

8. 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: Scrutiny Committee for Housing and Planning
Date of meeting: 12th September 2017

Purpose of Report

1. The purpose of this report is to ask members to consider the proposed Main Modifications to the District Plan which the Inspector considers are required to make the Plan sound.
2. Members are asked to consider the schedule of proposed Main Modifications to the District Plan (set out in Appendix 1) in the context of an updated Sustainability Appraisal and Habitats Regulation Assessment and other supporting evidence.
3. Subject to the above consideration, the Committee is asked to recommend that the Council approves the schedule of Main Modifications, and that a public consultation on the Main Modifications and supporting technical documents takes place from 2nd October 2017 to 10th November 2017. Authorisation is also sought to submit these documents to the Planning Inspector following the consultation.

Summary

4. 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.

Recommendations

5. **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.**

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 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 range of technical work has been carried out to support the proposed Main Modifications. This includes the Sustainability Appraisal, Habitats Regulations Assessment, further transport modelling, and the preparation of an Equalities Impact Assessment. These technical studies will be published alongside the proposed Main Modifications, as part of the public consultation.
10. In addition, the Council has met with Highways England, West Sussex County Council and adjoining local authorities through the ongoing Duty to Co-operate.
11. A schedule of the proposed Main Modifications is set out in Appendix 1.

Proposed Modifications

12. Although Main Modifications have been proposed for a number of Policies in the Plan following the outcome of the Hearings, those of strategic significance are summarised below.
13. **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.
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. Further to the Hearings and in light of the Duty to Co-operate, discussions are ongoing with Horsham and Crawley regarding the implications of the approach regarding housing provision. Agreement on the text to this policy is being sought with Crawley and Horsham.
15. **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.

16. **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.
17. 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.
18. 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, providing start on site is within the first five years of the plan. At this stage Officers are reviewing a range of possible sites and undertaking necessary technical work to assess deliverability. This work takes time and Officers are working very hard to complete the work. As soon as the work is finalised Officers will circulate a further Modification to Members of the Committee in advance of the Committee meeting.
19. **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.
20. **Policy DP24a – Housing Density** – the Inspector has requested that this Policy is deleted on the basis that it is too prescriptive. However, a reference to 'optimising' capacity of sites is included in Policy DP24 on Design and Character.

Consultation Arrangements and Next Steps

21. Following approval of the proposed Main Modifications the Council is required to carry out a six week period of consultation. This will start on 2 October and will run until 10 November. Comments can only be made at this stage to the proposed Main Modifications. This is not an opportunity to re-open consideration of other aspects of the Plan.
22. 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.
23. 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

24. 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

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

Risk Management Implications

26. 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

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

Other Material Implications

28. There are no other material implications.

Appendix 1: Schedule of proposed Main Modifications