



WORTHING BOROUGH
COUNCIL

Worthing Planning Committee
11 November 2020
Agenda Item no.6

Wards: All

Worthing Local Plan

Report by the Director for the Economy

1.0 Summary

1.1 This report summaries the progress made on the Worthing Local Plan. Comments are sought on the Submission version of the Worthing Local Plan (attached as Appendix 2), prior to consideration by the Council's Joint Strategic Committee (1st December). Full Council (15th December) will then be asked to approve the Plan for a period of statutory public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.0 Background

2.1 Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their authority area. As a result of changes to national planning guidance the current Worthing Core Strategy (the previous name for the Development Plan) is largely out of date. A new Local Plan is required as failure to have an up to date Development Plan in place limits the Council's ability to influence the quantum, location and quality of development in its area.

2.2 Once adopted, the Local Plan will form part of the Development Plan for Worthing. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) must be taken into account in preparing the Local Plan, and is a material consideration in planning decisions.

- 2.3 Government guidance requires that Local Plans must be positively prepared, justified, effective and consistent with national policy, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended), the NPPF 2019 and relevant national Planning Policy Guidance.
- 2.4 This report summarises the next stage of the Local Plan process in line with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Worthing Local Plan (Regulation 19 Pre Submission Version) is appended to this report (Appendix 2).
- 2.5 Key site allocations and policies for housing, employment and the environment are set out in the Plan. The publication of this version of the Local Plan is a very significant step as, when approved by Council, it represents the Council's proposed planning policy and so has some "weight" in decision making.
- 2.6 Having an up-to-date Local Plan will ensure the right sort of development is delivered in the most appropriate locations to meet the housing and economic growth needs in a sustainable manner, including helping to provide a much needed supply of new affordable homes. The Plan will also help to provide protection for our much-valued greenspaces, biodiversity and heritage assets, countryside and natural environment.

Evolution of the Plan

- 2.7 The Council must follow a number of prescribed stages in producing a Local Plan in order to ensure that elected Members, the community and other stakeholders are fully engaged in the process. Work began in earnest in 2016 when the Council carried out consultation on the scope and content of the Plan (the Issues and Options Stage). That was followed by consultation on the Draft Local Plan which was published for consultation at the end of 2018.
- 2.8 Representations made during these consultations and during subsequent engagement with Councillors and key stakeholders have helped to inform the changes that have been made to the Plan.

Evidence Base

- 2.9 To respond to national planning requirements, address technical issues and inform the policies and allocations included within the Plan the Council has commissioned and updated a wide range of evidence studies. This includes studies on: housing needs; transport; viability; flood risk; the economy; infrastructure, retail, open space; and landscape & biodiversity.

- 2.10 All key evidence findings have been reported regularly to the Local Plan Working Group and at a number of Workshops held for all Members. The comprehensive, robust and up-to-date evidence base, now in place, meets with the requirements of the NPPF and, as such, allows the Council to advance the Plan to Regulation 19 consultation.
- 2.11 The final piece of evidence commissioned by the Council was the Whole Plan Viability Assessment (WPVA) which assesses the viability impacts of the proposed planning policies and to ensure that the Local Plan, when taken as a whole, is deliverable. Although the final version of the assessment has not yet been received the initial findings have provided reassurance that the approach taken in the Plan is viable. Furthermore, the review has identified that there are significant viability challenges with different types of development and as a consequence the affordable housing policy has been revised to establish a differential rate (20% for flatted development / 30% for housing schemes / 40% for greenfield sites). Any subsequent amendments to policies that may be required to respond to the final conclusions of the WPVA will be reported to the Joint Strategic Committee in December.

Summary of Key Changes made to the Local Plan

- 2.12 A significant amount of work has been done to refine and develop the Plan in response to representations made during consultations and to take account of the updated evidence and reforms to national planning policy and associated guidance. Helpful input has also been received from key partners and other services from across the Council.
- 2.13 The key changes made to the Plan (between 'draft' stage and 'pre-submission' stage) are summarised below and a summary of specific changes made to different policies is provided with Appendix 1. An overview of some of the main amendments is set out below.
- 2.14 **Format** - significant changes to the format and layout of the Plan have been made to make it more accessible and user friendly. Furthermore, the new structure has helped to improve the flow of the document and convey the key messages and spatial strategy. To achieve this the Plan now incorporates better use of colour and a number of additional maps and infographics.
- 2.15 **Sustainability** - since the publication of the draft Plan the Council has declared a climate emergency. Although 'sustainability' was a key theme running through the draft Plan officers considered how further changes could

be made to respond to this 'declaration' and strengthen the local policy position. To meet these aims the Local Plan now includes a new strategic policy on Climate Change and embeds the United Nations Sustainable Development Goals (UNSDGs) which will be used to manage and monitor relevant policies. In addition, using best practice examples, the requirements of a number of policies has been strengthened (e.g: higher energy efficiency standards; increased requirements to deliver biodiversity net gains; greater encouragement to provide district heat networks; higher levels of EPC rating; higher water efficiency standards; and the provision of EV charging points on all houses on greenfield sites). The approach established in the Plan, alongside other strategies and projects, will help make the borough more resilient in the future from the challenges presented by climate change.

- 2.16 **Developments Needs** - Despite the draft Local Plan taking a very positive approach to development further steps have since been taken to ensure that this version of the Local Plan delivers as much of the boroughs development needs (particularly housing) as is sustainable. This has included increasing capacity assumptions on many of the development sites and strengthened policy wording to ensure that the most efficient use is made of development sites. In addition, two sites (Beeches Avenue and Titnore Lane) which were previously included as 'omission sites' are now included as allocations as evidence now indicates that key constraints can be overcome.
- 2.17 The Pre-Submission Local Plan now includes 15 allocations which, collectively, will deliver over 1,750 dwellings and a minimum of 28,000 sqm of employment floorspace (industrial and warehousing) and over 10,000 sqm of commercial (office, retail and leisure) floorspace.
- 2.18 Despite taking a very positive approach to development and allocating a number of edge of town greenfield sites there will still be a significant shortfall of housing delivery against the identified needs for the borough. Taking all sources of housing land supply into account the Local Plan demonstrates that a realistic housing capacity figure for the borough from 2019 to 2036 is a minimum of 4,599 dwellings. This housing target is a 'capacity-based' / 'policy-on' figure based on the level of housing that can be delivered within the Plan period, having regard to the identified constraints and development capacity. It represents a challenging but realistic level of housing development that takes a positive approach to the allocation of sustainable sites whilst also providing the appropriate balance between meeting development needs and protecting the environment and character of the borough.

- 2.19 Whilst this level of growth (270 homes per annum) is significantly higher (35%) than the levels of development planned for within the Worthing Core Strategy it still falls significantly below the levels of housing need identified (15,045 dwellings).
- 2.20 Although specific policies and allocations within the Plan will be of interest to different stakeholders it will be the Council's inability to fully meet the identified housing needs that will be the primary focus of the Inspector when the Plan is Examined. Approximately 31% of the overall housing need will be met and this would result in a shortfall in housing delivery over the Plan period of 10,446 dwellings. Whilst acknowledging that this is a very high level of unmet need the Council has robust evidence to demonstrate how all options to reduce this figure and increase the rate of development have been exhausted. Put simply, the tightly drawn boundary around the borough and lack of available land means that there is simply no way that a higher proportion of development needs can be delivered in a sustainable manner.
- 2.21 The fact that not all of Worthing's identified development needs will be met within the borough places great importance on Duty to Co-operate considerations. For this reason, the Council has been working with other local authorities across the sub-region to address key strategic matters. Whilst positive progress has been made, it is evident that currently only a very small proportion of the borough's shortfall might be met elsewhere in the sub-region.
- 2.22 It should be noted that, in advance of publication, all housing data will be updated in the Pre-Submission Plan to reflect the latest available figures (including the confirmed completion figures for 2019/20). Whilst this may result in a slight adjustment to the overall supply figures it will not impact on the development strategy proposed.

3.0 Other Key Issues

Covid-19

- 3.1 The Covid-19 pandemic has had two significant impacts on the Local Plan. Firstly, the timetable for its progression has, in effect, been pushed back six months. This is largely because all officers within the Planning Policy Team were redeployed (in part or in full) to other services to help manage the Council's response to the crisis. Furthermore, there were delays to some core parts of the Council's evidence base being progressed by consultants.

- 3.2 Secondly, consideration has had to be given to the implications of Covid-19 on Local Plan policies. It is clear that Covid19 has dramatically accelerated trends such as online shopping and working from home. It has also emphasised the value placed on open spaces / public realm and the importance of facilities for cycling and walking. Inevitably, some impacts will be felt in the long term and this is likely to include changing demands for office space, increased demand for rapid broadband infrastructure, changing commuter flows and even the design of new housing.
- 3.3 Despite these forecasts, the extent of the macroeconomic impacts, including on the development industry, are still not fully known. Therefore, it should be noted that while officers have been mindful of the many forecasts and discussions on the medium to long term impact of Covid-19 on the way we live our lives, we are not recommending that Worthing's Local Plan is significantly revised at this time to take account of the myriad of different predictions. However, partly informed by the Council's 'And then.....' report, the impacts of Covid-19 are now highlighted in the Plan which also provides as indication of where a greater flexibility might be required (e.g. to address the future of the town centre) along with policy objectives that are arguably now even more important (e.g. public realm enhancements, digital infrastructure and residential space standards).

Planning White Paper

- 3.4 Members will be aware that the Government is currently consulting on radical proposals to overhaul the planning system (the Planning White Paper). If implemented in full, there would be significant changes to most aspects of planning, including Local Plans. However, it is worth noting that under the new system, Local Plans would continue to play an important role although the way in which they are progressed and used would change significantly.
- 3.5 With reference to the emerging Local Plan it is important to note that the changes at the national level, if implemented, will take some years to be enacted (2024 at the earliest). As such, guidance is clear that local authorities with a well advanced Plan (like Worthing's), should press on towards adoption under the existing system. This advice is welcome as it will ensure that a vast amount of work that has been progressed to get to this point is not wasted and that the Council will be in a position to adopt an up-to-date Development Plan in 2021.

National policy changes

- 3.6 On 1st September 2020 government introduced a new statutory instrument to significantly increase changes allowed in high streets and other business areas without the need to seek planning permission. Allowing businesses greater flexibility to adapt and diversify to meet changing customer demand can help economic recovery. However, the changes will inevitably reduce the ability for the Council to control and manage some forms of development (particularly in the town centre and key employment areas).
- 3.7 Although most of the Council's evidence base to support the Local Plan was put in place before these changes were announced, appropriate amendments have recently been made to related policies to provide greater flexibility. Despite this, the overarching aims for our town centre and employment areas remain firmly embedded in the Plan as it is hoped that this will continue to help guide the right development to the right locations even if some of the strength in the Council's policies has now been reduced.
- 3.8. The other unintended consequences to these changes is that in some regards they conflict with the Government's requirements for Plan making. The NPPF requires Local Plans to assess the demand for different types of uses and plan for them accordingly. There is also a requirement for councils to define the location of town centres and shopping areas and 'make clear the range of uses permitted in each location'. Whilst the Council's evidence base and related policy controls would previously have helped to meet these requirements this will now be more difficult to achieve if a number of these land uses can change outside the control of the planning system. At this stage, officers are unsure as to how these conflicts will be resolved at Examination but will continue to review best practice and any related advice.

4.0 Proposals

- 4.1 Joint Strategic Committee (JSC - 1st December) will be asked to consider the Pre Submission draft version of the Local Plan. The report to JSC will also include a summary of comments made by Worthing Planning Committee. A report will then be taken to Full Council on 15th December recommending approval to publish the Local Plan for (Reg 19) consultation.

Publication

- 4.2 Subject to the approval of the publication of the Pre-Submission Local Plan, it is proposed that consultation commences on 20th January for an eight week

period closing on 17th March (this has been extended beyond the statutory consultation period to account for the current unusual circumstances). Alongside the Local Plan, the Council will also publish the evidence base, all supporting documents and a wide range of Topic Papers. Collectively, these will evidence and endorse the policy approach and spatial strategy set out in the Plan.

- 4.3 Consultation will be undertaken in line with the Council's Statement of Consultation (SCI). All materials will be online and, if possible, hard copies of key documents will be distributed to all libraries within the borough and made available to view, on request, at the Council Offices (Portland House). All statutory bodies, together with individuals or organisations registered on the Local Plan consultation database will be directly notified of the consultation. Furthermore the consultation will be advertised on the Council's website and through press releases and social media.
- 4.4 It should be noted that Regulation 19 is a key stage in the progress of the Plan and consultation is very different to the earlier consultations undertaken. It is not a consultation exercise to help inform the Council's preparation of the Plan, rather it is a consultation exercise that focuses on the legal compliance and soundness of the Plan.
- 4.5 The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework as follows:
- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

Steps Following Publication

- 4.6 After the consultation has closed the representations will be considered, collated and submitted with the Local Plan and supporting documentation for examination.
- 4.7 A Planning Inspector will then be appointed to undertake the examination and this will include a series of hearings. At this stage it is difficult to estimate when the Examination will take place and what form the hearing sessions will take as once submitted to the Secretary of State, the timetable for adoption will be dependent on the Planning Inspectorate Service. Other than to deal with any legal deficiencies in the duty to cooperate, the Inspector is able to suggest potential main modifications to the plan in order for it to be sound. Any identified failings relating to the legal aspect of the Duty to Cooperate would require the Plan to be withdrawn.
- 4.8 If main modifications are proposed, then there will be an opportunity for these to be published to seek views on their soundness. Should this stage be necessary it is likely that this will be subject to a further report to the Joint Strategic Committee and Full Council.
- 4.9 At the conclusion of the examination the Inspector issues his/her final report which then allows the Council to adopt the Plan if it is found sound and legally compliant. Adoption of the Plan is by resolution from Full Council - it is hoped that this can be achieved by the end of 2021.
- 4.10 It should be noted that Officers will prepare a revised Local Development Scheme (3 year work programme). This will be reported to Members in January and, when approved, it will clarify the timetable for the final stages of Local Plan progression towards adoption. Importantly, it will also establish the work programme for the Planning Policy Team following the adoption of the Plan. This will include working with other Council services to deliver the objectives established in the Plan and progressing a number of Supplementary Planning Documents to support adopted policies.

5.0 Legal

- 5.1 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 Regulations)), 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 National Planning Policy Framework (NPPF), supported by National Planning Practice Guidance.

- 5.2 Once adopted by the Council, the 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 (which includes a Local Plan) unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.3 Under the Localism Act 2011 and the NPPF, local planning authorities have a legal 'Duty to Cooperate' with other local planning authorities and prescribed organisations to seek to address strategic planning matters that cross administrative boundaries. The Duty requires on-going, constructive and active engagement on the preparation of development plan documents and other activities (section 33A of the Planning and Compulsory Purchase Act 2004).
- 5.4 Work undertaken in recent years means that the Council's statutory responsibilities associated with the Duty to Cooperate have been discharged. This is set out in the related Topic Paper and compliance documents included with the consultation documents and which will accompany the Local Plan when it is formally submitted.

6.0 Financial implications

- 6.1 The Local Plan is supported by an extensive evidence base and other supporting documentation that has been a considerable draw on the planning budget over the last few years.
- 6.2 Public consultation on the Pre-Submission Draft will be delivered within previously approved budget allocations and existing resources.
- 6.3 The Examination of the Local Plan will represent another significant cost (estimated to be over £50,000). As the exact amount will not be known until after the Examination the funding would need to be met as a one off cost during 2021/22.

7.0 Recommendation

7.1 That Members of the Planning Committee consider and comment on the Pre-Submission draft Local Plan (attached as Appendix 2). A summary of comments will be reported to the Joint Strategic Committee (1st December) and if necessary, appropriate changes will be made to the Local Plan in advance of that meeting.

Local Government Act 1972

Background Papers:

- Appendix 1 - Summary of key changes made to the Local Plan
- Appendix 2 - Worthing Local Plan Pre-Submission Draft
- Worthing Local Plan Issues & Options Consultation Document (2016)
- Draft Worthing Local Plan and associated reports (Oct 2018)
- National Planning Policy Framework (2019)
- Various reports to Planning Committee & Joint Strategic Committee (2016-20)
- Planning Policy Guidance
- Platforms for our Places

Contact Officer:

Ian Moody
Planning Policy Manager (Worthing)
01273 263009
ian.moody@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

- 1.1 When adopted, the Local Plan will be a key tool for meeting the ambition for our communities' prosperity and wellbeing as set out in Platforms for our Places.

2.0 Specific Action Plans

- 2.1 Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their authority area. An up to date planning framework will provide a clear platform for the future development of our places and the protection of key environmental assets.
- 2.2 The timetable for the progression of a new Local Plan to adoption is set out in this covering report. In addition, a revised Local Development Scheme will be prepared early in 2021 which will formalise the timetable for the Local Plan and other planning policy documents.

3.0 Sustainability Issues

- 3.1 The Government requires that all Development Plan Documents (including Local Plans) be subject to a formal Sustainability Appraisal. The Local Plan will aim to promote sustainable development.

4.0 Equality Issues

- 4.1 The Reg. 19 Local Plan is subject to an equalities impact assessment, which confirms that there are no inequalities identified that cannot be easily addressed or legally justified.

5.0 Community Safety Issues (Section 17)

- 5.1 The emerging 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.

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 The delivery of a new Local Plan will help to meet the spatial needs of the Borough and therefore have a positive impact on the reputation of the Council.

8.0 Consultations

8.1 As explained in this report, formal and informal stages of consultation with the public and all relevant stakeholders are integral to the development of a new Local Plan. As a minimum, consultation will be undertaken in line with the Joint Adur and Worthing Statement of Community Involvement.

9.0 Risk Assessment

9.1 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.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 The Duty to Co-operate places a requirement on Local Planning Authorities to work with neighbouring authorities to address strategic issues. Work to address this need is on-going and will continue as the Plan is advanced.

12.2 Given that the Local Plan for Adur District Council was adopted fairly recently officers used best practice to help guide the Worthing Local Plan. Where appropriate, evidence studies have been procured jointly with Adur DC and other neighbouring planning authorities.