to explain how both on- and off-site net gain will be addressed. The reference to the DEFRA biodiversity metric in both the submitted Plan and MM is now out of date. On this basis, I have amended the MM consulted on to simply refer to 'the most recent version' of the metric. This will provide long term effectiveness (**MM50**). There is no need to be specific about how off-site provision will be achieved. Measures such as the purchasing of credits from approved providers do not need to be made explicit in the Plan and can be addressed through normal development management procedures.

296. Finally, criterion f) also needs to be modified to refer to both 'notable' and 'priority' habitats and species. This will help bring the policy into line with NPPF paragraphs 179 and 180 in terms of wider ecological networks and biodiversity protection. This will also clarify the scope and intent of the policy and provide certainty for decision makers and applicants. I have amended the suggested MM to correct a typographical error, but otherwise this is needed for certainty, effectiveness and consistency with national policy (**MM50**).

Policy DM19 – Green Infrastructure

297. Policy DM19 sets out the framework for requiring new infrastructure in development and protecting that which already exists. The overall intent of the policy is consistent with national policy. Some modifications are however necessary to ensure clarity and effectiveness.
298. Criterion a) contains superfluous information about a forthcoming Green Infrastructure strategy that does not assist in decision making and is better placed, and expanded on, in supporting text. A modification to this criterion is also needed to make it clear that development 'should' be seeking to protect, conserve or enhance green infrastructure in the Borough, rather than only being something development 'can' do. This ensures the policy will be effective in delivering its objectives and consistent with policies SP1 to SP3. Other amendments to the supporting text are necessary to bring references to the National Model Design Code up to date. These changes will ensure clarity for applicants and an effective approach (**MM51**).
299. Criterion b) is unreasonable and unduly onerous in expecting *all* development to demonstrate how they will contribute to the Green Infrastructure Strategy. **MM51** removes this requirement, while still ensuring opportunities are taken to incorporate GI into development. This provides a more flexible approach which is consistent with national policy and effective. I have amended the modification that was consulted on to remove reference to 'creative and connected' opportunities. It is not necessarily clear what is intended here and can be removed without altering the intent of the policy.
300. Criterion c) sets out the approach to tree loss and replacement. This includes seeking to discourage the loss of trees. Given the importance afforded to the protection and provision of trees in national policy, the requirements for biodiversity net gain and both national and local policies on climate change, it is reasonable in the context of Policy SP3 for the policy to refer to the enhancement of tree cover where possible. Modifications are necessary to ensure internal consistency and effectiveness in this regard. In order to provide clarity about the Council's expectations, the policy should also be modified to encourage native tree species (**MM51**). Again, this will assist in ensuring the policy is effective in enhancing GI as an appropriate manner.

Conclusion

301. I am satisfied that, subject to the recommended MMs, the approach to green infrastructure, the natural environment, including Local Green Spaces, is positively prepared, justified, effective and consistent with national planning policy.

Overall Conclusion and Recommendation

302. The Plan has a number of deficiencies in respect of soundness which, for the reasons set out above, mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

303. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. Overall, I conclude that with the recommended modifications set out in the accompanying Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Steven J Lee

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix 1: Main Modification Schedule

MM Number	Policy / Paragraph	Main Modification
MM1	Paragraph 1.27	<p>Revise paragraph 1.27 to read:</p> <p>This Local Plan has been written with the intention that it should be read as a whole. <u>Strategic level policies are set out in Chapters 2 and 3 and these are followed by site allocations (Chapter 4) and Development Management policies (Chapter 5).</u> Taken together, the policies, associated supporting text and proposals within the Plan forms a coherent strategy for sustainable development in Worthing. It is therefore important that individual policies are not considered in isolation.</p>
MM2	SP1 and Paragraphs 2.7 and 2.9	<p>Add the following to the end of paragraphs 2.7 and 2.9:</p> <p>2.7 ...land in its area. <u>The Plan should promote a sustainable pattern of development that seeks to: meet the development needs of Worthing; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.</u></p> <p>2.9 ...on planning applications. <u>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u></p> <p>Policy SP1: Delete criterion a) (note that this will require a renumbering of the criteria that follow):</p> <p>a) When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Delete last 5 words of criterion b):</p>

MM Number	Policy / Paragraph	Main Modification
		<p>b) a) ...will be approved without delay, unless material considerations indicate otherwise.</p> <p>Replace the existing wording of criterion c) (now requirement b) to state:</p> <p>e) b) Where there are no <u>relevant development plan</u> policies, relevant to the application or relevant to the application or relevant the policies which are most important for determining the application are out of date, at the time of making the decision then the Council will grant permission unless: material considerations indicate otherwise – taking into account whether:</p> <p>i. the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a <u>strong clear</u> reason for <u>refusing the development proposed</u>; restricting the overall scale, type or distribution of development in the plan area; or</p> <p>ii. any adverse impacts of <u>doing so</u> granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.</p>
MM3	SP2 and Paragraph 2.20	<p>Para 2.20 - add new bullet point:</p> <ul style="list-style-type: none"> • <u>'demonstrate that the development will protect and enhance the borough's natural capital and biodiversity assets'</u> <p>Policy SP2 - insert new policy criterion:</p> <p><u>k) Development must not compromise land that is required to deliver towards a nature recovery network.'</u></p>
MM4	SP3 and Paragraphs 2.26 and 2.36 and 2.37	<p>Modify paragraph 2.26:</p> <p>2.26 The Public Health Strategy identifies five priorities for action which also contribute to the ambitions shared by the West Sussex Joint Health and Well-being Strategy (2019-2024) and the Well-being and Resilience Framework. specific health challenges present in Worthing. Five priorities for action have been devised where</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>the Councils are likely to make significant impact creating the conditions to change lives of individuals and communities.</u> These priorities are informed by the evidence set out within the West Sussex Joint Strategic Needs Assessment <u>and thus have been cascaded into Policy SP3.</u></p> <p>Modify paragraph 2.36:</p> <p>2.36 ...Health Impact Assessment (HIA) is a method of considering the positive and negative impacts of major development <u>proposals</u> on the health of different groups in the population and identify any mitigation measures <u>(that need to be incorporated into major development proposals)</u> for any potential ...</p> <p>Add sentence on to the end of paragraph 2.37 as follows:</p> <p>2.37...within a Supplementary Planning Document. <u>This will follow best practice guidance on how to undertake a HIA contained within WSCC Healthy and Sustainable Places - A Public Health and Sustainability Framework (2020) and Public Health England Health Impact Assessment in Spatial Planning (2020).</u></p> <p>Policy SP3 - Modify criterion a) and merge with criterion b):</p> <p>a) New development must be designed to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles and address health and well-being needs in Worthing, as identified in the Adur and Worthing Council's Public Health Strategy. <u>In order to maximise opportunities to promote healthy lifestyles, where appropriate, new development must:</u></p> <p>b) In order to maximise opportunities to promote healthy lifestyles, where appropriate, new development must:</p>
MM5	SS1	<p>Policy SS1:</p> <p>Modify criterion a) as follows:</p> <p>a) will seek to <u>deliver high quality development and</u> provide for the needs of...</p> <p>Modify criterion d) ii) as follows:</p> <p>ii) <u>Edge Of Town Sites - six</u> five edge of town sites are allocated for development.</p>

MM Number	Policy / Paragraph	Main Modification
MM6	SS2 and Paragraph 3.21	<p>Add the following text to after the third sentence of paragraph 3.21:</p> <p>3.21 ...but not yet completed). <u>The housing trajectory in Appendix 1 sets out how each of these sources make up the housing supply position over the Plan period and when delivery is expected.</u> These are <u>also</u> summarised and incorporated within the table below.</p> <p>Policy SS2: Modify criterion b) as follows:</p> <p>b) a minimum of 28,000 24,000 sqm of employment floorspace (industrial and warehousing) and 10,000 9,200 sqm of commercial (retail and leisure) floorspace will be provided.</p> <p>Modify the Site Allocations table as follows:</p> <ul style="list-style-type: none"> • Modify the heading so that it reads: Dwellings (<u>Indicative</u>) • A3 - Centenary House - 250 - 10,000 sqm <u>Employment</u> office space (part re-provided) • A5 - Decoy Farm - <u>14,000 sqm</u> 18,000 sqm industrial / warehousing <u>Employment</u> • A6 - Fulbeck Avenue - 120 to <u>152</u> - N/A • A7 - Grafton - 150 - 2,500 sqm Commercial / Leisure / Retail • A10 - Martlets Way - 0 <u>28</u> - 10,000 sqm <u>Employment</u> Industrial / Warehousing • A11 - Stagecoach, Marine Parade - 60 - 2,000 sqm Commercial / Leisure • A12 - Teville Gate - 250 - 4,000 sqm Commercial / Leisure / Retail and 80 bed hotel • A13 - Titnore Lane - 60 - N/A

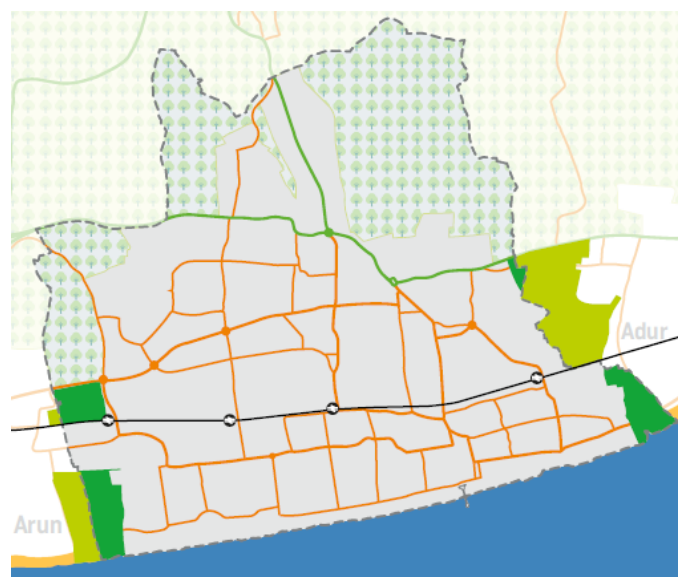
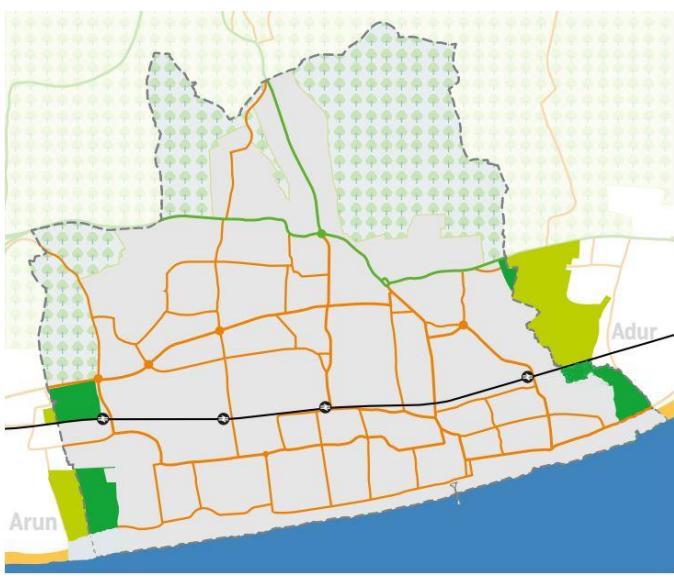
MM Number	Policy / Paragraph	Main Modification
		<ul style="list-style-type: none"> A14 - Union Place - 150 - 700 sqm Commercial / 90 room hotel / cinema extension
MM7	SS3 and Paragraph 3.36	<p>Modify first bullet point just below para 3.36 to add the following text:</p> <p>3.36 ...mix of uses. <u>Encourage and support new forms of retail, particularly small local independent retailers.</u></p> <p>Policy SS3: Modify criteria a) so that the first part becomes the starting point for the policy. The rest then become the criteria to make that assessment.</p> <p><u>To ensure that Worthing Town Centre continues to fulfil its sub-regional role, it is important to provide development that meets both quantitative and qualitative needs. To achieve this the Council will:</u></p> <p><u>a) To ensure that Worthing Town Centre continues to fulfil its sub-regional role, it is important to provide development that meets both quantitative and qualitative needs. Ensure that</u> New retail, leisure and other town centre use development is will therefore, usually be directed to the Town Centre.</p> <p>Modify the tense of the first word of the criteria that follow:</p> <p><u>b) Improving</u> Improve and increase...</p> <p><u>c) Making</u> Make...</p> <p><u>d) Establishing</u> Establish...</p> <p><u>e) Ensuring</u> Ensure...</p> <p><u>f) Delivering</u> Deliver...</p> <p>Add new criterion g) as follows:</p> <p><u>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.</u></p>

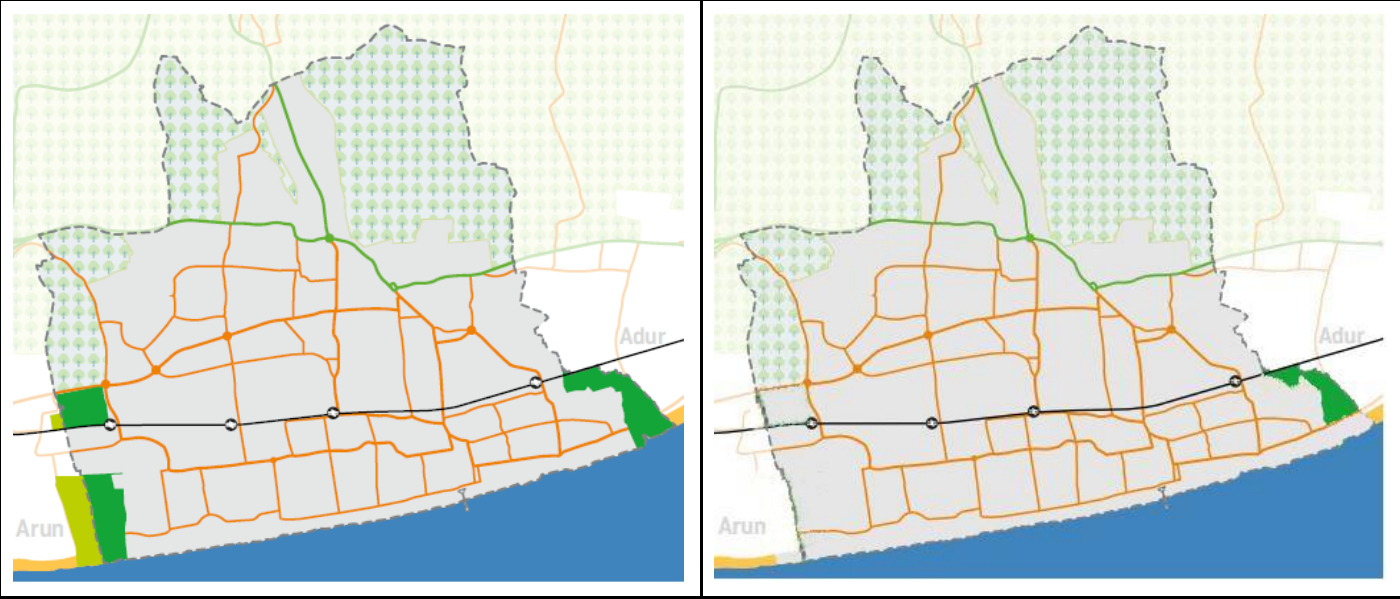
MM Number	Policy / Paragraph	Main Modification
MM8	SS4	<p>Policy SS4: Modify criterion a) and b):</p> <p>a) Outside of the Built Up Area Boundary land (<u>excluding sites designated as Local Green Space under SS6</u>) will be defined as ‘countryside and undeveloped coast’.</p> <p>b) Development in the countryside will be permitted where a countryside location is essential to the proposed use, it cannot be located within the Built Up Area Boundary, and it maintains its character and function for natural resources. <u>Applications for the development of entry-level exception sites, suitable for first time buyers or those looking to rent their first home will be supported where these:</u></p> <ul style="list-style-type: none"> - <u>comprise of entry-level homes that offer one or more types of affordable housing;</u> - <u>are adjacent to existing settlements, and proportionate in size to them; and</u> - <u>comply with any local design policies and standards.</u> <p>Add the following text to the end of criterion f):</p> <p>f) ...through joint working with other organisations including the Park Authority, West Sussex County Council, <u>National Highways</u> Highways England and landowners. <u>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.</u></p>
MM9	SS5	<p>Policy SS5: Modify second part of policy as follows:</p> <p><u>Outside of those areas designated as Local Green Space, all applications for development (including entry level exception sites) within Local Green Gaps must demonstrate that individually or cumulatively: Development within these Gaps will be carefully controlled and will only be permitted in exceptional circumstances. Any development must be consistent with other policies in the Plan and ensure (individually or cumulatively):</u></p> <p>i) it does not lead to the coalescence of settlements; <u>it would not undermine the physical and/or visual separation of settlements;</u></p>

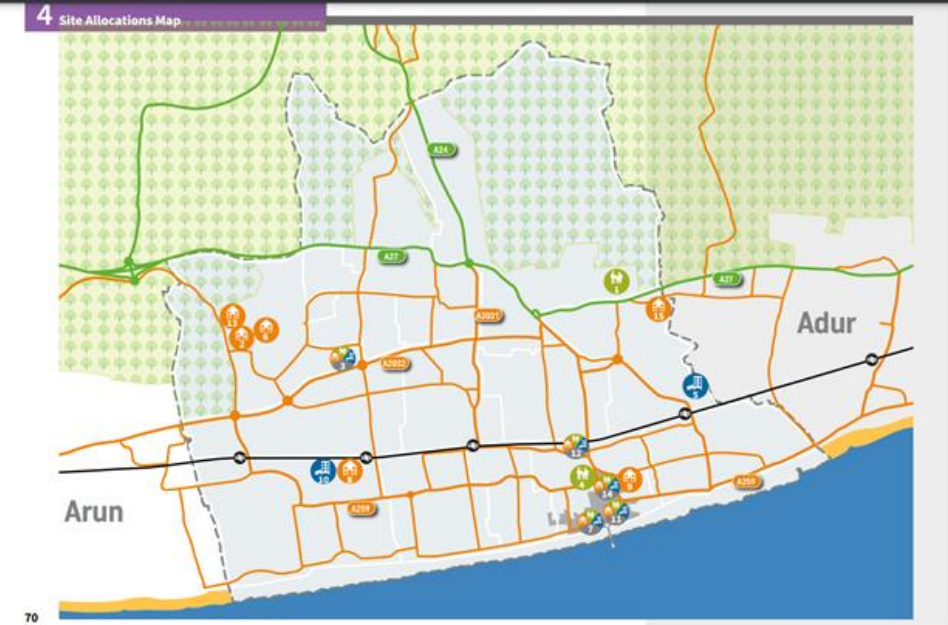
MM Number	Policy / Paragraph	Main Modification
		<p>ii) it is unobtrusive and does not detract from the openness of the area; it would not compromise the integrity of the gap;</p> <p>iii) it conserves and enhances the benefits and services derived from the area's Natural Capital; and</p> <p>iv) it conserves and enhances the area as part of a cohesive green infrastructure network.</p>
MM10	SS6 and Paragraphs 3.54-3.60	<p>Modify paragraphs 3.54-3.60 to read:</p> <p>3.54 The NPPF introduced Local Green Space designation as a mechanism for local communities to identify and protect green spaces which are of particular importance to them. It provides special protection equivalent to that afforded by the Green Belt. The designation should only be used where the land is not extensive, is local in character and reasonably close to the community it serves, it must also be demonstrably special, for example because of its beauty, historic significance, recreational value, tranquillity or wildlife.</p> <p>3.55 There are three areas that the Council has designated as Local Green Spaces: Goring-Ferring Gap; Chatsmore Farm; and the Brooklands Recreation Area. <u>Policies for managing development within a Local Green Space should be consistent with those for Green Belts. The fundamental aim of green belt policy is to keep the land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are set out in the NPPF.</u></p> <p>3.56 The first two areas have been proposed for designation by the local community. Brooklands Recreation Area has been added as the area has recently attracted a growing and active 'friends of Brooklands' community group and there is considerable interest in the development of a long-term management plan for the park. All three areas were assessed by a landscape consultant on behalf of the Council to determine their potential for designation as Local Green Space (June 2018) and were found to fully meet the NPPF criteria for designation. A brief summary of each Gap is set out below – further detailed information on all aspects can be found within the associated Topic Paper.</p>

14 MM Number	Policy / Paragraph	Main Modification
		<p>Goring-Ferring Gap</p> <p>3.57 The Goring-Ferring Gap, that comprises flat arable fields, provides a valued break in the coastal conurbation and a visual connection between the undeveloped coastline and the South Downs National Park to the north. The Goring Residents' Association and the Ilex Conservation Group (with the support of the Ferring Conservation Group, Ferring Parish Council and Ward Councillors) presented information in support of its request to designate this gap as Local Green Space. It is valued for its historic associations, views, wildlife, (it is a designated Local 62 Wildlife Site), and opportunities to bird-watch, stargaze and enjoy quiet recreation. It is also recognised for the relative tranquility it affords in an otherwise heavily built up area. On the matter of landscape sensitivity, in the wider context it should be noted that this Gap covers 33 hectares in Worthing Borough and adjoins 29 hectares in Arun District. Of the sites assessed within Arun to support the development of their Local Plan this gap was shown as being the most sensitive in nature.</p> <p>Chatsmore Farm</p> <p>3.58 Chatsmore Farm, that covers 28 hectares in Worthing and 2 hectares in Arun, comprises arable fields with the Ferring Rife flowing east to west crossing the middle of the site. The Goring Residents' Association's request to designate the green space between Goring and Ferring included this area. The request highlighted its historic associations, wildlife and recreational value, and its offer as a haven of relative calm within the urban area. In addition, the land is in the setting of the South Downs National Park and the Grade II* Registered Park and Garden 'Highdown Garden' which lie to the north</p> <p>Brooklands Recreation Area</p> <p>3.59 The 30 hectare Brooklands Recreation Area, located on the eastern edge of Worthing, is a well-loved local amenity that comprises a lake, play areas, recreation facilities and extensive areas of semi-natural open space. It is designated as Local Green Space for its local significance to recreation, wildlife and beauty. The site also provides the wider ecosystem service benefits of drainage and flood protection relief. <u>Brooklands Recreation Area</u> provides a mix of semi-natural open space and recreation/leisure facilities on a scale that is suitable to this area</p>

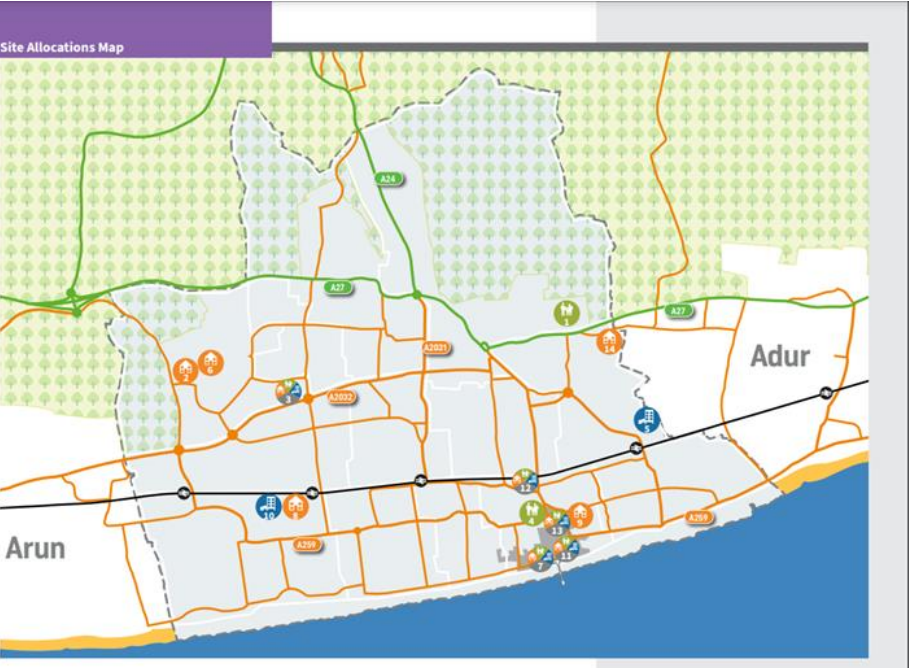
MM Number	Policy / Paragraph	Main Modification		
		<p><u>of open and managed landscape. The lake itself has three main functions providing drainage and flood prevention relief; leisure and amenity; and wildlife value.</u></p> <p>3.60 Brooklands has attracted significant levels of public support for the environmental improvements already made and those that are being planned. In 2017 a ‘Friends of Brooklands’ community group was established and, in early 2018 local residents were consulted about plans to create a management plan for the park. More recently, the Brooklands Park Masterplan has been prepared which has taken account of feedback from the local community and the results of an ecological study. Forthcoming enhancements, a limited amount of <u>appropriate</u> built development and the implementation of the Masterplan proposals for a science adventure park will increase Brooklands’ recreation and wildlife value and enhance its scenic beauty.</p> <p>Policy SS6: Delete all of existing Policy SS6 and replace with the following:</p> <p><u>Brooklands Recreation Area is designated as Local Green Space. Any proposals for development within this area will be considered in accordance with national planning policy for Green Belt.</u></p>		
MM11	Local Green Gap Map - Page 61	<ul style="list-style-type: none">• Modify the boundary of the LGG designations so that they don’t extend onto the beach / coastline / sea• Modify the boundary to Brooklands Recreation Area to exclude land within Southern Water’s ownership• Correct previous mapping error in northwest corner of the LGG to the east of the Borough (note - the correct boundary was set out on the Proposals Map and the Mapping Extracts Document published for consultation Jan 2021) <table><tr><td>Existing</td><td>Proposed</td></tr></table>	Existing	Proposed
Existing	Proposed			

MM Number	Policy / Paragraph	Main Modification			
					
MM12	Local Green Space Map - Page 63	<ul style="list-style-type: none">● Remove the two parcels of land shown as Local Green Space to the west of the borough.● Modify the boundary of the LGS designation so that it doesn't extend onto the beach / coastline / sea● Modify the boundary to Brooklands Recreation Area to exclude land within Southern Water's ownership● Correct previous mapping error in northwest corner LGS designation <table><tr><td>Existing</td><td>Proposed</td></tr></table>		Existing	Proposed
Existing	Proposed				

MM Number	Policy / Paragraph	Main Modification
		
MM13	Paragraph 4.1	<p>Modify paragraph 4.1 as follows:</p> <p>4.1 ...All sites included in this section have been assessed in detail through the Council's Strategic Housing Land Availability Assessment (SHLAA) and, the Local Plan Sustainability Appraisal, <u>and the SDWLP Flood Risk Sequential and Exception Test</u>. Supported by these documents and other evidence, a conclusion has been reached that they should be allocated for development. <u>The sequential test concluded that the majority of sites are located in Flood Zone 1 and these are the most sequentially preferable. However due to the limited number of sites available, to ensure that every effort has been made to meet Worthing's full local housing need as far as is practicable and reasonable, all suitably available sites are required including those at risk of flooding. Even with these there is still insufficient capacity to meet Worthing's full local housing need. Therefore, it is considered that all the above sites pass the sequential test, as required by the NPPF.</u></p>
MM14	Paragraph 4.8	<p>Modify existing 3rd sentence of paragraph 4.8 and replace as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p>4.8 ...in this Local Plan. In addition, proposals <u>each allocation highlights specific considerations relating to the development of each site and applicants</u> will need to meet (as a minimum) any site specific <u>the development requirements that are</u> set out in the following policies. The use of...</p>
MM15	Sites Map and Legend - P70 and 71	<p>To reflect MM28 below the Site Allocations Map (and associated Legend) has been amended to delete Allocation A13.</p> <p>Existing</p> 

MM Number	Policy / Paragraph	Main Modification
		<div><div><div><div><div><div></div><div>Borough Boundary</div></div><div><div></div><div>Ward Boundaries</div></div><div><div></div><div>South Downs National Park</div></div><div><div></div><div>Town Centre</div></div><div><div></div><div>Railway Station</div></div><div><div></div><div>Trunk Roads</div></div><div><div></div><div>Arterial Roads</div></div><div><div></div><div>Dominant Proposed Use</div></div><div><div><div></div><div>Employment Developments</div></div><div><div></div><div>Community Developments</div></div><div><div></div><div>Residential Developments</div></div><div><div></div><div>Mixed Use Developments</div></div><div><div></div><div>Allocation Reference Number</div></div></div></div><div><div><div>A1</div><div>Beeches Avenue</div><div>p72</div></div><div><div>A2</div><div>Caravan Club, Titnore Way</div><div>p74</div></div><div><div>A3</div><div>Centenary House</div><div>p76</div></div><div><div>A4</div><div>Civic Centre, Stoke Abbott Road</div><div>p78</div></div><div><div>A5</div><div>Decoy Farm</div><div>p80</div></div><div><div>A6</div><div>Fulbeck Avenue</div><div>p82</div></div><div><div>A7</div><div>Grafton</div><div>p84</div></div><div><div>A8</div><div>HMRC Offices, Barrington Road</div><div>p86</div></div><div><div>A9</div><div>Lyndhurst Road</div><div>p88</div></div><div><div>A10</div><div>Martlets Way</div><div>p90</div></div><div><div>A11</div><div>Stagecoach, Marine Parade</div><div>p92</div></div><div><div>A12</div><div>Teville Gate</div><div>p94</div></div><div><div>A13</div><div>Titnore Lane</div><div>p96</div></div><div><div>A14</div><div>Union Place</div><div>p98</div></div><div><div>A15</div><div>Upper Brighton Road</div><div>p100</div></div></div></div></div></div>

154 MM Number	Policy / Paragraph	Main Modification
		<p>Proposed</p> <p>4 Site Allocations Map</p> 

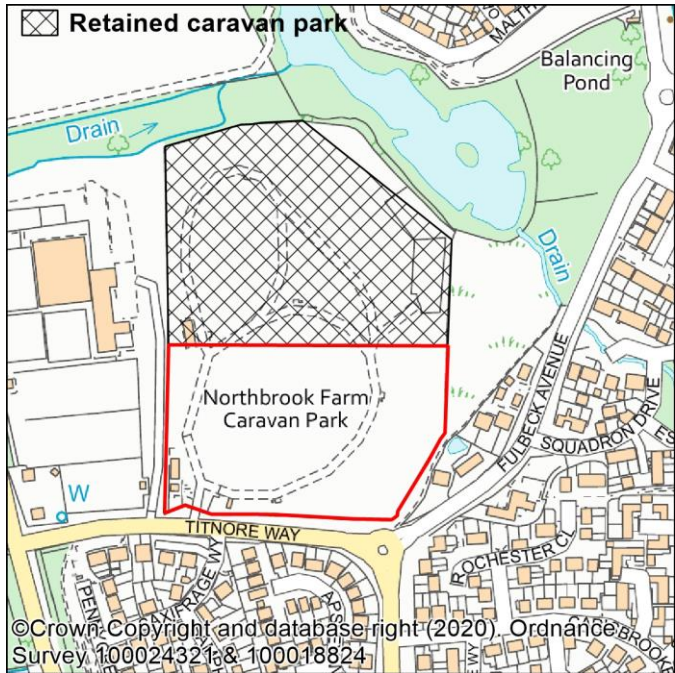

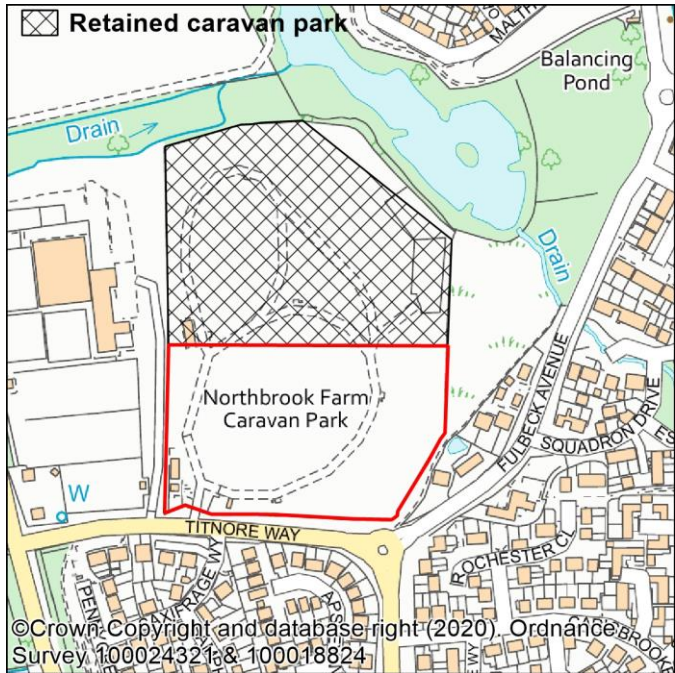

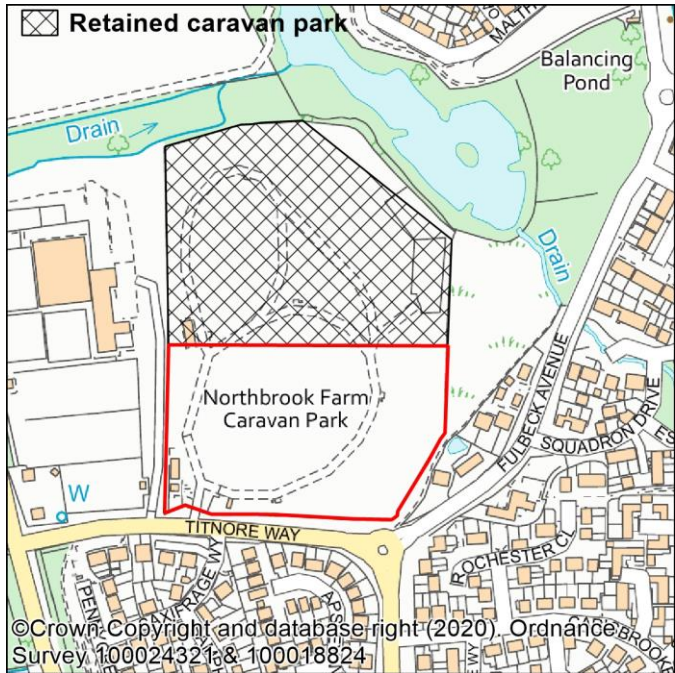

MM Number	Policy / Paragraph	Main Modification
		<div><div><div><div><div><div></div><div>Borough Boundary</div></div><div><div></div><div>Ward Boundaries</div></div><div><div></div><div>South Downs National Park</div></div><div><div></div><div>Town Centre</div></div><div><div></div><div>Railway Station</div></div><div><div></div><div>Trunk Roads</div></div><div><div></div><div>Arterial Roads</div></div><div><div>Dominant Proposed Use</div><div><div><div></div><div>Employment Developments</div></div><div><div></div><div>Community Developments</div></div><div><div></div><div>Residential Developments</div></div><div><div></div><div>Mixed Use Developments</div></div><div><div></div><div>Allocation Reference Number</div></div></div></div></div><div><div><div>A1 Beeches Avenue</div><div>p72</div></div><div><div>A2 Caravan Club, Titnore Way</div><div>p74</div></div><div><div>A3 Centenary House</div><div>p76</div></div><div><div>A4 Civic Centre, Stoke Abbott Road</div><div>p78</div></div><div><div>A5 Decoy Farm</div><div>p80</div></div><div><div>A6 Fulbeck Avenue</div><div>p82</div></div><div><div>A7 Grafton</div><div>p84</div></div><div><div>A8 HMRC Offices, Barrington Road</div><div>p86</div></div><div><div>A9 Lyndhurst Road</div><div>p88</div></div><div><div>A10 Martlets Way</div><div>p90</div></div><div><div>A11 Stagecoach, Marine Parade</div><div>p92</div></div><div><div>A12 Teville Gate</div><div>p94</div></div><div><div>A13 Union Place</div><div>p98</div></div><div><div>A14 Upper Brighton Road</div><div>p100</div></div></div></div></div><div>71</div></div>
MM16	A1 - Beeches Avenue	<p>Insert a new development requirement a) and re-number criteria that follow:</p> <p><u>a) deliver a residential scheme comprising of a minimum 90 dwellings;</u></p> <p>Modify development requirement a) (now requirement b) as follows:</p> <p><u>a)-b) Provide safe and suitable <u>primary vehicular</u> access from Lyons Farm that does not compromise or negatively impact operations of the Football Club;</u></p> <p>Modify development requirement c) (now requirement d) as follows:</p>

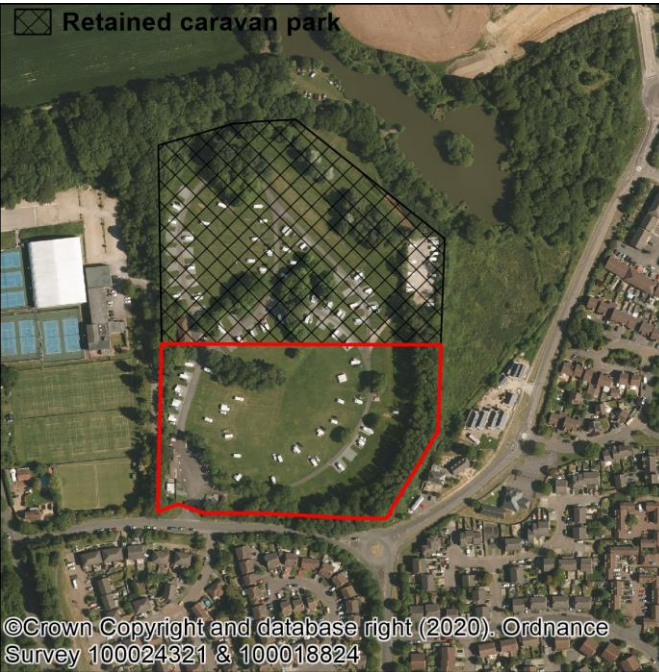

156 MM Number	Policy / Paragraph	Main Modification
		<p>e) d) respond to the requirements of the Worthing Air Quality Action and Plan and deliver a package of sustainability measures to mitigate the impacts of development. This should include a commitment to <u>promote a travel plan to improve the accessibility and sustainability of the site</u> deliver a car club and enhancements to walking & cycling facilities. EV charge points (with a power output of at least 7kW) should be provided for all residential units, fitted ready for first occupation;</p> <p>Modify development requirement d) (now requirement e) as follows:</p> <p>d) e) <u>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. This should incorporate planting of species native to this area of chalk downland to form a robust landscape boundary and buffer to the southern edge of the SDNP.; be of a high quality that conserves and enhances the setting of the SDNP, ensuring a transition from the site to the SNDP, with lower density development closer to the SDNP boundary;</u></p> <p>Delete existing requirement e) as follows:</p> <p>e) incorporate planting of species native to this area of chalk downland to form a robust landscape boundary and buffer to the southern edge of the SDNP;</p> <p>Modify development requirement f) as follows:</p> <p>f) provide a Sustainable Urban Drainage System (SuDS) that includes measures to protect <u>has been informed by a hydrogeological risk assessment to ensure and demonstrate the system does not pose an unacceptable risk to groundwater quality for drinking water.</u></p> <p>Delete development requirement g) as follows:</p> <p>g) give consideration to the suitable relocation of the car repairers;</p> <p>Modify development requirement h) and renumber as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p>g) h) retain features of local value and where appropriate enhance these features and the wider site through management and complimentary habitat creation. <u>development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network;</u></p> <p>Add new development requirement h) as follows:</p> <p><u>h) 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.</u></p>
MM17	A2 - Caravan Club, Paragraph 4.14 and site constraints list	<p>Modify paragraph 4.14 as follows:</p> <p>4.14 The site is owned by Worthing Borough Council <u>and was previously</u> leased to the Caravan Club. <u>As reflected in this allocation, t</u>The Council and the Caravan Club <u>had been</u> are working towards the grant of a new long term lease to the Club for approximately 3 hectares of the northern part of the site. This <u>would have allowed</u>s for the remainder of the site (the southern portion – 2.7 ha) to be allocated for residential development whilst at the same time ensuring that the existing use is retained and improved. <u>Circumstances have since changed and the Caravan Club has surrendered their lease and intend to vacate the site by the end of 2022. As a consequence, the Council is now considering options for the northern part of this site including the potential for additional housing and further evidence will be gathered to help inform future decisions.</u></p> <p>Insert an additional bullet point under the site constraints list:</p> <ul style="list-style-type: none"> • <u>The SFRA identifies the eastern section of the site as being at a high risk of groundwater flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020).</u> <p>Policy A2:</p>

158 MM Number	Policy / Paragraph	Main Modification
		<p>Insert a new development requirement a) and re-number criteria that follow (note - this should include corrections to existing referencing):</p> <p>a) <u>deliver a residential scheme comprising of a minimum 100 dwellings;</u></p> <p>Modify development requirement a) (now requirement b) as follows:</p> <p>a) <u>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; retain and enhance boundary vegetation to maintain self-containment and limit views of the site locally and from the National Park;</u></p> <p>Modify development requirement b) (now requirement c), and replace development requirement c) (now requirement d) as follows:</p> <p>b) <u>c) adopt the sequential approach so seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding and maintain a suitable buffer to the lake;</u></p> <p>e) <u>d) a site specific Flood Risk Assessment should demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have regard to the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk; maintain a suitable buffer to the lake and demonstrate how flood risk will be safely managed across the lifetime of the development, taking climate change into account, and not increased elsewhere;</u></p> <p>Modify development requirement d) (now requirement e) as follows:</p> <p>d) <u>e) ensure that the design and layout of this site (along with the neighbouring site at Fulbeck Avenue) should safeguard and have regard to opportunities for the enhancement of avoid and potential impacts on the Local Wildlife Site;</u></p> <p>Modify development requirement e) (now requirement f) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>e) f) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network;</u> deliver net gain in biodiversity and high quality green infrastructure to include the internal tree groups which should be incorporated into the design of new development;</p> <p>Delete development requirement f) as follows:</p> <p>f) development proposals should be informed by up to date ecological information;</p> <p>Delete development requirement g) as follows:</p> <p>g) – help to protect, and where possible, support the continued use of the land to the north as a caravan site;</p> <p>Modify development requirement i) (now requirement g) as follows:</p> <p>i) g)<u>in line with the West Sussex Waste Local Plan (Policy W2) proposals should not prejudice give consideration to the continued safeguarding or affect the operation of the composting site located to the west;</u></p> <p>Modify development requirement k) (now requirement i) as follows:</p> <p>k) i)<u>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.</u> EV charge points (with a power output of at least 7kW) should be provided for all residential units, fitted ready for first occupation;</p> <p>Add additional development requirement k) as follows:</p>

MM Number	Policy / Paragraph	Main Modification				
		<u>k) provide an appropriate level of contribution towards highway capacity improvements at the A259/A2032 Goring Crossways junction and safety and speed reduction measures at the Yeoman Road / Palatine Rd junction.</u>				
MM18	A2 - Caravan Club Inset Map and aerial photograph (Page 75)	<div>Amend inset map and aerial as follows:</div> <table><tr><td><div>Existing</div></td><td><div>Proposed</div></td></tr><tr><td>Existing</td><td>Proposed</td></tr></table>	<div>Existing</div> 	<div>Proposed</div> 	Existing	Proposed
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MM Number	Policy / Paragraph	Main Modification
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MM19	A3 - Centenary House, paragraph 4.15 and site constraints list	<p>Modify 'Indicative Capacity' as follows:</p> <ul style="list-style-type: none"> 250 residential units & 10,000 sqm employment floorspace <u>(part re-provided)</u> <p>Modify paragraph 4.15 as follows:</p> <p>4.15 Redevelopment provides an opportunity to make more efficient use of land, and <u>potential to re-provide and enhance facilities for the existing occupiers Sussex Police. West Sussex County Council has recently announced its intention to relocate their services from this site to Durrington Bridge House and elsewhere in the Worthing area. and WSCC (approx. 5,000 sqm) alongside the delivery of a multi-agency hub offering integrated and co-located public services. Redevelopment would also make use of surplus land for additional employment space (approx. 5,000 sqm) and new homes and additional employment space appropriate to the character of this residential area.</u></p>

1 MM Number	Policy / Paragraph	Main Modification
		<p>Modify the first bullet point under site constraints:</p> <ul style="list-style-type: none"> • Within an area considered to be at a high risk of groundwater flooding <u>and likely to be at a higher risk from surface water flooding in the future. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020).</u> <p>Policy A3: Modify development requirement a) as follows:</p> <p><u>a) deliver a residential and employment scheme comprising of a minimum 250 dwellings and approximately 10,000 sqm employment floorspace; deliver a mixed-use community-led scheme with facilitating residential development;</u></p> <p>Modify development requirement b) as follows:</p> <p><u>b) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network; enhance boundary vegetation and incorporate the protected trees;</u></p> <p>Modify development requirement c) as follows:</p> <p><u>c) respond to the findings of the Worthing Local Plan transport Study and seek to improve the operational capacity and safety of Durrington Lane and associated site access; provide suitable site access and an appropriate level of contribution towards safety and highway capacity improvements at the A2032 / Durrington Lane junction, highway capacity improvements at the A259/A2032 Goring Crossways junction and safety and speed reduction measures at the Yeoman Road / Palatine Rd junction;</u></p> <p>Add additional development requirement e) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>e) ensure layout is planned to ensure future access to existing water and/or wastewater infrastructure for maintenance and upsizing purposes. Phase occupation of development to align with the delivery of sewerage infrastructure, in collaboration with the service provider;</u></p> <p>Add additional development requirement f) as follows:</p> <p><u>f) undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are implemented;</u></p> <p>Add additional development requirement g) as follows:</p> <p><u>g) ensure that contaminated land is appropriately assessed and where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</u></p> <p>Add additional development requirement h) as follows:</p> <p><u>h) a site specific Flood Risk Assessment should demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have regard to the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk;</u></p> <p>Add additional development requirement i) as follows:</p> <p><u>i) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding.</u></p>
MM20	A4 - Civic Centre and site constraints list	<p>Modify 'Indicative Capacity' as follows:</p> <ul style="list-style-type: none"> • <u>7,000sqm</u> Integrated Health Hub <p>Modify Site Constraints and add additional bullet point as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<ul style="list-style-type: none"> <li data-bbox="562 180 1592 212">• <u>The SFRA identifies the site as being at a medium risk of flooding.</u> <p data-bbox="468 252 1128 323">Policy A4: Modify development requirement a) as follows:</p> <p data-bbox="562 363 2136 435">a) <u>deliver an Integrated Health Hub comprising of approximately 7,000 sqm; provide a modern purpose-built healthcare facility to deliver new models of care;</u></p> <p data-bbox="468 475 1128 507">Modify development requirement b) as follows:</p> <p data-bbox="562 547 2056 619">b) <u>enhance permeability and provide an attractive and accessible pedestrian link from the site that incorporates green infrastructure;</u></p> <p data-bbox="468 659 1128 691">Modify development requirement d) as follows:</p> <p data-bbox="562 730 2136 954">d) <u>provide a high quality design with particular attention to the 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. Due regard should be given to the established building line to the north of the site along the frontage of Christchurch Road. 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;</u></p> <p data-bbox="468 994 1128 1026">Modify development requirement e) as follows:</p> <p data-bbox="562 1066 2136 1177">e) <u>be sensitive to the surrounding Conservation Areas and ensure that careful consideration is given to the protection of the neighbouring listed buildings and other heritage assets; protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;</u></p> <p data-bbox="468 1217 1128 1249">Modify development requirement f) as follows:</p> <p data-bbox="562 1289 1951 1321">f) <u>provide sufficient parking to meet the needs of the new health facility and amenity space;</u></p> <p data-bbox="468 1361 1128 1393">Modify development requirement h) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>h) ensure that any contaminated land issues are is appropriately assessed and managed where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</u></p> <p>Add additional development requirement i) as follows:</p> <p><u>i) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p>Add additional development requirement j) as follows:</p> <p><u>j) 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;</u></p> <p>Add additional development requirement k) as follows:</p> <p><u>k) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network.</u></p>
MM21	A5 - Decoy Farm, paragraphs 4.20-4.22 and site constraints list	<p>Modify 'Indicative Capacity' to:</p> <p>Minimum of 18,000 <u>14,000</u> sqm employment land</p> <p>Modify third sentence of paragraph 4.20 as follows:</p> <p>4.20...Remediation of the site is due to commence at the end of 2020 including <u>was completed at the end of March 2021 and this included the removal...</u></p> <p>Modify third sentence of paragraph 4.21 as follows:</p>

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		<p>4.21 ...Current access for the site is from Decon Way <u>Dominion Way</u>, which is accessed via Dominion Way.</p> <p>Modify paragraph 4.22 to strengthen opportunities for Biodiversity net Gain:</p> <p>4.22 ...in the vicinity of this site. <u>Opportunities should be taken to deliver Biodiversity Net Gains in keeping with the location, size and scale of development as stipulated in Policy DM18.</u></p> <p>Modify 4th bullet point of 'Site Constraints' as follows:</p> <ul style="list-style-type: none"> • The Teville Stream (partially culverted) and a number of watercourses run along the site boundaries. There are areas of Flood Zone 3 associated with these. <u>The SFRA identifies areas of Flood Zone 3 associated with these and that small parts of the site are at a high risk of surface and groundwater flood risk. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020).</u> <p>Modify 5th bullet point of 'Site Constraints' as follows:</p> <ul style="list-style-type: none"> • Directly adjoins the boundary of the Household Waste Recycling Site which is safeguarded through the West Sussex Local Plan. <u>The West Sussex Waste Local Plan requires the safeguarding of existing waste sites from other non-waste development which may prevent or prejudice their continued operation for such purposes.</u> <p>Policy A5: Insert a new development requirement a) and re-number criteria that follow:</p> <p><u>a) deliver an employment scheme comprising of a minimum of 14,000 sqm employment land;</u></p> <p>Modify development requirement c) (now requirement d) as follows:</p> <p><u>e) d) adopt the sequential approach so seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding and no built development is located in Flood Zone 3;</u></p> <p>Modify development requirement d) (now requirement e) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p>d) e) demonstrate how flood risk will be safely managed across the lifetime of the development, taking climate change into account, and not increased elsewhere; a site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have regard to the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk;</p> <p>Modify development requirement f) (now requirement g) as follows:</p> <p>f)-g) minimise impacts on nearby residential properties. protect the continued operation of the adjacent household waste recycling site; In line with the West Sussex Waste Local Plan proposals should not prejudice the continued safeguarding or affect the operation (and possible future reconfiguration / intensification) of the adjacent household waste recycling site;</p> <p>Modify development requirement g) (now requirement h) to add reference to specific transport mitigation measures:</p> <p>g) h) consultation with West Sussex County Council, and Worthing Borough Council and National Highways to agree any mitigation for off site traffic impacts on the local and strategic road networks in particular, traffic calming and safety measures at the B2223 between Sompting Road and Dominion Way;</p> <p>Modify development requirement h) (now requirement i) as follows:</p> <p>h) i) retain, protect and enhance existing waterbodies the Teville Stream providing an adequate buffer between the watercourse and any potential development, and seek opportunities to create new wetland habitats; enhance and restore the watercourse including removing culverts;</p> <p>Delete original requirement i) and incorporate it in requirement k):</p> <p>i) development should be supported by a scheme to eradicate invasive species present on site;</p> <p>Modify development requirement j) as follows:</p> <p>j) ensure layout is planned to ensure future access to existing water and/or wastewater infrastructure for maintenance and upsizing purposes (this includes the two effluent pipelines which run along the</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>northern boundary</u>). Phase occupation of development to align with the delivery of sewerage infrastructure, in collaboration with the service provider.</p> <p>Modify development requirement k) as follows:</p> <p><u>k) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network. maximise biodiversity value on site. through wildlife friendly landscape planting and design (SUDs etc) and compensate for residual habitat loss through off site contributions. Invasive species on the site should be eradicated.</u></p>
MM22	A6 - Fulbeck Avenue and site constraints list	<p>Modify indicative capacity:</p> <p>420 <u>152</u> residential units</p> <p>Modify the third bullet point under the site constraints list and insert an additional bullet point:</p> <ul style="list-style-type: none"> <p>Partly within an area with a high chance of flooding from surface water and at medium risk of groundwater flooding. The site would be at risk from a breach scenario at Somerset Lake and failure of the flood storage facility to the north. These have previously caused flooding in the local area. The SFRA shows a small section of the site in the north and centre is located within Flood Zone 3b. A further northern section of the site is also located within Flood Zone 3a and parts of the site are at a high risk of surface water flooding and groundwater flooding. The SFRA also found that Somerset Lake posed a risk to the site in event of breach resulting in 38% of the site being affected on a dry day with depths up to 1.4m and on a wet day over half the site affected with depths up to 1.6m. Therefore development in this location would place additional people at risk of flooding.</p> <p><u>This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020). This concluded that both parts of the Exception Test had been satisfied for the site to be allocated. At the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed through a site specific Flood Risk Assessment.</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p>Policy A6: Insert a new development requirement a) and re-number criteria that follow:</p> <p><u>a) deliver a residential scheme comprising of a minimum 152 dwellings;</u></p> <p>Modify development requirement a) (now requirement b) as follows:</p> <p><u>a) b) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing mature trees and some of the deciduous woodland in the northern part of the site should be retained where possible, having regard to the recommendations in the Worthing Landscape and Ecology Study to limit views from the West Durrington development and National Park. New green infrastructure should be delivered that provides opportunities to link to the Borough-wide green infrastructure network; deliver net gain in biodiversity and high quality green infrastructure to include the retention of mature trees, in particular some of the deciduous woodland in the northern part of the site and the West Durrington development and to limit views to the site from the National Park to the north;</u></p> <p>Delete requirement b) as follows:</p> <p><u>b) enhance boundary vegetation;</u></p> <p>Modify development requirement c) as follows:</p> <p><u>c) adopt the sequential approach so seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding. A site-specific Flood Risk Assessment should consider all sources of flooding and demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have regard to the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk;</u></p> <p>Delete development requirement d) as it has been incorporated into criteria c):</p>

MM Number	Policy / Paragraph	Main Modification
		<p>d) maintain a suitable buffer to the lake and demonstrate how flood risk from all sources (including a breach scenario) will be safely managed across the lifetime of the development, taking climate change into account, and not increased elsewhere;</p> <p>Delete development requirement e) as follows:</p> <p>e) be informed by up to date ecological information;</p> <p>Modify development requirement f) and renumber as follows:</p> <p><u>f) d) retain, protect and enhance existing waterbodies and seek opportunities to create new wetland habitats. protect the stream / watercourse and Incorporate within the design of the open space to be provided as part of the development and maintain a suitable buffer to the lake;</u></p> <p>Modify development requirement g) and renumber as follows:</p> <p><u>g) e) ensure that the design and layout of this site (along with neighbouring site - the Caravan Club) should safeguards and has regard to opportunities for enhancement of avoids any potential impacts on the Local Wildlife Site;</u></p> <p>Delete development requirement i):</p> <p>i) give consideration to the continued safeguarding of the composting site located to the wes, in line with the Waste Local Plan (Policy W2);</p> <p>Modify criterion j) (now criterion g) as follows:</p> <p><u>j) g) provide a new point of access from Fulbeck Avenue and provide an appropriate level of contribution towards highway capacity improvements at the A259 / A2032 Goring Crossways junction.</u></p>
MM23	A7 – Grafton and site constraints	Modify the first bullet point of the site constraints list:

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	list	<ul style="list-style-type: none"> • The majority of the site is in Flood Zone 3. The site is therefore at a high risk of coastal flooding and the SFRA states that climate change will have a significant impact on this site with Flood Zone 3 covering the whole site in the future. Therefore development in this location would place additional people at risk of flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020). This concluded that both parts of the Exception Test had been satisfied for the site to be allocated. At the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed through a site specific Flood Risk Assessment. <p>Site Constraints - delete fourth bullet point:</p> <ul style="list-style-type: none"> • The multi-storey car park currently provides space for 430 cars <p>Policy A7: Modify development requirement a) as follows:</p> <p><u>a) deliver a residential and employment scheme comprising of a minimum of 150 residential units and approximately 2,500 sqm commercial; provide a mix of high quality residential, retail and leisure uses and amenity space;</u></p> <p>Modify development requirement b) as follows:</p> <p><u>b) adopt the sequential approach so seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p>Replace development requirement c) as follows:</p> <p><u>c) demonstrate how flood risk will be safely managed across the lifetime of the development, taking climate change into account, and not increased elsewhere;</u></p> <p><u>c) a site specific Flood Risk Assessment should consider all sources of flooding and demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>regard to the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk;</u></p> <p>Modify development requirement f) as follows:</p> <p><u>f) provide a high quality public realm that enhances the town centre and protects nearby heritage assets and ensures no unacceptable harm is caused to them or their settings; provides an attractive setting to the historic environment, including the Grade II Listed Lido and surrounding Conservation Areas;</u></p> <p>Modify development requirement h) as follows:</p> <p><u>h) enhance permeability and provide an attractive and accessible pedestrian link create a new route that incorporates green infrastructure linking the seafront and primary shopping area in a coherent and attractive way;</u></p> <p>Modify development requirement i) as follows:</p> <p><u>i) 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 ensure that daylight and sunlight implications are appropriately managed;</u></p> <p>Add new development requirement j) as follows:</p> <p><u>j) ensure that contaminated land is appropriately assessed and where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</u></p> <p>Add new development requirement k) as follows:</p> <p><u>k) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees</u></p>

MM Number	Policy / Paragraph	Main Modification
		<u>should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network.</u>
MM24	A8 - HMRC Offices and site constraints list	<p>Modify Site Constraints and add additional bullet point as follows:</p> <ul style="list-style-type: none"> • <u>The SFRA identifies the site as being at a medium risk of flooding.</u> <p>Policy A8: Modify development requirement as follows:</p> <p>a) <u>deliver a residential scheme comprising of a minimum of 250 residential units, provision of care home / sheltered accommodation</u> deliver of mix of residential and employment uses with emphasis on encouraging the retention of Durrington Bridge House (to the east) and the delivery of employment uses on the western section of the site;</p> <p>Modify development requirement b) as follows:</p> <p>b) <u>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;</u></p> <p>Modify development requirement c) as follows:</p> <p>c) <u>development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network;</u> retain high quality trees in and around the site;</p> <p>Modify development requirement e) as follows:</p> <p>e) ensure that the development does not have an unacceptable impact on the amenity of neighbouring residents; <u>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</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>line of adjoining properties. Ensure that the development has a suitable relationship with and does not have an unacceptable impact on the amenity of neighbouring residents in terms of private amenity, overlooking and that daylight and sunlight implications are appropriately managed;</u></p> <p>Modify development requirement g) as follows:</p> <p><u>g) enhance permeability and provide an attractive and accessible pedestrian link that incorporates green infrastructure from the site as well as seeking seek to improve access to and from Durrington Station;</u></p> <p>Add additional development requirement i) as follows:</p> <p><u>i) provide an appropriate level of contribution towards highway capacity improvements at the A259 / A2032 Goring Crossways junction;</u></p> <p>Add additional development requirement j) as follows:</p> <p><u>j) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p>Add new development requirement k) as follows:</p> <p><u>k) 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.</u></p>
MM25	A9 - Lyndhurst Road and site constraints list	<p>Modify Expected Delivery dates from 6+ years to <u>0-5 years</u></p> <p>Modify Site Constraints and add additional constraints as follows:</p> <ul style="list-style-type: none"> • <u>The SFRA identifies the site as being at a medium risk of flooding.</u> • <u>Conservation Areas lie in close proximity to the site.</u>

MM Number	Policy / Paragraph	Main Modification
		<p>Policy A9: Modify development requirement a) as follows:</p> <p><u>a) deliver a residential scheme comprising of a minimum 150 dwellings; provide a high quality residential development;</u></p> <p>Modify development requirement b) as follows:</p> <p><u>b) undertake detailed investigations of the contamination to assess the level of remediation required; ensure that contaminated land is appropriately assessed and where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</u></p> <p>Delete development requirement c) as covered by modification to b)</p> <p><u>c) deliver a surface water drainage scheme that ensures that surface water is not discharged through contaminated soils;</u></p> <p>Modify development requirement d) and renumber as follows:</p> <p><u>d) c) undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are implemented;</u></p> <p>Renumber existing criterion e) and replace with the following</p> <p><u>e) undertake an extensive phase 1 habitat survey and desktop study and provide mitigation as appropriate;</u></p> <p><u>d) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network.</u></p> <p>Add additional development requirement g) as follows:</p> <p><u>g) protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;</u></p> <p>Add additional development requirement h) as follows:</p> <p><u>h) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p>Add additional development requirement i) as follows:</p> <p><u>i) 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;</u></p> <p>Add additional development requirement j) as follows:</p> <p><u>j) 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.</u></p>
MM26	A10 - Martlets Way and site constraints list	<p>Modify Indicative Capacity as follows:</p> <ul style="list-style-type: none"> • 10,000 sqm employment & <u>28 residential units</u> <p>Add additional site constraint as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<ul style="list-style-type: none"> • <u>The SFRA identifies the site as being at a medium risk of flooding.</u> <p>Policy A10: Delete existing requirement a) and replace with following: <u>a) provide employment development accessed from the west;</u> <u>a) deliver a residential and employment scheme comprising of a minimum of 28 residential units and approximately 10,000 sqm employment;</u></p> <p>Modify development requirement b) as follows:</p> <p><u>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;</u></p> <p>Modify development requirement d) as follows:</p> <p><u>d) ensure that any contaminated land issues are is appropriately assessed and managed where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</u></p> <p>Modify development requirement e) as follows:</p> <p><u>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);</u></p> <p>Modify development requirement g) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p>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 <u>accessed from the west</u> and provide for the former gasholder site to be brought forward.</p> <p>Add new development requirement h) as follows:</p> <p><u>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;</u></p> <p>Add additional development requirement i) as follows:</p> <p><u>i) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p>Add new development requirement j) as follows:</p> <p><u>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.</u></p>
MM27	A11 – Stagecoach and site constraints list	<p>Modify 'Indicative Capacity' as follows:</p> <ul style="list-style-type: none"> 60 residential units & 2,000sqm Commercial /Leisure <p>Modify the first bullet point of the site constraints list:</p> <ul style="list-style-type: none"> <u>Part of the site is within Flood Zone 2 and parts lie in Flood Zone 3. Parts of the site lie within Flood Zone 3 the site is therefore at a high risk of coastal flooding and the SFRA states that climate change will have a significant impact on this site with Flood Zone 3 covering the whole site in the future. Therefore development in this location would place additional people at risk of flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020). This concluded that both parts of the Exception</u>

MM Number	Policy / Paragraph	Main Modification
		<p><u>Test had been satisfied for the site to be allocated. At the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed through a site specific Flood Risk Assessment.</u></p> <p>Policy A11: Modify development requirement a) as follows:</p> <p><u>a) deliver a residential and employment scheme comprising of a minimum of 60 residential units and approximately 2,000 sqm commercial; provide for mixed development of residential and commercial uses (e.g. retail (comparison goods), cultural, leisure) that provides vibrancy and helps to integrate the town centre and seafront;</u></p> <p>Modify development requirement b) as follows:</p> <p><u>b) use sequential approach to site layout seek to ensure the most vulnerable types of development uses are located in the areas at of lowest risk of flooding;</u></p> <p>Replace development requirement c) of the development requirements with the following:</p> <p><u>c) a site specific Flood Risk Assessment should consider all sources of flooding and demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have regard to the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk;</u></p> <p>Delete development requirement d):</p> <p><u>d) consider the risks posed by contaminated land to ensure the site is safe for future occupants and that development does not pose a risk to water quality;</u></p> <p>Modify development requirement e) as follows and renumber:</p>

MM Number	Policy / Paragraph	Main Modification
		<p>e) d) ensure that any contaminated land issues are is appropriately assessed and managed where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</p> <p>Modify development requirement f) as follows and renumber:</p> <p>e) f) be sensitive to the surrounding Conservation Areas, listed buildings and historic rights of way and ensure that the design of any new development helps to enhance their significance and setting; protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;</p> <p>Modify development requirement h) as follows and renumber:</p> <p>h) g) enhance permeability and provide an attractive and accessible pedestrian link (that incorporates green infrastructure) from Marine Parade to Warwick Street;</p> <p>Modify development requirement j) as follows and renumber:</p> <p>j) i) undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are implemented;</p> <p>Modify development requirement k) as follows and renumber:</p> <p>k) j) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network; incorporate the existing protected trees into any proposed design;</p> <p>Add additional development requirement k):</p> <p>k) 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</p>

MM Number	Policy / Paragraph	Main Modification
		<u>unacceptable impact on neighbouring residents in terms of private amenity, overlooking and that daylight and sunlight implications are appropriately managed.</u>
MM28	A12 - Teville Gate and site constraints list	<p>Replace the second bullet point under the site constraints list:</p> <ul style="list-style-type: none"> The site is in an area with a high chance of surface water flooding and is at high risk of groundwater flooding. <u>The SFRA shows one third of the site is at a high risk of surface water flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020).</u> <p>Policy A12: Modify development requirement a) as follows:</p> <p><u>a) deliver a mixed use scheme comprising of a minimum of 250 residential units and approximately 4,000 sqm commercial; deliver a mixed use scheme with a minimum of 250 homes, retail and leisure uses, commercial uses and replacement public car parking spaces;</u></p> <p>Modify development requirement b) as follows:</p> <p><u>b) ensure that any contaminated land issues are is appropriately assessed, remediated and managed where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</u></p> <p>Replace existing text and Modify development requirement c) as follows:</p> <p>c) ensure the development is made safe from surface and groundwater flooding taking climate change into account; and incorporate appropriate Sustainable Urban Drainage Systems to ensure flood risk is not increased elsewhere and where possible reduce flooding locally whilst protecting water quality including during flood events;</p> <p><u>c) a site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have regard to the measures identified in the</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk and protect water quality;</u></p> <p>Modify development requirement d) as follows:</p> <p><u>d) protect and enhance nearby heritage assets and ensure no significant harm is caused to them or their settings;</u></p> <p>Modify development requirement e) as follows:</p> <p><u>e) enhance permeability and provide a high quality public realm with cycle and pedestrian links (that incorporates green infrastructure) from the station to the town centre, and under the A24 to Morrisons, having regard to the Worthing Public Realm Study;</u></p> <p>Add additional development requirement g) as follows:</p> <p><u>g) any development around the station area should take into account the culverted watercourse that runs through the site and has historically resulted in flooding. The course and capacity of this should be taken into account. Opportunities where appropriate to de-culvert and create a biodiversity net gain should be sought;</u></p> <p>Add additional development requirement h) as follows:</p> <p><u>h) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p>Add additional development requirement i) as follows:</p> <p><u>i) 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;</u></p>


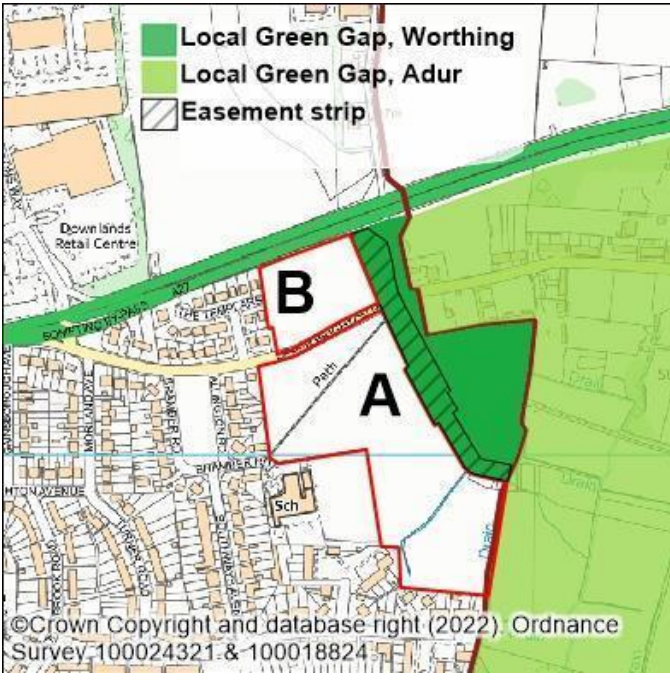
MM Number	Policy / Paragraph	Main Modification
		<p>Add additional development requirement j) as follows:</p> <p><u>j) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network.</u></p>
MM29	A13 - Titnore Lane	Delete allocation A13 and paragraphs 4.37-4.38, relevant site constraints list and inset maps.
MM30	A14 - Union Place and site constraints list	<p>Modify 'Indicative Capacity' as follows:</p> <ul style="list-style-type: none"> 150 residential units and & 700 sqm leisure / commercial <p>Add additional site constraint as follows:</p> <ul style="list-style-type: none"> <u>The SFRA identifies the site as being at a medium risk of flooding.</u> <p>Policy A14: Insert a new development requirement a) and re-number criteria that follow:</p> <p><u>a) deliver a residential and employment scheme comprising of a minimum of 150 residential units and approximately 700 sqm leisure / commercial;</u></p> <p>Modify development requirement b) (now development requirement c) as follows:</p> <p><u>b) c) ensure that careful consideration is given to the protection of the listed buildings and other heritage assets that are in close proximity to this site; protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;</u></p> <p>Modify development requirement d) (now development requirement e) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>d) e) enhance permeability and provide a high quality public realm (that incorporates green infrastructure) and generate new retail / leisure circuits connecting to Chapel Road, High Street and South Street;</u></p> <p>Modify development requirement f) (now development requirement g) as follows:</p> <p><u>f) g) ensure that any contaminated land issues are is appropriately assessed and managed where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;</u></p> <p>Modify development requirement g) (now development requirement h) as follows:</p> <p><u>g) h)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 manage daylight and sunlight implications are appropriately managed;</u></p> <p>Modify development requirement i) (now development requirement j) as follows:</p> <p><u>i) j) undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are met implemented;</u></p> <p>Add additional development requirement l) as follows:</p> <p><u>l) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p>Add additional development requirement m) as follows:</p> <p><u>m) 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;</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p>Add additional development requirement n) as follows:</p> <p><u>n) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network.</u></p>
MM31	A15 - Upper Brighton Road, paragraph 4.13 and site constraints list	<p>Modify paragraph 4.43 as follows:</p> <p>4.43 Bramber Primary School (<u>and playing field</u>) is located adjacent to the south west and an area of land within the site is reserved for for an expansion of the school to provide a playing field.</p> <p>Site constraints - add additional bullet point as follows:</p> <ul style="list-style-type: none"> • <u>The SFRA highlights that the southern part of the site is in an area where groundwater levels are predicted to be at or very near (0.025m) of the ground.</u> <p>Policy A15: Insert a new development requirement a) and re-number criteria that follow:</p> <p><u>a) deliver a residential scheme comprising of a minimum of 123 residential units with Parcel A providing 105 residential units and Parcel B providing 18 residential units;</u></p> <p>Modify development requirement a) (now development requirement b) as follows:</p> <p><u>a) b) avoid coalescence with development to the east and ensure that development is located to the west of the easement strip for the windfarm cable (a small parcel of land to the east of the easement strip is designated as part of the Local Green Gap). Protect or enhance the distinctive character of the Local Green Gap;</u></p> <p>Modify development requirement b) (now development requirement c) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p>b) c) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Enhance and strengthen trees, hedgerows / linear scrub habitats along existing boundaries. New green infrastructure should be delivered that provides opportunities to link to the Borough-wide green infrastructure network; deliver biodiversity net gains, provide high quality green infrastructure and enhance & strengthen hedgerows / linear scrub habitats along existing boundaries;</p> <p>Modify development requirement d) (now development requirement e) as follows:</p> <p>d) e) conserve or 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; integrate trees reflecting the landscape character of the site to mitigate visual impact from the South Downs National Park;</p> <p>Modify development requirement e) (now development requirement f) as follows:</p> <p>e) f) retain, protect or and enhance existing waterbodies including the winterbourne chalk stream and seek opportunities to /or create new wetland habitats;</p> <p>Delete development requirement f)</p> <p>f) provide additional tree planting along boundaries;</p> <p>Modify development requirement g) as follows:</p> <p>g) protect the setting of both the listed building and the Sompting Village Conservation Area; nearby heritage assets (including Sompting Village Conservation Area) and ensure no unacceptable harm is caused to them or their settings;</p> <p>Modify development requirement l) as follows:</p> <p>l) respond to the requirements of the Worthing Air Quality Action Plan and deliver a package of sustainability measures to mitigate the impacts of development. This should include a commitment to</p>

MM Number	Policy / Paragraph	Main Modification		
		<p><u>promote a travel plan to improve the accessibility and sustainability of the site.</u> EV charge points (with a power output of at least 7kW) should be provided for all residential units, fitted ready for first occupation;</p> <p>Add additional development requirements following l) (Prior to Parcel A) and renumber criteria:</p> <p><u>m) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;</u></p> <p><u>n) a site specific Flood Risk Assessment should consider all sources of flooding and demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should have regard to the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk;</u></p> <p><u>o) 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.</u></p> <p>Delete existing development requirement n):</p> <p>- n) provide playing field for Bramber First School</p>		
MM32	Map - Page 100 (Upper Brighton Road - A15)	<p>The red line boundary for the site (map and aerial photograph) have been amended to exclude the playing field. The legend has been amended accordingly.</p> <table><tr><td>Existing</td><td>Proposed</td></tr></table>	Existing	Proposed
Existing	Proposed			

189 MM Number	Policy / Paragraph	Main Modification	
		 <p> Local Green Gap, Worthing Local Green Gap, Adur Easement strip Reserved for playing field </p> <p>Downlands Retail Centre</p> <p>Path</p> <p>Sch</p> <p>©Crown Copyright and database right (2020) Ordnance Survey 100024321 & 100018824</p>	 <p> Local Green Gap, Worthing Local Green Gap, Adur Easement strip </p> <p>Downlands Retail Centre</p> <p>Path</p> <p>Sch</p> <p>©Crown Copyright and database right (2022) Ordnance Survey 100024321 & 100018824</p>

MM Number	Policy / Paragraph	Main Modification
		<div data-bbox="479 188 1137 874"> <p>©Crown Copyright and database right (2020), Ordnance Survey 100024321 & 100018824</p> </div> <div data-bbox="1182 188 1854 874"> <p>©Crown Copyright and database right (2022), Ordnance Survey 100024321 & 100018824</p> </div>
MM33	DM1 - Housing Mix and Paragraphs 5.8, 5.14, 5.15 and 5.25	<p>Modify paragraph 5.8 as follows:</p> <p>5.8 How this mix is applied to individual development sites should take account of the nature and location of the site but family homes with 3 or more bedrooms should be prioritised especially on. <u>For example, larger sites and greenfield land are more likely to deliver where a greater proportion of family homes would be expected, whereas high</u> High density flatted schemes are more likely to be focused towards the delivery of smaller properties, but these should also include a proportion of larger units with 3 or more bedrooms.</p> <p>Modify the last sentence of paragraph 5.14 as follows:</p> <p>5.14 Options include retirement living or sheltered housing (housing with support), and extra care housing or housing with care (both-classed as C3 dwellings) and residential care homes and nursing homes (care bed spaces <u>classed as C2 provision</u>).</p>

MM Number	Policy / Paragraph	Main Modification
		<p>Modify the first sentence of paragraph 5.15 as follows:</p> <p style="padding-left: 40px;">5.15 Provision of housing with care (C3 use class) Sheltered and extra care housing are alternatives is an alternative to care/nursing home bed spaces and can help...</p> <p>Delete paragraph 5.25 (as this is now included in criterion g) of the policy):</p> <p style="padding-left: 40px;">5.25 Live/work units will be required to comply with the space standard requirement under Policy DM2: Density and affordable housing provision under Policy DM3: Affordable Housing</p> <p>Policy DM1: Modify criterion a) as follows:</p> <p style="padding-left: 40px;">a) In order to deliver sustainable mixed and balanced communities, the Council will expect all applications for new housing to consider the most up to date evidence of housing needs and demands <u>to help determine the most appropriate housing mix based on the character and location of the individual site.</u></p> <p>Add wording to the end of criterion c) as follows:</p> <p style="padding-left: 40px;">c) Housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of occupants over time. The Council will expect all new build dwellings to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings <u>unless it can be demonstrated that this would be impractical, unachievable or unviable.</u></p> <p>Insert new criterion g) as follows:</p> <p style="padding-left: 40px;"><u>g) When considering proposals for individual live/work units, the workspace should be designed to be functionally separate from the dwelling(s) to which it relates. The proposal will need to comply with criterion d) of Policy DM2 and affordable housing provision under Policy DM3: Affordable Housing.</u></p>
MM34	DM2 - Density	Modify the format and text of criteria a), b) and c) so that they read as follows:

MM Number	Policy / Paragraph	Main Modification
		<p>a) Development proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration must be given to:</p> <p>i) the site context and character of the surrounding area in which it is located, and including consideration of any nearby heritage assets or important landscape; <u>residential development of family housing should achieve a net density of a minimum of 35 dwellings per hectare;</u></p> <p>ii) its current and future level of accessibility by walking, cycling and public transport; <u>higher densities, in excess of 100 dwellings per hectare should be achieved in most mixed use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and services.</u></p> <p>iii) the need to achieve high quality design;</p> <p>iv) the need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers;</p> <p>v) the capacity of surrounding infrastructure.</p> <p>b) Residential development of family housing should achieve a net density of a minimum of 35 dwellings per hectare. In exceptional cases, lower densities to those set out above may will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;</p> <p>c) Higher densities, in excess of 100 dwellings per hectare should be achieved in most mixed-use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and local services. The optimum density of a development should result from a design led-approach to determine the capacity of the site. Particular consideration must be given to:</p> <p>i) <u>the site context and character of the surrounding area in which it is located, and including</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>consideration of any nearby heritage assets or important landscapes;</u></p> <p><u>ii) its current and future level of accessibility by walking, cycling and public transport;</u></p> <p><u>iii) the need to achieve high quality design;</u></p> <p><u>iv) the need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers;</u></p> <p><u>v) the capacity of surrounding infrastructure.</u></p> <p>Modify the last sentence of criterion d) and e) as follows:</p> <p>d) New dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion. The Council's local standards will continue to apply <u>Applicants will be expected to have regard to the Council's local guidance</u> for external space.</p> <p>e) The Council will only consider any variation to the requirements set out above in exceptional circumstances, for example when a social or charitable housing provider is able to demonstrate that the homes it is seeking to deliver meets an identified need for supported housing and temporary emergency accommodation and that there is a clear and robust 'move on' strategy and site management in place.</p>
MM35	DM3 - Affordable Housing and Paragraph 5.51	<p>Modify paragraph 5.51 as follows:</p> <p><u>5.51 In order to ensure that older people are able to secure and sustain their independence in a home appropriate to their circumstances, the Council will encourage developers to build new homes that can be readily adapted to meet the needs of those with disabilities and older people as well as assisting independent living at home. In addition t</u>The SHMA estimates that 3% of households.....</p> <p>Policy DM3: Modify the existing text of criterion c) so that it reads as follows.</p>

MM Number	Policy / Paragraph	Main Modification
		<p>c) Affordable housing should incorporate a mix of tenures and sizes prioritising rented affordable homes at social rent levels. The exact tenure split and size of units on each site will be a matter for negotiation, taking account of up-to-date assessments and the characteristics of the area. However t To most effectively meet the borough's housing needs the Council will require the following mix of tenure as a minimum: <u>10% of homes to be available for affordable home ownership (as defined in the NPPF) as part of the overall affordable housing contribution. Exceptions to this will only be considered in accordance with national policy. Remaining affordable housing should be split as 75% social / affordable rented housing and 25% intermediate housing. The exact tenure split and size of units on each site will be a matter for negotiation, taking account of up-to-date assessments and the characteristics of the area.</u></p> <p>Modify criterion d) as follows:</p> <p>d) Where there is a need for a wheelchair accessible dwelling, A minimum of 3% the provision of affordable homes (for which the Council is responsible for allocating or nominating a person(s) to live in that dwelling) constructed should be built to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards, will be a matter for negotiation taking account of the suitability and viability of the site.</p>
MM36	DM4 - Gypsies, Travellers and Travelling Showpeople	<p>Delete criterion b) as follows:</p> <p>b) In assessing applications for Gypsy and Traveller or Travelling Showpeople sites, best practice guidance published by the Government and other relevant bodies will be used.</p> <p>Modify criterion c) so that it becomes criterion b) and add wording as follows:</p> <p>e) <u>b) Any new site/s that may come forward during the Local Plan period will be safeguarded unless it can be demonstrated that the permitted use is no longer required.</u></p>
MM37	DM5 - Quality of the Built Environment	<p>Add new sentence to the end of paragraph 5.59 as follows:</p> <p>5.59 ...or community cohesion. <u>To provide maximum clarity about design expectations at an early stage the</u></p>

164 MM Number	Policy / Paragraph	Main Modification
	and Paragraphs 5.59, 5.64, 5.72 and 5.73	<p><u>Council must prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.</u></p> <p>Add sentence to paragraph 5.64 as follows:</p> <p>5.64...likely to continue. <u>To ensure that efficient use is made of available land the Council will positively consider applications for tall buildings on sites that can appropriately accommodate buildings of height. Whilst this form....</u></p> <p>Add the following text to the end of paragraph 5.72 as follows:</p> <p>5.72 ...should be used. <u>Furthermore, the Council will progress a Supplementary Planning Document that establishes a design guide and code for Worthing that takes into account the guidance contained in the National Design Guide and the National Model Design Code. This will help to provide a local framework for creating beautiful and distinctive places that deliver a consistent and high quality standard of design. The codes that will reflect local aspirations will be informed by effective community engagement.</u></p> <p>Para 5.73 - Add the following to the list of documents:</p> <ul style="list-style-type: none"> • <u>National Model Design Code (June 2021)</u> <p>Policy DM5: Modify criteria as follows:</p> <p>ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, <u>tree canopy</u>, impact on street scene and layout of the development;</p> <p>iv) respect, preserve, and <u>where appropriate</u> enhance, heritage assets and settings;</p> <p>viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise <u>giving rise in significant adverse impacts</u>, or vehicular movements <u>resulting in severe cumulative impacts on the road network</u>, or loss of important open space <u>of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure)</u>;</p>

MM Number	Policy / Paragraph	Main Modification
		<p>ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain. <u>Where appropriate, this will include the protection and integration of existing trees and green infrastructure into new developments;</u></p> <p>Modify criterion c) as follows:</p> <p>c) To ensure that the quality of approved development is not materially diminished between permission and completion, where appropriate, the Council will use Planning Conditions to prevent incremental changes being made to approved plans <u>resist subsequent planning applications</u> that would impact negatively on the design and quality of the <u>approved</u> scheme proposed.</p> <p>Add new subheading and criterion at the end of Policy DM5 as follows:</p> <p><u>Ensuring Good Design</u></p> <p><u>d) Development must reflect government guidance on design and take into account any local design guidance and supplementary planning documents such as design guides and codes. Weight will be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings.</u></p>
MM38	DM6 - Public Realm	<p>Modify criterion a) as follows:</p> <p>a) The enhancement of the public realm in Worthing, particularly in the town centre and seafront, is an integral part of the strategic objectives for the town. Opportunities should be taken to improve the public realm through n<u>New development in appropriate locations</u>, integrated transport initiatives or regeneration schemes <u>will be expected to improve the public realm.</u></p> <p>Modify criterion c) as follows:</p> <p>c) Proposals for improvements to the public realm that are in-line with <u>have regard to</u> the Council's Public Realm Strategy and Seafront Investment Plan will be supported.</p>

MM Number	Policy / Paragraph	Main Modification															
		<p>Modify criterion e) as follows:</p> <p>e) Express consent will only be granted for advertisements which respect the character and appearance of the surrounding area, and do not create a danger or hazard to public safety. Where an illuminated advertisement is acceptable in principle, such advertisements should be either externally illuminated or have internally illuminated individual lettering with a solid or opaque background.</p> <p>Modify criterion f) as follows:</p> <p>f) The Council will support the delivery of public art that helps to enhance public realm. <u>Where appropriate</u>, Public art should be incorporated as part of any major development proposal.</p>															
MM39	DM7 - Open Space, Recreation and Leisure and Paragraphs 5.100 and 5.101	<p>Para 5.100 - Table 1 - add in a new row. Insert:</p> <p><u>Accessible Natural Green Space (ANGS)</u> - under Typology heading <u>1.0 (for new provision only)</u> - under Quantity Standards Heading. <u>960 metres / 20 minutes & ANGS Standards for ANGS above 20ha</u> - under Access Standard heading</p> <p>Supporting text paragraph 5.100 - insert two additional tables:</p> <p><u>Table 2: Eligible types of residential development</u></p> <table><tr><th><u>Category</u></th><th><u>Open Market Housing / Flats</u></th><th><u>Affordable Housing</u></th><th><u>Older People’s Accommodation</u></th><th><u>Permanent Mobile Homes</u></th></tr><tr><td><u>Play Space (Children and Youth)</u></td><td><u>Yes</u></td><td><u>Yes</u></td><td><u>No</u></td><td><u>Yes</u></td></tr><tr><td><u>Parks and Recreation</u></td><td><u>Yes</u></td><td><u>Yes</u></td><td><u>On a case by case basis</u></td><td><u>Yes</u></td></tr></table>	<u>Category</u>	<u>Open Market Housing / Flats</u>	<u>Affordable Housing</u>	<u>Older People’s Accommodation</u>	<u>Permanent Mobile Homes</u>	<u>Play Space (Children and Youth)</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Parks and Recreation</u>	<u>Yes</u>	<u>Yes</u>	<u>On a case by case basis</u>	<u>Yes</u>
<u>Category</u>	<u>Open Market Housing / Flats</u>	<u>Affordable Housing</u>	<u>Older People’s Accommodation</u>	<u>Permanent Mobile Homes</u>													
<u>Play Space (Children and Youth)</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>													
<u>Parks and Recreation</u>	<u>Yes</u>	<u>Yes</u>	<u>On a case by case basis</u>	<u>Yes</u>													

MM Number	Policy / Paragraph	Main Modification				
		<u>Grounds</u>				
		<u>Amenity Open Space</u>	<u>Yes</u>	<u>Yes</u>	<u>On a case by case basis</u>	<u>Yes</u>
		<u>Accessible Natural Green Space</u>	<u>Yes</u>	<u>Yes</u>	<u>On a case by case basis</u>	<u>Yes</u>
		<u>Allotments</u>	<u>Yes</u>	<u>Yes</u>	<u>On a case by case basis</u>	<u>Yes</u>
		<u>Table 3: Potential open space requirements based on scheme size</u>				
		<u>Type of Provision</u>	<u>10 - 19 dwellings</u>	<u>20 - 49 dwellings</u>	<u>50 - 99 dwellings</u>	<u>100 - 199 dwellings</u>
		<u>Allotments</u>	<u>Off-site</u>	<u>Off-site</u>	<u>Off-site</u>	<u>On-site</u>
		<u>Amenity Green Space</u>	<u>Off-site</u>	<u>On-site</u>	<u>On-site</u>	<u>On-site</u>
		<u>Parks & Recreation</u>	<u>Off-site</u>	<u>Off-site</u>	<u>Off-site</u>	<u>On-site</u>
		<u>Play Space (Children)</u>	<u>Off-site</u>	<u>Off-site</u>	<u>Off-site</u>	<u>On-site</u>
		<u>Play Space (Youth)</u>	<u>Off-site</u>	<u>Off-site</u>	<u>Off-site</u>	<u>On-site</u>
		<u>Accessible Natural Green</u>	<u>Off-site</u>	<u>Off-site</u>	<u>Off-site</u>	<u>On-site</u>

MM Number	Policy / Paragraph	Main Modification					
		<u>Space</u>					
		<p>Add text to the end of paragraph 5.101 as follows:</p> <p>5.101 ...The potential to make off-site contributions will be considered on a case by case basis. <u>Until the new Developer Contributions SPD is adopted, further guidance on the application of open space quantity and access standards can be found within the Open Space, Recreation & Leisure Guidance Note (2021).</u></p> <p>Policy DM7: Modify criterion a) as follows:</p> <p>a) <u>Schemes of 10+ dwellings will be required to provide open space on site in accordance with the Council's adopted standards as set out in Tables 1, 2 and 3 (applying occupancy levels based on the size of dwellings proposed).</u> Where provision is off-site 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 unless surplus provision exists locally.</p> <p>Modify criterion b) as follows:</p> <p>b) Proposals incorporating leisure/recreation facilities should use <u>have regard to the findings of the Sport, Leisure and Open Space Study (or any future updated study)</u> to inform the types required.</p> <p>Modify criterion c) iii) as follows:</p> <p>c) iii) the loss resulting from the proposed development would be replaced by equivalent or improved provision in terms of quantity and quality in a suitable location. For open space, there should be a net gain in provision.</p> <p>Delete criterion e) as follows:</p> <p>e) Sites which have significant nature conservation, historical or cultural value (such as Registered Town and Village Greens) should be afforded protection, even if there is an identified surplus in quality, quantity or accessibility in that local area.</p>					

MM Number	Policy / Paragraph	Main Modification
MM40	DM8 - Planning for sustainable communities / community facilities and Paragraph 5.108	<p>Modify supporting text paragraph 5.108 as follows:</p> <p>5.108 ...to help fund and support the delivery of essential community facilities. <u>Information on these mechanisms and an explanation of the relationship between them is set out within the Developer Contributions SPD.</u></p> <p>Policy DM8: Modify criterion e) i) as follows:</p> <p>i) an accessible replacement facility of a similar nature is provided that meets the needs of its current and intenders users, as well as the local community; <u>or</u></p> <p>Modify criterion e) ii) as follows:</p> <p>ii) it can be demonstrated <u>that</u> the existing premises are no longer required or viable in their current use and the premises have been appropriately marketed for an alternative community use.</p>

DM9 -
Delivering
infrastructure
and
Paragraphs
5.115 and
5.123

Modify supporting text paragraph 5.115 as follows:

5.115 The Council will work with infrastructure providers to facilitate the timely provision of infrastructure needed to support development. The Council will usually expect this to be before any development is operational or occupied. This may also involve the suitable phasing of development in order to ensure that essential infrastructure is in place when needed.

Modify supporting text paragraph 5.123 as follows (criteria now moved into policy):

Para 5.123...The developer will need to demonstrate how this would threaten delivery of the development. Criterion f) of Policy DM9 sets out that where appropriate, a clawback mechanism will need to be incorporated into a legal agreement. If full mitigation measures and contributions are not able to be delivered the development will only be permitted where:

- ~~a) the applicant has submitted a viability appraisal that has been produced in accordance with national guidance, and has been assessed by the borough council as appropriate and based on reasonable assumptions;~~
- ~~b) the value of the planning obligations has been maximised having regard to likely viability;~~
- ~~c) where appropriate, a clawback mechanism has been incorporated into a legal agreement to ensure that additional mitigation is provided if final development viability is better than anticipated in the viability assessment; and~~
- ~~d) if following a viability assessment process the benefits of the development outweigh the lack of full mitigation for its impacts, having regard to other material considerations.~~

Policy DM9

Modify criterion c) as follows:

c) Infrastructure should be provided at the appropriate time, usually this will be prior to the...

Add additional criteria as follows:

f) If full mitigation measures and contributions are not able to be delivered the development will only be permitted where:

		<p><u>i) the applicant has submitted a viability appraisal that has been produced in accordance with national guidance, and has been assessed by the Borough Council as appropriate and based on reasonable assumptions;</u></p> <p><u>ii) the value of the planning obligations has been maximised having regard to likely viability;</u></p> <p><u>iii) where appropriate, a clawback mechanism has been incorporated into a legal agreement to ensure that additional mitigation is provided if final development viability is better than anticipated in the viability assessment; and</u></p> <p><u>iv) if following a viability assessment process the benefits of the development outweigh the lack of full mitigation for its impacts, having regard to other material considerations.</u></p>
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MM Number	Policy / Paragraph	Main Modification
MM42	Paragraphs 5.142 and 5.143	<p>Modify paragraphs 5.142 and 5.143 as follows:</p> <p>5.142 ...demand (job growth) based requirement, <u>a minimum of 32,560 sqm (6.8 ha) employment floorspace over the Local Plan period</u>, to ensure that business growth potential is not constrained by lack of spatial capacity in future. <u>This includes approximately 9,800 sqm for office space, and approximately 24,000 sqm of warehousing/distribution space.</u> These requirements reflect recent trends in both economic and property market terms and provide the most appropriate balance between positive planning and significant capacity constraints. Therefore, this plan seeks to accommodate, as a minimum, 32,560 sqm (6.8 ha) employment floorspace over the Local Plan period. This includes approximately 9,800 sqm for office space, and approximately 24,000 sqm of warehousing/distribution space.</p> <p>5.143 ... are available. As a consequence, there are only a limited number of new sites specifically for identified employment use <u>and this Plan seeks to accommodate, as a minimum, 24,000 sqm of employment floorspace to that will help to meet some of the identified need.</u> The primary focus is therefore to protect and enhance placed on the protection and enhancement of existing employment land and buildings through reinvestment, intensification and redevelopment <u>will help to meet the remaining need.</u></p>
MM43	DM11 - Protecting and enhancing employment sites	<p>Modify criteria a), b) as follows and delete criterion c):</p> <p>a) Existing premises, sites or floorspace which are used for, or last used for employment uses, <u>located within the following Key Employment Areas</u> which is suitable for continued business use and that provides local employment opportunities will in general be protected against loss to other uses.</p> <p>b) Protected <u>Key</u> Employment Areas</p> <p>Modify criteria c) as follows:</p> <p>c) The primary focus in these 'protected' employment areas will be <u>These key employment areas are essential in maintaining a strong and diverse supply of employment sites and premises to meet the needs of the local economy and given the significant land constraints the Council are seeking to protect them</u> for employment uses appropriate to their location. Only in exceptional circumstances (using the principles of the Sustainable Economy Supplementary Planning Document) will a site protected under this Policy (above) be considered for alternative uses. <u>Only in exceptional circumstances, where there</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>is clear and robust evidence that the introduction of alternative uses is required to retain a diverse and resilient local economy, will such a change be considered. In undertaking any assessment regard will be had to the following factors:</u></p> <p><u>i) robust evidence setting out the importance of the use to the future of the local economy;</u></p> <p><u>ii) a demonstration that the introduction of the proposed use would not negatively impact on the functioning of the key employment area or the local economy as a whole;</u></p> <p><u>iii) evidence that the loss of the existing use would not negatively impact the local economy and;</u></p> <p><u>iv) evidence of alternative sites outside of the key employment areas have been considered. and that no suitable sites are available.</u></p> <p>d) Outside the <u>identified Protected Key Employment Areas</u> protected employment areas listed above, existing premises and land or floorspace which is used, or was last used, for use employment uses will in general be protected unless it can be satisfactorily demonstrated that the site (or part of the site) or premises is genuinely redundant and is unlikely to be re-used for employment uses within the Plan period, having regard to the following factors:</p>
MM44	DM12 - The visitor economy	<p>Modify criterion b) as follows:</p> <p>b) Existing visitor attractions, facilities and accommodation should be retained unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements, the Council will apply the following tests <u>set out below:</u> included in its Sustainable Economy Supplementary Planning Document: including the following</p>
MM45	DM13 - Retail and Town Centre Uses and Paragraph 5.175 and	<p>Modify the start of paragraph 5.175 as follows:</p> <p>5.175 'As mentioned above, changes made at the national level have, in effect, increased the ability for changes to be made between use classes <u>land uses</u> within the town centre.'</p> <p>Modify subheading and paragraph 5.194 as follows:</p>

204 MM Number	Policy / Paragraph	Main Modification
	5.194	<p>Applicable to all Centres Drinking establishments (A4) and takeaway establishments (A5)</p> <p>5.194 Applications for uses such as drinking establishments, <u>and or</u> takeaway establishments <u>and other uses with closed and inactive street frontages</u> – in any District or Local level of centre – will need to be carefully considered on their merits, taking into account the specific frontage policy and taking into consideration: any negative cumulative impact of such uses; whether such uses add to the vitality and viability of the centre; and the impact on residential amenity. <u>Where appropriate, advice and evidence will be sought from Environmental Health, Licensing, Planning Enforcement and the Police.</u></p> <p>Policy DM13: Insert shopping centre hierarchy into policy:</p> <p><u>The Hierarchy</u></p> <p>The Council will work with organisations and the local community to identify, protect and enhance the following hierarchy of vital and viable town, district and local centres:</p> <ul style="list-style-type: none"> • <u>Worthing Town Centre Primary Shopping Area (comprising the Primary Shopping Frontage, Secondary Shopping Frontages and the Town Centre Seafront Area)</u> • <u>District Centres (Broadwater, Goring and West Durrington)</u> • <u>Medium Scale Local Centres (Findon Valley / Tarring Road / South Farm Road / The Strand / Thomas A. Beckett / Ham Road / Rowlands Road / The Mulberry)</u> • <u>Small Scale Local Centres: (Aldsworth Parade / Boxgrove / Broadwater Street East / Limbrick Corner / Lyndhurst Road / Manor Parade / Selden Parade / Alinora Crescent / Broadwater Road / Salvington Road / South Farm Road (North) / South Street Tarring / Brighton Road / Dominion Road / Downlands Parade)</u> <p>Modify criterion b) as follows</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>Applicable to all Centres</u></p> <p>b) Changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs <u>according to their function in the hierarchy</u> . <u>When considering all All-such proposals regard will be had as to whether they would</u> will be required to:</p> <p>v) Maintain the continuity of active frontages; and</p> <p>x) <u>Result in an over concentration of uses such as takeaways and other uses with closed and inactive street frontages. The Council will consider the role of the centre within which the proposal is located and other matters such as the numbers of existing similar uses within the frontage and any existing or potential issues. Permission will not be granted where harm to the vitality and viability of the centre, or the amenity of local residents and businesses, cannot be adequately mitigated.</u></p> <p>xi) <u>Require conditions to be applied to any new development where it is relevant and appropriate to do so, in order to control the proposed uses and allow for a managed approach to future proposals for change of use, in line with the Council's aspirations and strategies for the area.</u></p> <p><u>Worthing Town Centre</u></p> <p>e) Proposals for development in the Town Centre will be assessed against policy SS3 - Town Centre. Spatial Policy SS3 (Town Centre) sets out the overarching development principles for the Town Centre and associated seafront and it is the starting point against which all proposed development in these areas will be assessed. The more detailed approach to frontages is set out below:</p> <p>d)) <u>c) Primary Shopping Area (PSA) - a wider range of main town centre uses will be encouraged to bring people into the town and generate footfall throughout the day. In considering the most appropriate locations for proposed uses, the Council will use the identified Town Centre Character Areas as a guide in assessing whether the proposal is located in the most appropriate locations in terms of the specific role and function of the character area in which the development is proposed. as a tool to help assess whether a specific proposal would give rise to harm to the individual character or vision for each character area. the The following sets out the approach to ground floor frontages within the 'Primary Shopping Area' will apply:</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p>i) Primary Shopping Frontage (PSF) - will be the focus for retail uses within the centre. <u>The Council will seek to retain 65% of units in retail use and the loss of retail uses will be resisted</u> to ensure that the centre retains its role as a sub-regional shopping centre and meets the shopping needs of the town's population. Uses such as Drinking Establishments (A4) and takeaways (A5) together with other uses that would detract from the overall shopping function of the frontage will be resisted;</p> <p>iii) Town Centre Seafront Area - proposals that help to maintain and enhance an active and vibrant seafront will be supported. Eating, drinking and shopping together with appropriate cultural and leisure uses will be retained and encouraged. However, uses such as takeaways (A5) and uses with closed and inactive street frontages will be resisted, particularly where they cause or contribute to an over-concentration of such uses.</p> <p>e) The identified Town Centre Character Areas will help guide development in the town centre to the most appropriate locations by assessing applications against the specific role and function of the character area in which development is proposed.</p> <p>f) <u>d)</u> Proposals that help develop and enhance the evening and night-time economy will be supported in the town centre where the operation of such activities can be controlled to address residential amenity implications and can demonstrate that such uses will add to the vitality and viability of the centre.</p> <p><u>District Centres and Local Centres</u></p> <p>g) <u>e)</u> The policy approach seeks to encourage convenient and accessible local shopping facilities that are of a scale appropriate to the role and function of the centre to meet day to day needs of residents, and contribute to social inclusion. <u>When considering relevant proposals within these centres regard will be had to the following: The following approach will be applied:</u></p> <p>i) District and Medium Scale Local Centres - seek to retain a core of retail uses of at least 50% of the units in the whole centre, to ensure the role and function of the level of centre is maintained. Allow for uses such as financial and service and restaurant and cafes of an appropriate scale for the role and function of the centre. Other uses will be supported where it can be demonstrated that the use will enhance the vitality and viability of the centre in which it is proposed, generates footfall and retains an active shopfront with a shopfront display. Consideration will be given to applications for other 'main</p>

MM Number	Policy / Paragraph	Main Modification
		<p>town centre uses' of an appropriate scale within the defined centres on their individual merits;</p> <p>ii) in Small Scale Local Centres seek to retain primarily retail use and resist the introduction of other uses where they will cause demonstrable harm to the centre's ability to meet day to day shopping needs of the local community. Applications for other 'main town centre uses' are generally not encouraged due to the primary role and function of these local centres and as such will be resisted.</p> <p>iii) in all District and Local Centres drinking establishments (A4) and takeaways (A5) uses will be considered on their merit, taking into consideration any negative cumulative impact of such uses on the centre, whether such uses add to the vitality and viability of the centre and the impact on residential amenity.</p> <p>Applicable to all Centres</p> <p>h) Conditions will be applied to any new development where it is relevant and appropriate to do so, in order to control the proposed uses and allow for a managed approach to future proposals for change of use, in line with the Council's aspirations and strategies for the area.</p>
MM46	DM14 - Digital infrastructure and Paragraphs 5.203 and 5.206	<p>Add text to the end of paragraph 5.203 as follows:</p> <p>5.203 - ...cost implications. <u>With this in mind, West Sussex County Council and Worthing Borough Council have a strategic aim to densify full fibre infrastructure to serve premises and support future technologies such as 5G. West Sussex County Council has prepared guidance on Digital Infrastructure which should be used to inform future proposals. The Council will also prepare a revised Guide to Residential Development SPD which will provide further details on relevant issues to be considered by applicants.</u></p> <p>Add the following text to the end of Paragraph 5.206 as follows:</p> <p>5.206 ...and conditions specified. <u>In assessing applications the Council will have regard to the countywide guidance which has been developed by West Sussex County Council (WSSCC) to ensure that the respective Local Plans prioritise gigabit-capable broadband connections in new developments. In addition, the Council will, where appropriate, consult with the WSSCC Digital Infrastructure Team. That team holds maps indicating</u></p>

208 MM Number	Policy / Paragraph	Main Modification
		<p><u>connectivity provision, including 'not spots' and they work closely with the providers of fibre and mobile infrastructure so will be able to advise on opportunities to coordinate delivery of connectivity infrastructure.</u></p> <p>Policy DM14: Modify criterion a) as follows:</p> <p>a) <u>The Council supports the expansion and improvement of digital infrastructure. Applicants will be required to meet the following requirements.</u> actively demonstrate that they have considered broadband and mobile connectivity within their proposals for new housing, employment and retail developments.</p> <p>Fibre to Premises</p> <p>Delete all of existing text in criteria b), c) & d) and replace with the following:</p> <p>b) All residential developments and all new employment generating development will enable Fibre-to-the-Premises (FTTP) at first occupation.</p> <p>c) All new dwellings, including those provided via building conversions must be designed and constructed in a way that enables them to meet or exceed the Government's Building Regulations relating to provision of high speed FTTP infrastructure in the home or any subsequent national equivalent standard should the Building Regulations and/or national policy be reviewed in the future.</p> <p>d) Where it can be demonstrated that FTTP is not practicable due to demonstrated special circumstances, then alternative technological options (for example Superfast Fibre to the Cabinet or Fixed Wireless Access) would need to be provided. For such schemes the Council's expectation is that provision in the form of ducting and other necessary infrastructure for the future delivery of FTTP will be provided, where practicable.</p> <p>a) <u>Development proposals will be expected to provide access to superfast broadband, as a minimum, and full fibre connections where available. This will include provision for multiple infrastructure providers to access the site.</u></p> <p><u>b) In locations where superfast broadband and full fibre connectivity are not currently available:</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>i. Applicants will be expected to demonstrate that they have held discussions with a range of providers to upgrade infrastructure to deliver superfast broadband or, where possible, full fibre connections.</u></p> <p><u>ii. Where one or more providers have agreed to provide superfast broadband connectivity or full fibre, the development should be designed to connect to this service and make it available to occupiers.</u></p> <p><u>iii. Where no agreement can be reached to provide superfast broadband or full fibre connectivity at the present time, the development will be expected to incorporate additional dedicated telecommunications ducting to enable the provision of superfast broadband or full fibre connectivity in future.</u></p> <p>Delete sub-heading and criterion e) as follows:</p> <p>Telecommunications Infrastructure.</p> <p>e) All residential developments and all new employment generating development should consider mobile telecommunications requirements of the development proposals to ensure and demonstrate that there is sufficient coverage.</p> <p>Modify criterion g) as follows:</p> <p><u>g) d) All relevant applications for planning permission shall submit; proposals (including prior approvals) will need to submit</u></p>
MM47	DM15 - Sustainable transport and active travel and Paragraph 5.223	<p>Modify paragraph 5.223 as follows:</p> <p>5.223 ...When considering applications, proposals must comply with the <u>have regard to</u> criteria contained in Worthing Borough Council's and West Sussex County Council's planning guidance document relevant to design, <u>residential amenity, highway safety,</u> car cycle parking and electric vehicle charging points, or any other appropriate national standards...</p> <p>Policy DM15: Modify criterion a) iv) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p>a) iv) requiring new to provide for an appropriate level of cycle <u>parking</u>, car parking and electric vehicle space allocations that take into consideration the impact of development upon on-street parking, <u>residential amenity, highway safety and accords with</u> <u>has regard to</u> West Sussex County Council standards / guidance;</p> <p>Add new (relocated) criterion a) vii) as follows:</p> <p><u>a) vii) ensure new development contributes to the mitigation of air pollution, particularly in Air Quality Management Areas. New development should be located and designed to incorporate facilities for electric vehicle charging points, thereby extending the current network;</u></p> <p>Add additional criterion a) viii) as follows:</p> <p><u>a) viii) ensuring that new development does not unacceptably prejudice planned highway improvement schemes.</u></p> <p>Delete criterion b) v) as follows:</p> <p>b) v) ensure new development contributes to the mitigation of air pollution, particularly in Air Quality Management Areas. New development should be located and designed to incorporate facilities for electric vehicle charging points, thereby extending the current network;</p> <p>Add new criterion b) vii) as follows:</p> <p><u>b) vii) ensure the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.</u></p>
MM48	DM16 - Sustainable Design	<p>Modify criterion a) as follows:</p> <p><u>a) All development (excluding householder applications) will be required to achieve the relevant minimum standards below unless superseded by national planning policy, or Building Regulations, or it can be demonstrated that it is not practicable, feasible or viable (in which case the minimum standard</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>should be met as far as is possible)</u> Applications for major...</p> <p>Modify criterion b) (relating to housing) as follows:</p> <p><u>b) All new build housing will achieve a minimum 20% CO₂ reduction compared to the Building Regulations Part L 2013 standard, through energy efficiency measures, and where achievable a 31% reduction in CO₂ based on the 2013 Edition of the 2010 Building Regulations (Part L), unless superseded by national policy or Building Regulations. Developers will be expected...</u></p> <p>Modify criterion c) as follows:</p> <p><u>c) All major New non-domestic buildings developments will need to achieve a 31% 27% reduction in CO₂ on average per building compared to the Building Regulations Part L 2013 standard unless superseded by national policy or Building Regulations. 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.</u></p> <p>Modify criterion f) as follows:</p> <p><u>f) Non-residential development of at least 1,000 sqm floorspace and residential or mixed use development consisting of more than 200 residential units should achieve BREEAM New Construction or BREEAM Communities 'Very Good' as a minimum rating...</u></p>
MM49	DM17 - Energy	<p>Delete all of criterion c) and replace with the following:</p> <p><u>c) Major development within areas identified as heat network opportunity clusters, will be required to connect to district heating networks where they exist, or will be expected to maximise opportunities for the development of a future district heating network. Where this is not possible, a viability assessment should be submitted to justify departure from the heating hierarchy.</u></p> <p><u>c) Applicants for major development within areas identified as heat network opportunity clusters should demonstrate how they have considered connecting to district heating networks where:</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>i) they exist at the time of permission being granted</u> <u>ii) the heat network route lies adjacent to the site</u> <u>iii) otherwise it is feasible and viable to do so. Alternatively, where a heat network route is planned but has not been delivered, sites adjacent to the planned heat network routes should consider being heat network ready to enable a future connection.</u></p>
MM50	DM18 - Biodiversity and Paragraph 5.259	<p>Modify supporting text paragraph 5.259 as follows:</p> <p>5.259 Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats after avoiding or mitigating harm as far as possible <u>and is in addition to any compensation identified</u>. The Environment <u>Act (2021) Bill (2019)</u> includes a new requirement for 'Net Gain' to biodiversity in development projects. This requires developers to demonstrate that at least 10% gain has been achieved using <u>the most recent version of</u> DEFRA's Biodiversity 2.0. It expects developers to maintain any habitat creation or enhancement for a minimum of 30 years. <u>In addition, the Act requires Local Nature Recovery Strategies (LNRS) to be prepared to support a Nature Recovery Network. LNRSs will guide delivery of biodiversity net gain and other nature recovery measures by helping developers and planning authorities avoid the most valuable existing habitat and focus habitat creation or improvement where it will achieve the best outcomes.</u></p> <p>Policy DM18: Modify first sentence of criterion f) as follows:</p> <p>f) Development that is likely to have an adverse effect on <u>notable and</u> priority habitat or species will not be permitted...</p> <p>Modify criterion h) as follows:</p> <p>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. <u>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 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.</p>

MM Number	Policy / Paragraph	Main Modification
MM51	DM19 - Green Infrastructure and Paragraphs 5.271 and 5.277	<p>Modify the second sentence of paragraph 5.271 as follows:</p> <p style="padding-left: 40px;">5.271 The National Design Guide <u>and National Model Design Code</u> recognises the importance of trees <u>and landscaping</u> in new development, and sets out how landscaping, including streets should be being tree-lined wherever possible., will be considered as part of the forthcoming National Model Design Code.</p> <p>Modify supporting text paragraph 5.277 as follows:</p> <p style="padding-left: 40px;">5.277 New developments should include high quality, well designed GI as an integral part of their proposals. <u>A Green Infrastructure Strategy is being produced by the Council (which will comprise of a strategy, action plan and a supplementary planning document) and when in place, developments will be expected to comply with it. All developments (excluding householder applications) will need to demonstrate how they will contribute to the implementation of the Green Infrastructure Strategy both at site level and with regard to the wider green infrastructure network. Until such time that the Strategy is in place, applicants are encouraged to refer to existing information and records on green infrastructure assets to inform how their development should protect, conserve, enhance and deliver green infrastructure across Worthing. This</u> These currently includes:...</p> <p>Policy DM19: Modify criteria a), b) and c) as follows:</p> <p style="padding-left: 40px;">a) The Council will work with relevant partners and developers to facilitate the creation of an integrated network of green infrastructure within and beyond Worthing. A Green Infrastructure Strategy will be produced by the Council and when in place, developments will be expected to comply with it. Until such time, applicants are encouraged to refer to existing information and records on green infrastructure assets to inform how their Development can <u>should</u> protect, conserve, enhance and deliver green infrastructure across Worthing.</p> <p style="padding-left: 40px;">b) All developments (excluding householder) will need to demonstrate how they will contribute to the implementation of the Green Infrastructure Strategy both at site level and with regard to the wider green infrastructure network. Opportunities should be taken to incorporate elements of green infrastructure...</p> <p style="padding-left: 40px;">c) In all new developments there should be no net loss of trees and any trees removed should, <u>where practical and appropriate, usually be replaced on a greater than 1:1 basis to support maintain current levels of canopy cover and contribute to biodiversity net gain. Where this is not possible, an off-site</u></p>

2 14 MM Number	Policy / Paragraph	Main Modification
		<p><u>contribution may be sought. Where practical and appropriate additional tree planting is encouraged where appropriate to improve the quality of the local environment and increase appropriate species canopy cover. Where possible, tree stock should be UK sourced and grown.</u></p>
MM52	DM20 - Flood Risk and Sustainable Drainage and Paragraphs 5.280 and 5.282	<p>Modify supporting text 5.280 to avoid duplication:</p> <p>5.280...For the exception test to be passed <u>both elements set out in criterion c) should be satisfied.</u> It should be demonstrated that:</p> <p>a) The development would provide wider sustainability benefits to the community that outweigh flood risk; and</p> <p>b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible, will reduce flood risk overall.</p> <p>First sentence of Paragraph 5.282 to be amended as follows:</p> <p>Opportunities should be sought to reduce the causes and impacts of flooding where appropriate through the use of <u>appropriate flood resilience and resistance measures, and</u> natural flood management techniques...</p> <p>Policy DM20: Modify criteria a) / b) iii) / c) i) as follows</p> <p>a) ...Development should be directed away from areas of highest risk of flooding <u>from any source</u> and opportunities...</p> <p>b) iii) <u>all new development (including change of use to that would introduce a more vulnerable class) on land at increased flood risk in future or</u> subject to other sources of flooding identified by the Strategic Flood Risk Assessment</p> <p>c) i) the site has passed the sequential test <u>(this has already been undertaken for all sites allocated in the Local Plan)</u> and within the site the most vulnerable development is located in areas of at lowest flood risk <u>from any source</u> unless there are overriding...</p>

MM Number	Policy / Paragraph	Main Modification
		<p>Insert new c) ii) as below:</p> <p><u>c) ii) Where required by national policy, demonstrate both parts of the exception test have been passed:</u></p> <ul style="list-style-type: none"> <u>the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</u> <u>the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</u> <p><u>c)ii) ciii) development will be safe for its lifetime taking into account the vulnerability of users, considering current and future flooding from all sources, including in-combination and cumulative effects, and any residual risk can be safely managed.</u></p> <p>Insert new criterion c) vi):</p> <p><u>c) vi) development should be appropriately flood resistant and resilient so in the event of a flood it can be quickly brought back into use without significant refurbishment.</u></p> <p>Modify the first part of criterion d):</p> <p><u>d) The Surface water drainage scheme should use Sustainable Drainage Systems, unless there is clear evidence that this would be inappropriate, and be designed to:</u></p>
MM53	DM21 - Water Quality and Sustainable Water Use	<p>Modify criterion b):</p> <p><u>b) The Council will support proposals</u> Opportunities should be taken, where appropriate, to replace existing <u>traditional</u> drainage systems with suitable sustainable drainage systems to further reduce water pollution and improve water quality.</p> <p>Replace criterion e) with the following:</p> <p><u>e) As a minimum, new housing should incorporate water efficiency measures to limit water use to 110</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p>litres/person/day (lpd), and where possible to 100 litres/person/day</p> <p><u>e) All new residential development must achieve as a minimum the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.</u></p>
MM54	DM22 - Pollution and Paragraph 5.313	<p>Paragraph 5.313 - Insert additional document</p> <ul style="list-style-type: none"> • <u>Planning Noise Advice Document: Sussex (March 2021).</u> <p>Policy DM22: Modify criterion a) as follows:</p> <p><u>a) Development should not contribute to, be put at risk from, or be adversely affected by unacceptable levels of soil, air, water, artificial light or noise pollution or land instability. result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment. Where possible development should help to improve local environmental conditions.</u></p> <p>Modify criterion b) as follows:</p> <p><u>b) New development in Worthing will be located in areas most suitable to the use of that development to avoid unacceptable risks from all sources of pollution.</u></p> <p>Modify criterion d) as follows:</p> <p><u>d) Where appropriate, air quality and/noise assessments and lighting assessments will be required to support planning applications. These should be undertaken in accordance with the most up to date guidance and have regard to any relevant action plans. Any new development in the Worthing Air Quality Management Area must be consistent with the Air Quality Action Plan. Where any identified harm to any of these factors cannot be adequately mitigated, planning permission will be refused.</u></p> <p>Reword end of criterion e) as follows:</p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>e) Where there is potential risk of contaminated land, proportionate investigations and assessments will be required in relation to relevant development proposals. Investigations and assessments of all sites situated in or in close proximity to potentially contaminated land will be required in relation to relevant development proposals.</u> These should assess the nature and extent of contamination and the potential risks to human health, adjacent land uses and the local environment. <u>Where identified risks of contamination cannot be adequately mitigated, planning permission will be refused.</u></p>
MM55	DM23 - Strategic approach to the historic environment	<p>Modify criterion b ii) as follows:</p> <p>b) ii) review Worthing's heritage assets <u>including the lists of Local Interest Buildings</u></p>
MM56	DM24 - The historic environment and Paragraph 5.328	<p>Replace paragraph 5.328 with following:</p> <p>5.328 The Council will work with community and partner organisations to identify and protect important views between settlements, across character areas, and capturing transitions between landscape, townscape and seascape. This will include considering the relationship between 'views' and the 'function' such views serve.</p> <p><u>5.328 In addition to views to and from designated heritage assets, important views that contribute to the setting of heritage assets include landscape/townscape and seascape relationships. Where views are demonstrably important to the setting, development proposals should respect and protect what makes the view special. West Sussex County Council's Landscape and Environment Information will be relevant to this analysis.</u></p> <p>Policy DM24: Modify criterion c) as follows:</p> <p><u>c) Development should not adversely affect the setting of a heritage assets or its setting (including important views that contribute to its setting). Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, the Council will refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a proposal will lead to less than substantial</u></p>

MM Number	Policy / Paragraph	Main Modification
		<p><u>harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Where proposals may result in harm to a designated asset</u> Where a proposed development would lead to substantial harm to, or total loss of a designated heritage asset, a Heritage Impact Assessment (HIA) must be submitted describing the significance of any heritage assets affected, including any contribution made by their setting</p> <p>Add the following sentence to the end of criterion g) as follows:</p> <p><u>g) ...be subject to these requirements. Where a development would result in harm to an undesignated asset, a balanced judgement will be made, having regard to the scale of any harm or loss and the significance of the asset. A HIA will be necessary to inform the decision..</u></p> <p>Delete criterion i) as follows:</p> <p>i) The Council intends to work with others to identify important views in order to protect them. Guidance on this will be incorporated into Worthing's Conservation and Heritage Guide when it is updated. Significant changes should be identified in planning proposals. The relationship between 'views' and the 'function' they serve must be considered. Where views are demonstrably important to local character, development proposals should respect and protect what makes the view special. West Sussex County Council's Landscape and Environment Information will be relevant to this analysis as well as local evidence and site specific documentation. Development is likely to affect important views:</p> <ul style="list-style-type: none"> i) between settlements; ii) across character areas; iii) areas capturing transitions between landscape, townscape and seascape; iv) to and from designated heritage assets.
MM57	New Appendix	Insert Housing Trajectory as Appendix 1 of the Plan – as illustrated in Appendix 1 to this Schedule below.

Worthing Trajectory Draft Worthing Local Plan Target 230 dw pa 2020 - 2036 as at 1/04/2021

	Projected Completions																Totals
	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031	2031/2032	2032/2033	2033/2034	2034/2035	2035/2036	
Gross Completions at 1 April 2021 (large and small sites)	122	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122
Commitments at 1 April 2021 (large and small sites with planning permission)(net)	0	189	235	493	57	18	0	0	0	0	0	0	0	0	0	0	992
Allowance for small windfall sites	0	0	0	0	67	67	67	67	67	67	67	67	67	67	67	67	804
A1 - Beeches Avenue	0	0	0	0	0	20	30	40	0	0	0	0	0	0	0	0	90
A2 - Caravan Club	0	0	0	0	0	0	25	35	40	0	0	0	0	0	0	0	100
A3 - Centenary House	0	0	0	0	0	0	50	50	75	75	0	0	0	0	0	0	250
A6 - Fulbeck Avenue	0	0	50	50	52	0	0	0	0	0	0	0	0	0	0	0	152
A7 - Grafton Site	0	0	0	0	0	0	150	0	0	0	0	0	0	0	0	0	150
A8 - HMRC	0	0	0	50	50	50	50	50	0	0	0	0	0	0	0	0	250
A9 - Lyndhurst Road	0	0	0	0	75	75	0	0	0	0	0	0	0	0	0	0	150
A10 - Martlets	0	0	0	0	28	0	0	0	0	0	0	0	0	0	0	0	28
A11 - Stagecoach Site	0	0	0	0	0	0	0	60	0	0	0	0	0	0	0	0	60
A12 - Teville Gate	0	0	0	0	0	60	90	100	0	0	0	0	0	0	0	0	250
A14 - Union Place	0	0	0	0	0	75	75	0	0	0	0	0	0	0	0	0	150
A15 - Upper Brighton Road	0	0	0	0	53	70	0	0	0	0	0	0	0	0	0	0	123
Other SHLAA sites(excludes proposed allocations) at 1st April 2020 (net)	0	0	12	18	14	30	0	20	0	0	0	0	0	0	0	0	94
Proposed Local Plan Allocations	0	0	50	100	258	350	470	335	115	75	0	0	0	0	0	0	1753
Total Projected Completions/Commitments	0	190	297	624	396	465	537	422	182	142	67	67	67	67	67	67	3657
Losses	14	1	0	13	0	0	0	0	0	0	0	0	0	0	0	0	14
Past net completions	107	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	107
Projected net completions		189	297	611	396	465	537	422	182	142	67	67	67	67	67	67	3643
Cumulative net completions	107	296	593	1204	1600	2065	2602	3024	3206	3348	3415	3482	3549	3616	3683	3750	
Annualised housing target	230	230	230	230	230	230	230	230	230	230	230	230	230	230	230	230	3680

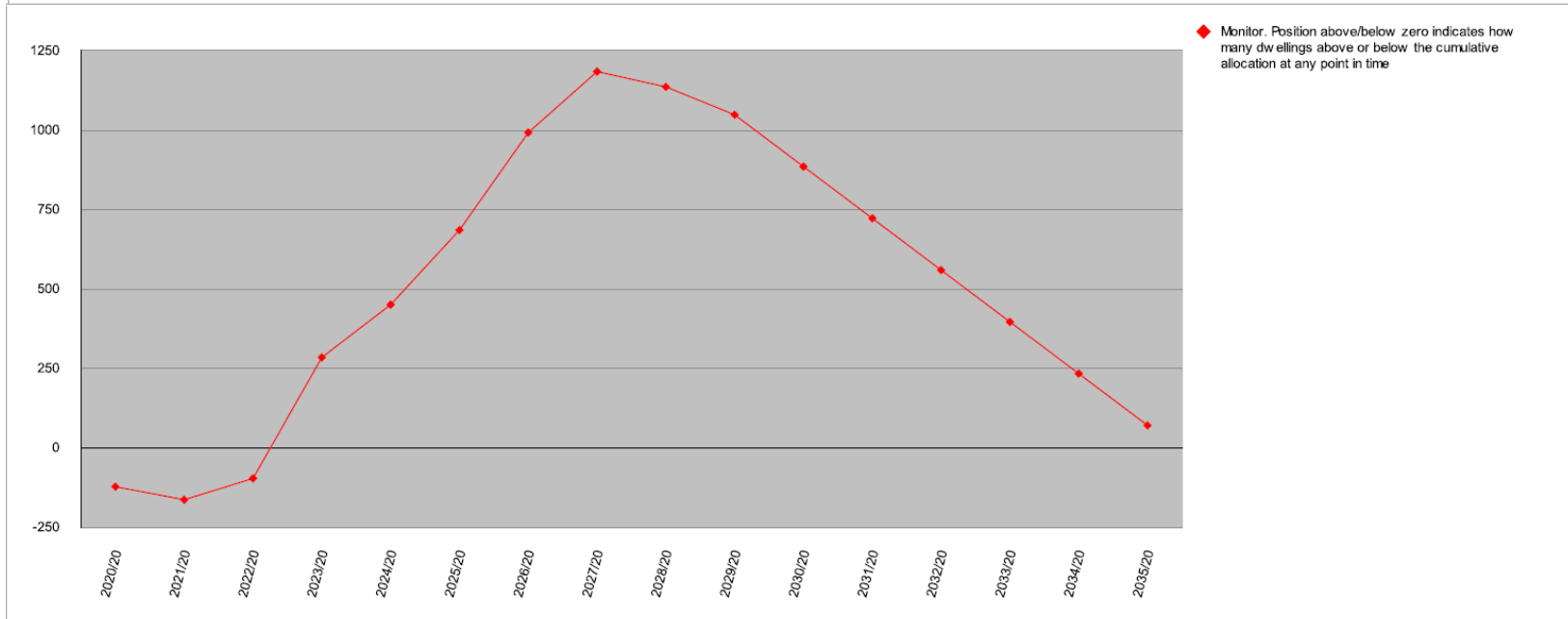
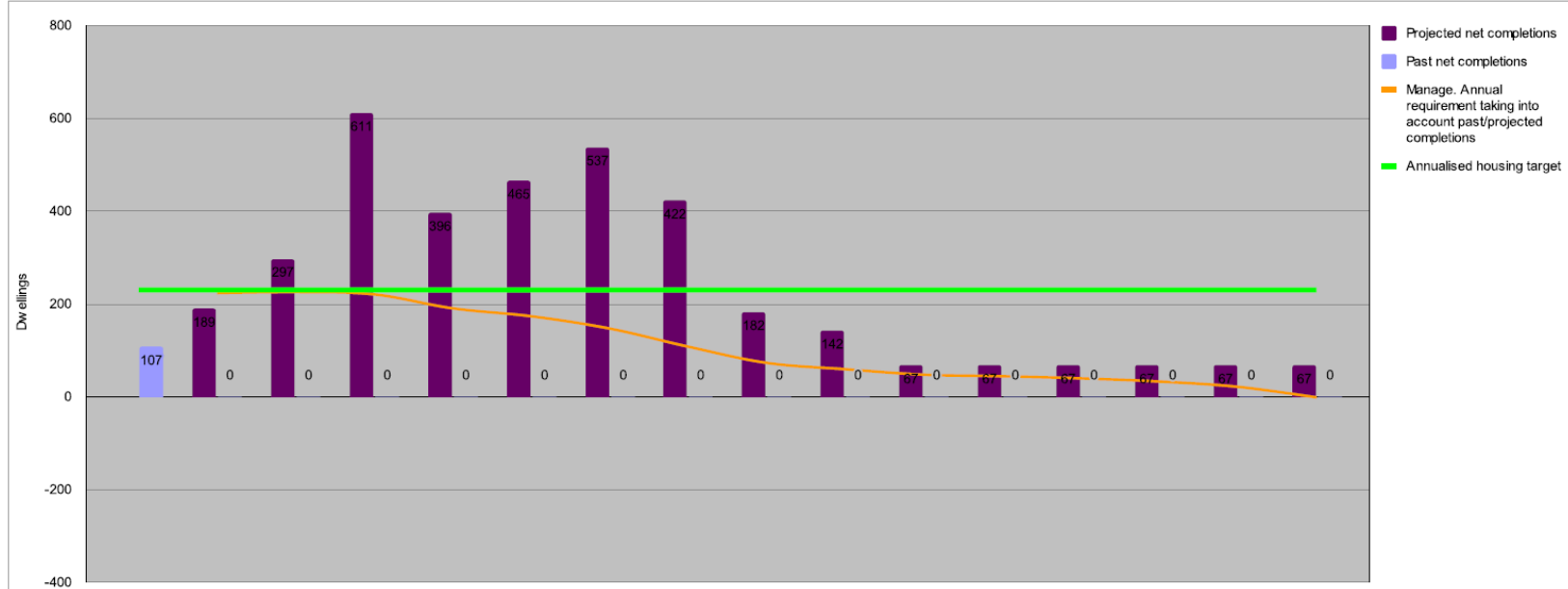
	-123	-164	-97	284	450	685	992	1184	1136	1048	885	722	559	396	233	70	
Manage. Annual requirement taking into account past/projected completions	#REF!	223	226	221	190	173	147	108	73	59	47	44	40	33	21	-2	

Notes

Source: Residential Land Availability Survey, WSCC. To view source data search West Sussex County Council Planning Data for Housing and Residential Land in West Sussex.

Large Sites: 5 units or more. **Small sites:** under 5 units.

Housing Trajectory for Worthing





WORTHING LOCAL PLAN 2020- 2036

MOD2

SCHEDULE OF ADDITIONAL MODIFICATIONS

April 2022



WORTHING BOROUGH
COUNCIL

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Proposed Additional Modifications - March 2022

Additional modifications are generally regarded as fairly minor textual and grammar corrections, rephrasing or limited new text to add clarity, or updates to figures or references which are necessary due to alterations which have been made elsewhere. The Additional Modifications have been published for information purposes. It should be noted that where there has been a change to the referencing (e.g. a list of criterion) within either this schedule or the Main Modifications the subsequent changes required to the remaining criteria have not always been listed. The final version of the Local Plan will correct all referencing.

Ref	Section	Front Page	Note
AM1	Front page	<ul style="list-style-type: none"> • Insert adoption date • Delete 'Submission Draft' 	To reflect up-to-date position.
		Preliminary & Index	
AM2	Prelims and Index	<ul style="list-style-type: none"> • Remove section on 'How To Have Your Say' • Remove section on 'Data collection' • Update 'Foreword' 	To reflect up-to-date position.
AM3	Contents	<ul style="list-style-type: none"> • SS6 - amend to read 'Local Green Space' (not Spaces) • Site allocations - Delete Allocation A13 (Titnore Lane) and renumber 'A14 & A15' as 'A13 & A14' • Add new section at bottom of the page after Glossary and Acronyms. - 'Appendices' • Then list 'Appendix 1 - Housing Trajectory' and Appendix 2 - Monitoring Framework 	To ensure that the WLP is consistent with national policy and in response to MIQ-43. As discussed during the Hearing Session and IL07.
		Chapter 1 - Introduction	
AM4	Para 1.1	Amend paragraph 1.1 as follows: This is the Submission Draft <u>Worthing Local Plan</u> which, when adopted, will provides a strategy for sustainable development and change in Worthing up to 2036.	To reflect up-to-date position.

AM5	Para 1.2	<ul style="list-style-type: none"> • Delete paragraph • Re-number following paragraphs 	For formatting purposes.
AM6	Para 1.5	<p>Amend paragraph 1.5 as follows:</p> <p>Once adopted, the The new Plan will replaces the Council's local planning policies set out in the Core Strategy (2011) and the saved policies from the Worthing Local Plan (2003).</p>	To reflect up-to-date position.
AM7	Para 1.7	<p>Amend paragraph 1.7 as follows:</p> <p>...(A24 / A27/ A264) which are the responsibility of Highways England <u>National Highways</u>.</p>	To reflect change in department name.
AM8	Para 1.8	<p>Amend paragraph 1.8 as follows:</p> <p>The new Local Plan will covers most of Worthing borough. However, unlike the existing Core Strategy, it will <u>does</u> not cover the land in the north of the borough that lies within the South Downs National Park...</p>	To reflect up-to-date position.
AM9	Para 1.9	<p>Amend paragraph 1.9 as follows:</p> <p>The Local Plan has also been influenced by local strategies, evidence documents and consultation responses. The following section provides a brief explanation of the key documents /stages.</p>	To reflect up-to-date position.
AM10	Para 1.10 & 1.11	<ul style="list-style-type: none"> • Delete paragraphs • Re-number paragraphs 	For formatting purposes.
Chapter 2 - Vision & Strategic Objectives			
AM11	Para 2.24	<p>Amend paragraph 2.24 as follows:</p> <p>...for Black, Asian & Minority Ethnic (BAME) <u>Black & Minoritised</u> population groups...</p>	To reflect up-to-date terminology.
Chapter 3 - Spatial Strategy			

AM12	Para 3.19	Amend the end of paragraph 3.19 as follows: ...and SS6 (Local Green Spaces) below.	To address typo.
AM13	Para 3.35	Amend paragraph 3.35 after first sentence add: 3.35range of uses. <u>In addition, there has been a change in the type of retailer that shoppers are choosing. There is now a stronger demand for smaller, local independent businesses and particularly those that offer environmentally friendly and ethical products.</u> The town centre.....	To provide factual information.
AM14	Para 3.53	Amend paragraph 3.53 as follows: ...of the Arun Local Plan (2018). <u>It is relevant to note that, of the sites assessed within Arun to support the development of their Local Plan the Goring-Ferring gap was shown as being the most sensitive in nature.</u> The eastern gaps are.....	For clarity.
AM15	Para 3.54	Amend 'tranquility' to 'tranquillity'	Typo (rectify US spelling to UK spelling)
Chapter 4 - Site Allocations			
Where a development requirement has been deleted, successive development requirements will be renumbered			
AM16	Sites Map & Legend - P70 and 71	To reflect the deletion of the Titnore Lane allocation (site A13) and in line with Main Modifications MM15 & MM28 the map and associated legend will be amended so that sites A14 & A15 become A13 & A14 respectively.	As discussed during the Hearing Session and to ensure that the WLP is effective
AM17	A2 - Caravan Club, Titnore Way	Insert up-to-date aerial photography image to illustrate the built development of West Durrington.	To provide a more up-to-date aerial photography.
AM18	A6 - Fulbeck	Insert up-to-date aerial photography image to illustrate the built development of West Durrington.	To provide a more up-to-

	Avenue		date aerial photography.
AM19	A9 - Lyndhurst Road	Insert up-to-date aerial photography image to illustrate that the former gasholder has been demolished.	To provide a more up-to-date aerial photography.
AM20	A12 - Teville Gate	<p>Amend paragraph 4.36 as follows:</p> <p>There has been an aspiration to redevelop this prime site for a number of years and various schemes have been proposed. The latest application seeks sought to deliver a mixed use scheme comprising three blocks of 378 residential units, and a range of other uses such as an 80-bedroom a hotel, a foodstore, a cafe and a gym. In addition, the proposal would provide retail, restaurant and cafe uses, service areas, 300+ parking spaces, public realm with associated hard and soft landscaping and private amenity spaces. More recently, it has become apparent that this scheme was unlikely to be implemented. Therefore, to control the destiny of this key development opportunity and ensure it is developed Worthing Borough Council has now completed the purchase of the site. Detailed feasibility and viability assessments are being undertaken to ensure that the site delivers the most appropriate mix and capacity of uses.</p>	<p>To provide a factual update to reflect progress made on the site and in response to MIQ-123.</p>
AM21	A14 - Union Place	Amend all A14 references to read A13	To address renumbering.
AM22	A15	Amend all A15 references to read A14	To address renumbering.
	Chapter 5		
Where a policy criterion has been deleted, successive criterions will be renumbered			
AM23	Para 5.4	<p>Amend the end of paragraph 5.4 as follows:</p> <p>5.4:with disabilities — it is not specialist housing for one group of people but housing for all</p>	In response to SDWLP-62 (The Planning Bureau on behalf of McCarthy & Stone)
AM24	DM7: Open	Amend paragraph 5.94 as follows:	To provide correct date.

	Space, Recreation & Leisure	<ul style="list-style-type: none"> • Open Space Study (2020) <u>(2019)</u> • Indoor / Built Sports Facility Needs Assessment Report (2020) <u>(2019)</u> <p>Amend paragraph 5.99 as follows:</p> <p>The Open Space Study (2020) <u>(2019)</u> sets minimum...</p>	
AM25	Para 5.216	<p>Amend paragraph 5.216 as follows:</p> <ul style="list-style-type: none"> • to work with Highways England <u>National Highways</u> and other partners... 	To reflect change in department name.
AM26	DM13 - Retail and town centre uses	<p>Address typo</p> <p>ix) Retain or re-provides ancillary facilities within individual premises, (such as loading, storage, staff or administrative facilities), unless it is demonstrated that these are no longer necessary for appropriate suture <u>future</u> use of the premises.</p> <p>Sequential and Impacts Tests</p> <p>l) Where necessary conditions and / or legal agreements will be applied to any permission accepted out <u>outside</u> of defined centres, including defining the nature and extent of the proposed use to ensure no significant adverse impact on existing designated centres.</p>	To address typo.
AM27	DM18 - Biodiversity (Para 5.262)	<p>Insert the following wording to the end of paragraph 5.262</p> <p>.....and, where possible, enhance. <u>One example is the installation of Swift nest boxes or nest bricks which will be supported where the conditions are appropriate and where Swifts are already known to nest.</u></p>	Provides an example of possible enhancement to assist readers, but not critical to policy implementation.
AM28	DM21 - Water Quality and Sustainable Water	<p>Change policy text box as follows: 'Water Quality and Protection' <u>'Water Quality and Sustainable Water Use'</u></p>	For consistency - to ensure the name for policy DM21 is the same

	Use		as the start of the section and contents etc.
		Glossary	
AM29	Green Infrastructure	<p>Replace existing definition with the following:</p> <p>Network of multi-functional green space (urban & rural) which is capable of delivering a range of environmental and quality of life benefits. Can include green areas & water bodies, providing a network of interconnected habitats to enable dispersal of species across the wider environment.</p> <p><u>A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.</u></p>	In response to revised definition set out in the NPPF (July 2021).
AM30	Local Nature Recovery Strategy	<p>Insert additional definition:</p> <p><u>Local Nature Recovery Strategy - A strategy that sets out priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits.</u></p>	To support Policy DM18.
		Acronyms	
AM31	BAME	Delete BAME BAME - Black, Asian & Minority Ethnic	Term is no longer being used.
AM32	LNRS	Insert additional acronym: <u>LNRS (Local Nature Recovery Strategy)</u>	To support Policy DM18.
		Appendices	
AM33		<ul style="list-style-type: none"> • Add housing trajectory as <u>Appendix 1</u> • Add monitoring framework as <u>Appendix 2</u> 	To ensure that the WLP is consistent with national policy and in response to MIQ-43 As discussed during the

			Hearing Session and to ensure that the WLP is effective.
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Worthing Borough Council
Planning Policy
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA



WORTHING BOROUGH
COUNCIL



ADUR & WORTHING
COUNCILS

Worthing Joint Strategic Sub-Committee
8th November 2022

Key Decision: [Yes/No]

Ward(s) Affected: All
Portfolio: Resources

Referral of Motion on Notice from Worthing Borough Council

Report by the Interim Director for Digital, Sustainability & Resources

1. Purpose

- 1.1. This report sets out a motion (attached as Appendix 1) referred from the meeting of Worthing Borough Council on the 18th October 2022.
- 1.2. Members of the Worthing Joint Strategic Sub-Committee are asked to consider and determine the Motion.
- 1.3. Members can either support the motion and ask for further work to be carried out in this regard, or, members can reject the motion.

2. Recommendations

- 2.1. That the Worthing Joint Strategic Sub-Committee support the motion and determine how further work is carried out; or,
- 2.2. That the Worthing Joint Strategic Sub-Committee reject the motion.

3. Context

- 3.1. At its meeting on the 18th October 2022, Worthing Borough Council received a motion from Councillor Jon Roser, seconded by Councillor Helen Silman, details of which can be found at Appendix 1.
- 3.2 The motion submitted to Council contained subject matter that is within the remit of the Worthing Joint Strategic Sub-Committee, as defined in para 14.4.1 of the Council's Procedure Rules. Therefore, it was moved and seconded, immediately noted by the Council and referred without debate to the Worthing Joint Strategic Sub-Committee for consideration and determination.
- 3.3 Where a motion has been referred by Full Council to the Worthing Joint Strategic Sub-Committee, the mover, or the seconder in the absence of the mover, shall be entitled to attend the relevant meeting of the Cabinet and explain the motion. Councillor Jon Roser has been made aware that the motion has been referred to this Sub-Committee.

4. Issues for consideration

- 4.1 The Worthing Joint Strategic Sub-Committee can either support or reject the motion.
- 4.2 Should the Worthing Joint Strategic Sub-Committee support the motion, then the Committee should ask Officers to prepare a further report on the substantive issues to be presented at a future meeting of the Sub-Committee.

5. Financial Implications

- 5.1 There may be direct financial implications in future depending on the course of action the Worthing Joint Strategic Sub-Committee wishes to take.

6. Legal Implications

- 6.1 Rules concerning motions are set out in the Council's Constitution under paragraph 14 of the Council's Procedure Rules.

Background Papers

Motion to Worthing Borough Council on the 18th October 2022

Officer Contact Details:-

Neil Terry

Democratic Services Lead

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Fair Tax Motion

Paying tax is often presented as a burden, but it shouldn't be. Not when considered against the huge array of public services it helps fund—from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.

The pressure on organizations to pay their fair share of tax has never been stronger. For example, polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct. In recent years, HMRC has done much to clamp down on tax avoidance and evasion—but many in the tax justice movement think more needs to be done. It's been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.

As recipients of significant public funding, local councils should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.

Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned. The FairTax Mark offers a means for business to demonstrate good tax conduct, and accredited businesses include listed PLCs, co-operatives, social enterprises and large private business. Social enterprises and co-operatives have been early pioneers of the FairTax Mark, and fit especially well with the pursuit of social value in public procurement.

In recent polling, two thirds of people (66%) believe the Government and local councils should at least consider a company's ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies. At the same time, research has found that around 17.5% of public contracts in the UK have been won by companies with links to tax havens.

Councils wanting to penalise poor corporate tax conduct and reward good tax conduct when buying goods and services are constrained by UK rules. The rules rightly allow councils to exclude supplier businesses for proven tax offences, but the grounds for exclusion are narrow and rarely triggered in practice. Restrictions prevent councils from specifying ‘responsible tax’ as a contract award criteria, e.g., a policy shunning the artificial use of tax havens, as ‘tax’ cannot be linked straightforwardly to the subject matter of a contract.

As Government rewrites the UK's procurement rules it can further strengthen efforts to combat corporate tax avoidance, ensure fair competition for UK businesses small and large, and bolster efforts to drive out corruption, by explicitly permitting ‘responsible tax conduct’ criteria in the award of public contracts alongside other social value criteria, and

requiring robust public disclosure of who owns and controls overseas and UK supplier firms.

UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more, given the opportunity, as active supporters of international tax justice.

Full Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who are proud to promote responsible tax conduct and pay their fair share of corporation tax. .
9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

Proposer:- Councillor Jon Roser

Seconder:- Councillor Helen Silman

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