

**Minutes of the Meeting of the Scrutiny Committee for
Community, Housing and Planning held on 12 September 2017
from 7:00 p.m. to 8:45 p.m.**

Present: Councillors: Neville Walker (Chairman)
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles
Edward Belsey
Richard Cherry
Phillip Coote
Ruth de Mierre

Bruce Forbes*
Sue Hatton
Chris Hersey
Anne Jones
Edward Matthews

Anthony Watts Williams
John Wilkinson
Peter Wyan

*Absent

Also Present (Cabinet Members): Cllr Andrew MacNaughton and Cllr Norman Webster.

Also Present (Members): Cllr Gary Wall and Cllr Jonathan Ash-Edwards.

Tom Clark, Solicitor to the Council, informed Members of the revised agenda as requested by The Chairman to remove Item's 8,9,10 from the agenda to be discussed at the next meeting, this was agreed.

1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4

None

2. APOLOGIES

Apologies had been received from Councillor Bruce Forbes.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The Minutes of the meeting of the Committee held on 29 June 2017 were agreed as a correct record and signed by the Chairman.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

6. DISTRICT PLAN – MAIN MODIFICATIONS – PUBLIC CONSULTATION.

Judy Holmes, Assistant Chief Executive, introduced the Report to review the main modifications of the District Plan. She outlined how the Planning Inspector had noted that the proposed 5 year land supply was not 'comfortable'. The Assistant Chief Executive then set out a range of options which had been considered to make the housing supply figure more robust including possible amendment to policies and consideration of sites which could be considered as possible additional strategic housing allocations. The Assistant Chief Executive summarised the reasoning behind and the need for the proposed strategic

allocation for Hassocks now set out in the Proposed Modification DP 9b. The Plan makes provision for 876 homes per annum until 2023/24, then 1090 homes per annum from 2024/25 to 2031, subject to the outcomes of a Habitats Regulations Assessment. The Assistant Chief Executive then highlighted that the Inspector's final report should be received in December 2017. It is anticipated that the Plan will be presented at Full Council for adoption in January 2018.

Sally Blomfield, Divisional Leader for Planning and Economy, supplemented the Assistant Chief Executive's statement by summarising the Main Modifications recommended by the Inspector to make the Plan sound and compliant. In regard to DP2 the main changes are to: increase jobs provision per year from 330 to 540; reduce the minimum requirement of land for business parks from 30 hectares to 25 hectares; and to clarify the status of the Science and Technology park. Regarding DP5 the Main Modification, as already mentioned by the Assistant Chief Executive, is the change in the housing provision figure. Sally Blomfield explained the purpose and contents of the new Policy DP5a which sets out the commitment to joint working and the commitment to preparation of a site Allocation Development Plan Document. The Main Modification to DP19 requires developers to provide a transport assessment or transport statement to support planning applications. The Divisional Leader for Planning and Economy concluded her address, informing Members that policy DP24- Housing Density had been deleted, in response to advice from the Planning Inspector although reference to the need to optimise development on sites would be included as part of the Main Modification to Policy.

A Member, who is also a Member of Hassocks Parish Council, queried why the Parish Council had not received information from their Neighbourhood Planning consultant regarding a meeting between MSDC Planning Officers and their consultant.

Andrew Marsh, Planning Officer, who had attended the meeting with the Parish Council's consultant, He noted that the meeting focused on the preparation of technical regarding the implications of an allocation on Land north of Clayton Mills and the preparation of the Neighbourhood Plan. Councillor Marsh noted that the draft Neighbourhood Plan with the strategic allocation would now be able to proceed without additional housing site allocations, as the requirement for new homes in Hassocks would be met through the draft allocation.

A Member raised concern with the reduction of the minimum area of business parks from 30 hectare to 25 hectare as she believed that this would not benefit businesses. Divisional lead for Planning and Economy highlighted the changes to DP6, the settlement hierarchy, particularly the consequential changes arising from the proposed Site Allocation at Hassocks in terms of distribution of housing numbers. The Divisional Leader for Planning & Economy noted that the policy already sets out the Council's Strategy for achieving job/growth through a range of different measures including intensification of existing sites and support for necessary infrastructure. The reduction in the area of land for employment adjacent to the Hub was based on site specific consideration and in the wider context of the Northern Arc development including the need for additional housing, speed of housing delivery and need for additional infrastructure. She continued that the Site Allocations document would also be exploring the need to allocate additional employment land and this would also contribute towards the supply of employment land going forward.

A Member queried if any sites, other than the Clayton Mills site, had been considered as a potential strategic allocation.

Chris Tunnell, Special Advisor, confirmed that an assessment had been carried out on other possible strategic sites (sites above 500 units) in Haywards Heath, East Grinstead and Burgess Hill. Only sites which are considered deliverable within the 5 year period

could be considered. Officers believe that the Clayton Mills site is the only deliverable site and that could be delivered without a significant impact on the integrity of the Ashdown Forest.

A Member asked which studies have been carried out in relation to traffic around the Clayton Mills site as he was concerned that there is only one entrance into the site.

The Special Advisor outlined how a strategic transport assessment for the site had been carried out, which found that in principle, safe and viable access could be achieved, to the site.

A Member noted that he could not find any references in the Main Modification to secondary education provision as a requirement to the Clayton Mills site.

The Special Advisor confirmed that WSCC have not identified specific need for secondary education, but that developers would be required to provide S.106 contributions to West Sussex County Council for secondary education provision: if, though consideration of the planning application it was identified as needed.

A Member raised concern about the safety of the residents of the proposed development at Clayton Mills as a Public Right of Way links the site to land to the west of the railway line, via an unmanned pedestrian crossing over the railway line. He made reference to the Friars Oak proposals also has access to the same Public Right of Way.

Lois Partridge, Business Unit Leader for Planning Policy & Economy, noted that previously, the Council liaised with Network Rail when the Friars Oak application was submitted and would continue to do so, regarding this strategic allocation of Clayton Mills. The developers would be required in Policy DP9b to ensure that any crossings of the line meet Network Rail safety standards, and are agreed by Network Rail.

A Member requested that a Memorandum of Understanding or similar document is agreed with Hassocks Parish Council, before the Main Modifications are presented to full Council.

The Assistant Chief Executive confirmed that the Council will work closely with Hassocks Parish Council regarding the proposed strategic allocation, and the preparation of the draft Hassocks Neighbourhood Plan, and will continue to carry out all due diligence work to ensure that the aims of the Parish and the District Council are met.

A Member believed that the 3rd paragraph of page 42 of the Report was confusing in regards to proposed further strategic development in the Plan. He also queried Policy DP5a and whether the work with Coastal West Sussex & Greater Brighton would lead to more development in West Sussex.

In response to the first query the Special Advisor committed to review the text in question. In response to the Member's second query the Special Advisor described how MSDC will continue to work with the Greater Brighton Strategic Board and Coastal West Sussex to discuss unmet housing needs, but that this does not confer any responsibility on MSDC to provide for that unmet need. .

A Member noted that there is no provision made in the Main Modifications for the provision of bungalows. In addition she questioned whether there was any sixth form provision in the district.

The Divisional Leader for Planning and Economy confirmed that there was policy provision to allow for bungalows in the District Plan in the Housing Mix Policy however as

this was not part of the Modification this would not be subject of consideration at this stage in plan making. She also confirmed that sixth form provision will be provided in the District and that through work with West Sussex County Council the secondary school to be provided as part of the Norther Arc development would also make provision for a sixth form .

A Member detailed how he was aware of the sensitivity of the Ashdown Forest and that there could be damage to the habitats here from traffic movements associated with previous development, and he asked officers how the harm would be mitigated from future development. The Member also noted that in Policy DP5, the Main Modifications make provision for more than 1,000 new homes in East Grinstead.

In regard to the Member's first query, the Special Advisor confirmed that any approval being taken regarding the Ashdown Forest must ensure that proposed development does not have an adverse impact on the integrity of the Ashdown Forest. He suggested that the Government is also exploring how to address this issue as it affects a large number of other Councils in the area.

In response to the Member's second query, the Special Advisor noted that Policy DP5 identifies the total number of houses which will be delivered from each settlement category; the number attributed to individual settlements is only advisory, and if East Grinstead is unable to meet the numbers set out in the supporting text to Policy DP5, the residual requirement will need to be met from Haywards Heath and Burgess Hill.

A Member questioned the increase in the total number of additional jobs required within the District and how this would be monitored.

The Divisional Leader for Planning and Economy outlined how the plan has been based on evidence that an Economic Growth Assessment had been undertaken contained in Policy DP5; and that there are a number of indicators included in the District Plan which would enable monitoring of the success of Policy DP2. She also reminded the Member about the work being undertaken on the Economic Development Strategy and that this would also be monitored carefully. The Planning Officer added that a paper would be prepared explaining the calculations behind the employment growth figures, which would provide the evidence for the planned job numbers.

A Member queried why the minimum 30% affordable housing on page 49 of the Report had been struck out.

The Business Unit Leader for Planning Policy & Economy confirmed that the deletion was a result of a duplication of figures but assured the Member that, as listed in Policy DP9, there is a minimum requirement of 30% affordable housing provision on all sites of 11 or more dwellings across the District.

A Member raised concerns that there is no reference to healthcare provision, and questioned whether the Plan makes any provision for this land use.

The Divisional Leader for Planning and Economy described how Policy DP18 allows for the allocation of contributions from developers which will fund surgeries as required. She outlined that the Council would work with the statutory providers through the preparation of the Site Allocation DPD.

A Member queried if the Council was being too prescriptive in its requirements for 50% of new employment land uses to be for graduates on the 4th paragraph of page 37.

The Divisional Leader for Planning and Economy noted that the requirements set out in the supporting text are from the Strategic Economic Plan, not from the District Plan is not a policy requirement but an aspiration. However, the aim of the Science & Technology Park is to create high EVA jobs which would be likely to be attractive to graduates.

A Member sought clarification on whether the Hassocks Neighborhood Plan would need to continue to allocate the smaller site for Clayton Mills if the allocation through DP9b is progressed and whether the results of the Examination can be published before their consultation period ends.

The Assistant Chief Executive confirmed that the development site identified in the draft Hassocks Neighbourhood Plan would not be required if the strategic site in the District Plan allocated is met. She confirmed that the responses on the Main Modifications would be publically available.

A Member queried if there was a plan for any improvement to any water treatment works following this development and referenced complaints from residents in proximity to the Goddards Green Waste Water Treatment Works.

The Divisional Leader for Planning and Economy noted that the Council is working with Southern Water and the developers of the Northern Arc to resolve the odour issues which could affect planned development and was preparing a Housing Infrastructure Bid for grant funding and deliver improvements. In addition, it was noted that the water treatment works does have capacity to treat waste water from the Northern Arc.

A Member raised concerns with the provision of employment land and whether there would be an appropriate mix of freehold and leasehold plots and plots of different sites to meet local needs.

The Divisional Leader for Planning and Economy stated that the policy requirements cannot be too prescriptive regarding ownership however through the work on the Economic Development Strategy Officers are continuing to work with the developers/providers of sites to ensure local needs are being met.

The Chairman then noted that no Member wished to speak so moved to the recommendation which was agreed with 13 Members in favour and 1 against.

RESOLVED

That the Scrutiny Committee recommends to Council that it:

- (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 and Equalities Impact Assessment of the District Plan which accompany the proposed Main Modifications;
- (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 Planning, to make any further necessary minor

amendments for purposes of clarification to the District Plan prior to the Plan's adoption.

7. IMPLEMENTATION OF PUBLIC SPACES PROTECTION ORDERS FOR DOG CONTROL

Ben Toogood, Emergency Planning & Outdoor Services Manager, introduced the Report which had derived from recent Government legislation. This new legislation allows Officers to retain powers to promote responsible dog walking and gives the Council's Park Ranger's powers to take enforcement action on those who do not control their dogs.

A Member raised concern with the number of Park Rangers and queried if there were enough of them to deal with this. She also sought clarification as to how individuals who let their dog foul can be investigated.

The Emergency Planning & Outdoor Services Manager confirmed that there are sufficient rangers, enforcement action is rarely necessary as the vast majority of dog walkers act responsibly. Ranger activity in this regard is therefore proportionate to the issue. He added that when somebody reports irresponsible dog ownership the Rangers will investigate to see if enforcement action can be taken.

A Member queried if Rangers are spread through the district and queried how many fines had been issued.

The Emergency Planning & Outdoor Services Manager described how there is one Ranger for each of the main towns and their surrounding villages. In response to the Member's second query Mr. Toogood confirmed that 6 Fixed Penalty Notices had been issued since the inception of the existing legislation.

A Member asked for clarification as to whether the Park Rangers will only enforce on MSDC land and not Parish managed land such as Adastra Park, in Hassocks.

The Emergency Planning & Outdoor Services Manager mentioned that the legislation can be applied to all areas of public realm, so the Rangers could carry out enforcement action in other public areas not owned or managed by MSDC should particular problems be identified.

A Member highlighted that there was no reference to the control of dangerous dogs such as them being muzzled.

The Emergency Planning & Outdoor Services Manager confirmed that this was covered under the Dangerous Dogs Act which is enforced by the Police.

The Chairman noted that no Member wished to speak so moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee are recommended to:

- (i) Note the contents of this report and recommend to Council the adoption of the Public Spaces Protection Orders as set out in Appendix 1.

8. EMERGENCY PLANNING AND COMMUNITY RESILIENCE

Ben Toogood, Emergency Planning & Outdoor Services Manager, introduced the report which was as a result of a request from Members.

A Member was not aware that the Council works with Parish Council's in relation to this so queried what charities and voluntary organisations the Council works with. She also queried when the next Emergency Planning Meeting was taking place and if she could attend.

The Emergency Planning & Outdoor Services Manager detailed how the Council works with voluntary organisations such as the British Red Cross and also other entities in the voluntary sector such as the Neighbourhood Watch in preparing for emergencies. The Member asked whether all of the agencies were involved in emergency exercises. The Emergency Planning & Outdoor Services Manager confirmed that large scale exercises involving all agencies do not happen every year but he would inform Members when the next one takes place.

The Vice-Chairman commented on the on-line form for spontaneous volunteers to assist in emergencies and outlined how not everyone can access a computer let alone at the time of emergency.

The Emergency Planning & Outdoor Services Manager described how the form aims to be provided before an emergency and at the rest centres to ensure that all the volunteers' details can be captured. This aimed to speed up the process of recruiting volunteers when they are needed and would prevent queues of willing volunteers building up in rest centres.

Tom Clark, Solicitor to the Council, informed Members in regard to members of the public clearing snow off their drive during times of snow. He detailed how the Social Action Responsibility Act protects individuals who clear snow but unfortunately injure somebody else as long as their aim was through good intentions.

The Chairman noted that no Member wished to speak so moved to the recommendation which was agreed unanimously.

9. AMENDMENTS TO TAXI LICENSING POLICY

Tom Clark, Solicitor to the Council, detailed how they had received 2 additional responses from Haywards Heath Town Council and Mid Sussex Cars. He drew Members attention to this particular item and how it was considered at the previous committee. The Solicitor to the Council then requested Member to endorse the item to go to Council.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

To endorse for approval by the Council on 27th September 2017 the proposed changes to Hackney Carriage and Private Hire Licensing Policy as detailed in Appendix 1

10. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2017/18

Tom Clark, Solicitor to the Council, reminded Members of the change to Work Programme with the inclusion of the items which was deferred from the current meeting to the next.

RESOLVED

The Committee agreed the current work programme.

Chairman