

9. DISTRICT PLAN: DRAFT FOR PUBLIC CONSULTATION

REPORT OF: HEAD OF ECONOMIC PROMOTION & PLANNING
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Wards Affected: All
Key Decision: Yes
Report to: Council
Date of meeting: 12th November 2014

Purpose of Report

1. The purpose of this report is to ask Council to approve (1) the Mid Sussex District Plan 2014-2031 – Consultation Draft (the District Plan) and its supporting documents for public consultation between 21st November 2014 and 16th January 2015 and (2) a revised timetable for the Plan's preparation.

Summary

2. This report sets out the background to the preparation of a draft revised District Plan for public consultation to commence in November 2014 following the withdrawal of the previous May 2013 version of the Plan. It explains the role of the Members' Policy Working Group in revising the Plan and the areas of work which are outstanding and will need to be completed to inform the final pre-submission document.
3. The District Plan was considered at the meeting of the Scrutiny Committee for Planning & Economic Development on 14th October. A number of changes have been made to the Plan in response to Members' requests during the meeting. These are as follows:
 - Chapter 2: travel to work diagrams – the colours used to denote the local authorities are now the same for each authority in both diagrams.
 - Chapter 2: The Challenge Facing the District - commentary has been inserted on the recent Burgess Hill Business Parks Association survey.
 - The tabled amendment to Policy DP25 – Accessibility has been incorporated into the Plan.
 - Appendix C: Glossary – definitions for Objectively Assessed Need and Strategic Access Management and Monitoring have been added.

Recommendations

4. **That Council:**
 - (i) **approves the Mid Sussex District Plan 2014-2031 (the District Plan) for public consultation;**
 - (ii) **agrees to publish the Sustainability Appraisal report of the District Plan for public consultation;**
 - (iii) **agrees to publish the Habitats Regulations Assessment of the District Plan for public consultation;**
 - (iv) **approves the Community Involvement Plan for consulting on the above documents; and**

- (v) **approves a revised timetable for the preparation of the District Plan.**
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Background

5. In December 2013, the Planning Inspector appointed to examine the District Plan reached the conclusion that the Council had not met the legal duty to cooperate and advised that the Plan should be withdrawn. In January 2014, the Council duly authorised the withdrawal of the District Plan from public examination. After a period of correspondence with the Planning Inspectorate (PINS) and the Department for Communities and Local Government (DCLG), this authorisation was put into effect on 27th May 2014.
6. Since the receipt of the Inspector's letter, officers have been working on a revised version of the District Plan and have commissioned new and updated evidential studies. In addition, in accordance with the Inspector's advice, a Duty to Cooperate Framework has been drafted and agreed to establish a structured approach towards engagement on strategic planning issues with neighbouring and nearby local authorities and relevant public bodies.
7. A key element of the duty to cooperate work was a programme of meetings with officers and Members of all the neighbouring and nearby local authorities. This has resulted in Memorandums of Understanding (MoUs) being signed to confirm respective approaches towards addressing cross-boundary issues with Adur & Worthing Councils, Chichester District Council and jointly with Lewes District Council and the South Downs National Park Authority. A revised Position Statement has also been signed by Northern West Sussex partners Crawley Borough Council and Horsham District Council whilst draft MoUs are being discussed with all of the other authorities.

Members' Policy Working Group and Principal Changes to the District Plan

8. At the meeting of the Scrutiny Committee for Planning & Economic Development on 4 June, it was agreed to reconvene the Members' Policy Working Group to consider the policies and text for inclusion in the revised District Plan. The Working Group held four meetings during August/September with the product being the revised version of the District Plan which is included as **Appendix 1**. It is proposed that this be known as the Mid Sussex District Plan 2014-2031 to distinguish it from the previous version. There have been no fundamental changes made to the strategy and policies of the May 2013 District Plan, but the opportunity has been taken to reflect new Government planning policy, particularly the publication of the National Planning Practice Guidance in March 2014. Changes have also been incorporated in response to representations made on the previous Plan and ongoing discussions with other local authorities and public bodies such as the Environment Agency.
9. The main changes which are proposed to be made to the previous District Plan are as follows:
 - The Plan no longer covers the southern part of the district within the South Downs National Park. This area will be included in the emerging National Park Local Plan.

- Following advice received from DCLG and PINS, a section has been added to chapter two to explain more fully the wider context within which the Council operates, including the Coast to Capital Local Enterprise Partnership (LEP), the Gatwick Diamond and the Greater Brighton City Deal. Policy DP1 – Sustainable Development has also been revised and retitled to provide a local definition of sustainable development and to encourage the use of previously developed land and buildings.
- The Plan has been revised and updated to reflect the publication of new evidence (including the Economic Growth Assessment, the Transport Study – Stage 2, the Affordable Housing Needs Update, the Capacity Study, the Sustainable Energy Study Update and the Retail Study Update) and the passage of time (for example, the LEP’s publication of the Strategic Economic Plan, the resolution to grant outline planning permission for the employment hub at Burgess Hill and the recently agreed Suitable Alternative Natural Greenspace at East Court & Ashplats Wood).
- A reference to safeguarding mineral reserves has been included in Policy DP9 – Protection and Enhancement of Countryside at the request of West Sussex County Council.
- Policy DP24 – Dwelling Space Standards has been revised to reflect the recent publication by DCLG of draft national Housing Standards.
- Policy DP25 – Accessibility has been revised to implement optional requirements of Part M of the Building Regulations in accordance with DCLG’s draft Housing Standards. A threshold of 10 units for blocks of residential flats has been introduced below which lifts will not be required.
- Policy DP27 – Housing Mix has been revised to include a requirement for new housing developments on strategic sites (those exceeding 10 hectares) to make provision for permanent pitches for Gypsies and Travellers, where a need for them has been identified.
- An additional sentence has been added to Policy DP32 – Conservation Areas to explain that new buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.
- Policy DP38 – Sustainable Resources has been replaced by a new policy entitled Sustainable Design and Construction to reflect the findings of the Sustainable Energy Study 2014 and the fact that the Code for Sustainable Homes is being phased out.

Objectively Assessed Need for Housing and the Plan’s Housing Provision Figure

10. A report on District Plan progress to the Scrutiny Committee for Planning & Economic Development on 9th July explained that officers had formulated a best estimate of the district’s objectively assessed need for new housing during the plan period. The estimated increase in households in the period 2014-2031 is 8,776, which equates to an average of 516 dwellings per year. The latest DCLG district-level household projections are expected to be released before the end of the year. Officers will use these figures to consider whether the objectively assessed need figure of 516 dwellings per year remains valid.

11. The Council is also required to provide a housing provision number in the Plan for the period until 2031. However, officers are not yet in a position to put forward a housing provision figure as this relies on the supply of housing land which is available, deliverable and developable, and the consideration of requests to accommodate unmet needs from neighbouring authorities. Both these aspects are work in progress. Officers are clarifying the potential supply of housing land and working with neighbouring authorities to gain a clearer picture of unmet development needs. Once this work is complete, the Council will need to include a housing provision figure in the next pre-submission version of the Plan.

Sustainability Appraisal report/Habitats Regulations Assessment

12. In accordance with legal requirements, a revised Sustainability Appraisal report and a Habitats Regulations Assessment have been prepared to consider the potential impacts of the new District Plan. These will be published for public consultation alongside the Plan itself. Summaries of both documents are attached as **Appendices 2** and **3** respectively.

District Plan Timetable

13. During an informal advisory visit on 30th June, a Planning Inspector recommended the Council to gain a clearer understanding of any unmet development needs of neighbouring local authorities by inviting them to submit information on the scale, type, location and timing of any needs that they would be unable to meet in their own local plans. Having obtained this information, the Inspector advised that a form of wider than local sustainability appraisal be carried out to consider the implications on Mid Sussex of meeting any neighbouring authorities' needs within the district and the implications for the neighbouring authority if those needs were not met.
14. Consultants have been retained to undertake a sustainability assessment of potential cross-boundary development options and, once complete, the findings will need to be discussed with the relevant neighbouring authorities. This additional piece of work has resulted in a short extension to the District Plan timetable that was endorsed at the Scrutiny Committee meeting on 4th June. The latest timetable and the key work streams that are needed to complete the District Plan and its evidence base are set out in table 1 in **Appendix 4**.

Further Areas of Work

15. In addition to the assessment of cross-boundary options referred to above, work to inform and support the District Plan is ongoing on the Housing Supply Document and the Housing and Economic Development Needs Assessment, whilst two new studies on sustainable energy and retail development are nearing completion.

Community Involvement Plan

16. The Council's Statement of Community Involvement includes a requirement for a Community Involvement Plan to be produced for each development plan consultation. Accordingly, a draft Community Involvement Plan is attached at **Appendix 5**.

Policy Context

17. The District Plan is being developed to reflect the area's Sustainable Communities Strategy. The 'Mid Sussex Sustainable Communities Strategy' has a vision of:

“A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental wellbeing of our District and the quality of life for all, now and in the future.”

18. This vision is underpinned by four priority themes that promote the development of sustainable communities:

*“Protecting and enhancing the environment
Promoting economic vitality
Ensuring cohesive and safe communities
Supporting healthy lifestyles”*

19. The District Plan is based on the above vision and themes, and is intended to be the implementation tool for achieving the planning aspects of this vision.

Other Options Considered

20. The Council has the option to delay or not to produce a District Plan. However, this would perpetuate the situation whereby it cannot demonstrate a five-year supply of housing land and must deal with planning applications for housing on a case by case basis with no up to date housing policies in place.

Financial Implications

21. The costs of undertaking the public consultation can be met from the existing budget.

Risk Management Implications

22. Strategic Risk 2 for this year is “Failure to approve a District Plan which meets community needs and aspirations and protects Mid Sussex from inappropriate development” and which, “meets the tests of soundness at examination.”

Equality and Customer Service Implications

23. An Equality Impact Assessment has been prepared alongside the District Plan.

Other Material Implications

24. There are no other material implications.

Background Papers

Sustainability Appraisal report
Habitats Regulations Assessment

Appendices

1. Mid Sussex District Plan 2014-2031 – Consultation Draft
2. Sustainability Appraisal report – Non-Technical Summary
3. Habitats Regulations Assessment - Executive Summary
4. District Plan timetable
5. Draft Community Involvement Plan