

7. DISTRICT PLAN – MAIN MODIFICATIONS - PUBLIC CONSULTATION

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
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Wards Affected: All
Key Decision: Yes
Report to: Council
27th September 2017

Purpose of Report

1. The purpose of this report is to ask Council to approve the schedule of Main Modifications to the Mid Sussex District Plan 2014-2031, and the supporting documents for public consultation between 2nd October 2017 and 10th November 2017. Authorisation is also sought to submit these documents to the Planning Inspector following the consultation.

Summary

2. This report;
 - (a) Outlines the technical work which supports the proposed Modifications;
 - (b) Outlines the proposed Main Modifications to the District Plan for consideration by Members;
 - (c) Sets out the consultation arrangements.
3. The Main Modifications were considered at the meeting of the Scrutiny Committee for Community, Housing and Planning on 12th September 2017. Scrutiny Committee recommended a number of changes to the proposed Main Modifications.
4. In addition, Scrutiny Committee requested that officers prepare the following documents for publication on the Council's website to support the consultation:
 - (a) A brief report which provides an update on the transport modelling work;
 - (b) An explanatory note on the methodology used to calculate the number of jobs set out in Policy DP2 (Sustainable Economic Development).

Recommendations

5. **That Council:**
 - (i) **approves the proposed Main Modifications to the Mid Sussex District Plan 2014-2031 as set out in Appendix 1 for consultation in accordance with statutory requirements;**
 - (ii) **agrees to publish the updated Sustainability Appraisal, Habitats Regulations Assessment, Transport Modelling Update Note, Employment Methodology Note, Equalities Impact Assessment and Community Involvement Plan;**
 - (iii) **agrees that the proposed Main Modifications and consultation responses are submitted to the Inspector for consideration in the preparation of his Report into the Public Examination of the District Plan; and**
 - (iv) **authorises the Divisional Leader for Planning and the Economy, in consultation with the Cabinet Member for Housing & Planning, to make any further necessary minor amendments for purposes of clarification to the District Plan prior to the Plan's adoption.**
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Background

6. At its meeting on 18 March 2015, the Council approved the Mid Sussex District Plan for pre-submission consultation and for submission to the Secretary of State for Public Examination purposes. Authority was also delegated to the Head of Economic Promotion and Planning, in consultation with the Cabinet Member for Housing & Planning, to make any necessary main or minor modifications to the District Plan through the examination process in order to help secure the Plan's soundness.
7. The hearings into the Plan commenced in November 2016. At the most recent Examination Hearings in the District Plan, which took place on 25th and 26th July 2017, the Inspector recommended that the Plan could proceed to adoption subject to a number of modifications.
8. Since that time, officers have been working to address the Inspector's comments through preparation of proposed Minor Modifications (covering factual changes and points of clarification) and proposed Main Modifications (recommended by the Inspector to make the Plan sound/legally compliant).
9. A schedule of the proposed Main Modifications is set out in Appendix 1.
10. The Council has met Highways England, West Sussex County Council and adjoining local authorities through the ongoing Duty to Co-operate.

Proposed Modifications

11. Although Main Modifications have been proposed for a number of Policies in the Plan following the outcome of the Hearings, only those of strategic significance are summarised below.
12. **Policy DP2 – Sustainable Economic Development** – has been amended to reduce the extent of the strategic employment allocation at Burgess Hill from 30ha to 25ha with the 5ha contributing towards the housing allocation of the Northern Arc proposals. Consequential amendments have been proposed to Policy DP9 to reflect this.
13. In response to a question from Scrutiny Committee, an explanatory note on the methodology used to calculate the number of jobs set out in Policy DP2 – Sustainable Economic Development – has been prepared to support the Main Modifications Consultation.
14. **Policy DP5 – Housing** – has been amended to make provision for the increased housing numbers and the stepped housing trajectory requested by the Inspector. The Plan therefore makes provision for 876 dwellings per annum to 2023/2024, and, subject to the outcomes of Habitats Regulations Assessment, for 1,090 dwellings per annum thereafter to 2031.
15. Further to the Hearings and in light of the Duty to Co-operate, discussions have been held with Horsham and Crawley regarding the implications of the approach regarding housing provision. Officers from Crawley and Horsham have now agreed the wording of the supporting text for Policy DP5, which notes that the District Plan housing requirement may result in a residual unmet need of 35dpa in the Northern West Sussex Housing Market Area.
16. Further to a request from Scrutiny Committee, the supporting text to Policy DP5 has also been amended for clarity to remove a reference to further sustainable development.

17. **Policy DP5a – Planning to meet future housing need** – is a new policy which has been added to strengthen the Council's commitment to working with the other authorities in the Housing Market Area, and with Coastal West Sussex and the Greater Brighton Strategic Planning Board.
18. **Policy DP6 – Settlement Hierarchy** - has been amended to include support for development of fewer than 10 dwellings and to ensure that proposals do not represent under development of a site. The Policy also sets out the minimal housing requirement for each settlement.
19. At the Examination, the Inspector asked the Council to consider whether Policy DP6 could be further amended to strengthen the Council's five year housing land supply. Officers have considered the Inspector's suggestion. However, the fundamental philosophy behind the Plan is to provide strategic sites that can support appropriate infrastructure, therefore the District Plan allocates strategic sites of 500 or more units. Any changes in policy to enable further development and improve the five year housing land supply position should comply with the fundamental principles of the Plan.
20. Therefore rather than amending Policy DP6 to enable larger sites to come forward as extensions to settlements (town and village), it is proposed that a further strategic site is allocated, which will deliver new housing to contribute to the District's five year housing land supply. Officers have reviewed a number of sites and recommend that Land to the North of Clayton Mills, Hassocks, should be identified as an additional allocation in the District Plan for 500 units.
21. **Policy DP9b – Land north of Clayton Mills** – is a new policy which has been introduced to allocate Land at Clayton Mills, Hassocks. Part of this site was allocated in the emerging Neighbourhood Plan. However, in July the developers promoted an extension of the site which protects the existing area of open space to the north of Clayton Mills. They propose to bring forward the larger site either as a planning application, or as a District Plan allocation, increasing housing provision from 140 to 500. In the light of the Inspector's findings regarding the need to strengthen the 5 year housing land supply, it is proposed that the Council allocate this site in the District Plan.
22. In order to allocate this land, a number of studies have been undertaken, including an update to the Habitats Regulations Assessment and an update to the Sustainability Appraisal.
23. In addition, an update to the Council's own transport modelling work which assesses the impact of the proposed development at Hassocks has been undertaken, and the developers have commissioned an Outline Transport Assessment.
24. The results of this technical work demonstrate that the principle of development on the site is deliverable, and that housing could be delivered which would contribute to the five year housing land supply.
25. The draft Policy allocates Land north of Clayton Mills to provide 500 new homes, a primary school and open space provision.
26. The policy proposes that the vehicular access to the site will be from Ockley Lane, with additional pedestrian and cycle links to Hassocks village, Hassocks Railway station and Burgess Hill.
27. The informal play area immediately to the north of the Clayton Mills development will be retained.

28. In line with the policy requirements on other strategic sites in the District Plan, the policy requires that Gypsy and Traveller pitches are provided on site, or that an equivalent financial contribution towards the off-site provision of pitches is made.
29. Since Scrutiny Committee, officers have held meetings with interested parties, including the Parish Council and the developers. Gleasons are preparing a letter to the Council which will confirm the proposed housing trajectory on the site.
30. Officers are working with the developers, Network Rail and the County Council, as these agencies are responsible for delivery of the required infrastructure. If the site is allocated, the applicant will need to continue to work with Network Rail and other statutory bodies to overcome infrastructure delivery issues if the scheme is to be policy compliant.
31. Officers have listened to the issues raised by all parties about the strategic allocation, and these have informed further amendments to the draft Policy, which are set out below.
32. In response to a question raised by Scrutiny Committee, the supporting text to Policy DP9b has been amended to require the developer to work with the Council and the Parish Council to prepare an allocation-wide masterplan to guide future development of the site.
33. The supporting text to Policy DP9b has also been amended to ensure alternative pedestrian and cycle railway crossing options are explored with Network Rail and other statutory consultees.
34. The policy requires the developer to assess the implications of the development on pedestrian and cycle crossings of the railway, and agree a strategy for safe crossings. Officers are aware that this issue is a major concern for local residents.
35. Policy DP9b has also been amended to require the developers to transfer a strip of greenspace at the northern boundary of the site to the Parish Council, so that this land will form a strong, defensible boundary to prevent coalescence with Burgess Hill.
36. Finally, the policy has also been amended to require the developers to provide financial contributions to improve and enhance the existing open space to the south of the site.
37. **Policy DP19 – Transport** has been amended to ensure that development which generates significant amounts of movements is supported by a Transport Assessment or Transport Statement.
38. **Policy DP24a – Housing Density** – the Inspector requested that this Policy be deleted and that a reference to ‘optimising’ capacity of sites is included in Policy DP24 on Design and Character.

Consultation Arrangements and Next Steps

39. Following approval of the proposed Main Modifications the Council is required to carry out a six week period of consultation. This will start on 2nd October and will run until 10th November 2017.
40. A number of reports will be published to support the Main Modifications consultation. These are:
 - Updated Sustainability Appraisal;
 - Updated Habitats Regulations Assessment;

- An update to the Transport Modelling Work;
 - An explanatory note on the methodology used to calculate the number of jobs set out in Policy DP2 – Sustainable Economic Development.
 - An Equalities Impact Assessment and Community Involvement Plan
41. Comments can only be made at this stage to the proposed Main Modifications and the supporting documents. This is not an opportunity to re-open consideration of other aspects of the Plan. The Council will collate all the responses and then submit these with the proposed Main and Minor Modifications to the Inspector to take into account in writing his report. It is anticipated that this may take until the end of November.
42. On the basis of this timeline it is likely that the Inspector will submit his final report to the Council in early January 2018.

Other Options Considered

43. In developing the proposed Main Modifications, officers have considered a range of options. Officers recommend that the Modifications as presented will provide a positive framework for development, and make a Plan which is sound and legally compliant.

Financial Implications

44. Consideration of the issues raised in this report at this stage should enable the District Plan to progress to examination.

Risk Management Implications

45. If the District Plan is not adopted, the Council will not have a Plan-led system, and will not be able to demonstrate a five year housing land supply, which will mean it is vulnerable to continued speculative applications for development.

Equality and Customer Service Implications

46. The revised Equalities Impact Assessment confirms that there are no specific implications to consider on these grounds.

Other Material Implications

47. There are no other material implications.

Appendix 1: Schedule of Main Modifications