

26 June 2018

Dear Councillor,

A meeting of the **SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING** will be held in the **Council Chamber** at these offices on **Wednesday 4 July 2018 at 7.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

A G E N D A

	Pages
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
4. To consider any items that the Chairman agrees to take as urgent business.	
5. Development Infrastructure and Contributions; Affordable Housing; and Development Viability Supplementary Planning Documents.	3 - 149
6. Update Preparation of the Site Allocations Development Plan Document.	150 - 157
7. The Conservation Area Appraisals Programme and Hurstpierpoint Conservation Areas Appraisal and Boundary Review.	158 - 262
8. Statement of Gambling Policy.	263 - 300
9. Date of next meeting: Wednesday 12th September.	
10. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.	

To: **Members of Scrutiny Committee for Community, Housing and Planning** – Councillors Barrett-Miles, E. Belsey, Cherry, Coote, Ellis, Hatton, Holden, C. Hersey, M. Hersey (Vice-Chairman), A Jones, Matthews, Walker (Chairman), Watts Williams, Wilkinson, Wyan.

5. DEVELOPMENT INFRASTRUCTURE AND CONTRIBUTIONS; AFFORDABLE HOUSING; AND DEVELOPMENT VIABILITY SUPPLEMENTARY PLANNING DOCUMENTS.

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Jennifer Hollingum, Planning Policy
Email: jennifer.hollingum@midsussex.gov.uk Tel: 01444 477053
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Community, Housing and Planning
4th July 2018

Purpose of Report

1. Following its meeting in March 2018, this Committee agreed to recommend that the Portfolio Holder approve the Supplementary Planning Documents (SPDs) consultation on three draft SPDs (Development Infrastructure and Contributions; Affordable Housing; and Development Viability), which together are intended to replace the Development and Infrastructure SPD, which was adopted in 2006.
2. The consultation has taken place and this report summarises the feedback received from the consultation and identifies where changes to the draft SPDs have been made.

Summary

3. This report:
 - a) Describes the background and context in which the SPDs have been prepared;
 - b) Summarises the feedback received from the recent public consultation and officer recommendations following consideration of the responses;
 - c) Requests that the Scrutiny Committee for Community, Housing and Planning recommends to Council that the SPDs are adopted.

Recommendations

4. **That the Scrutiny Committee for Community, Housing and Planning:**
 - (i) **Considers the revised draft Development Infrastructure and Contributions, Affordable Housing, and Viability SPDs following consultation; and**
 - (ii) **Recommends to Council that the three SPDs are adopted.**
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Background

5. At its meeting in March 2018, this Committee considered the following draft Supplementary Planning Documents (SPDs):
 - A Development Infrastructure and Contributions SPD which sets out the overall framework for the management of planning obligations;
 - An Affordable Housing SPD which provides detailed information on the requirements for on-site and off-site affordable housing provision, and

- A Development Viability SPD which provides information on the viability assessment process.
6. These three SPDs are being prepared to replace the Development and Infrastructure SPD which was adopted in 2006. This SPD is now out-of-date as the policy context and Government guidance on developer contributions has changed considerably. The three new SPDs will ensure compliance with the District Plan and current national planning policy and guidance.
 7. One of the objectives of the District Plan is to ensure that development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. Policy DP20: Securing Infrastructure provides the framework for developer contributions, and policies DP24: Leisure and Cultural Facilities and Activities, DP25: Community Facilities and Local Services, and DP31: Affordable Housing refer to the approach being set out in more detail in a SPD.

Draft Documents and Consultation

8. The authority to approve the draft SPDs for public consultation was delegated to the Cabinet Member for Housing and Planning. Public consultation was carried out during April and May 2018 for six weeks on the three draft SPDs. The consultation was carried out in accordance with the Statement of Community Involvement.
9. Sixteen different organisations responded to the consultation, some of which had comments for all three draft SPDs. Seven organisations had no comment on the draft SPDs, either because of support for the draft documents or because the documents fell outside their remit.
10. The responses were as follows:
 - Development Infrastructure and Contributions SPD – 15 responses, with a total of thirty-four comments, of which seven comments (from seven organisations) had no points to raise.
 - Affordable Housing SPD – 10 responses, with a total of twenty-seven comments, of which seven comments (from seven organisations) had no points to raise.
 - Development Viability SPD – 9 responses, with a total of twenty-three comments, of which seven comments (from seven organisations) had no points to raise.
11. The most detailed responses were received from West Sussex County Council, Redrow Homes and the Campaign to Protect Rural England (CPRE). Only one developer (Redrow Homes) responded to the consultation.
12. Officers have reviewed the consultation responses and proposed changes to the draft documents have been recommended where appropriate. Appendices 1 to 3 summarise the responses received. The most significant issues raised are summarised below.

13. The CPRE commented that the three SPDs should be deferred until the revised National Planning Policy Framework (NPPF) and updated Government guidance on developer contributions are published. Officers considered that whilst it is an option to defer the SPDs, the 2006 SPD is out-of-date and needs replacing now. The publication date of the final versions of the NPPF and the Government guidance is unknown, so it is not considered appropriate to defer the introduction of the SPDs. Should it be necessary, the SPDs can be revised in due course, however, the draft SPDs are aligned with the principles in the draft NPPF and Government guidance.

Development Infrastructure and Contributions SPD

14. Following comments from Thames Water, additional wording has been added to the section on flood mitigation and water infrastructure. Whilst officers considered that current wording in the draft Development Infrastructure and Contributions SPD and the policies in the District Plan are adequate, it is proposed that additional wording is included for clarification.
15. Following comments from Redrow Homes, additional wording has been proposed to clarify that further information will be provided during the preparation of the Community Infrastructure Levy (CIL) to set out the relationship between CIL and planning obligations once CIL is adopted.
16. Additional wording has been proposed to the green infrastructure section following comments from the CPRE and the Sussex Wildlife Trust. West Sussex County Council suggested amendments to sections that relate to County Council infrastructure provision and it is proposed these amendments are made.

Affordable Housing SPD

17. Additional wording has been proposed to clarify the need for affordable housing provision in the High Weald Area of Outstanding Natural Beauty (AONB) following comments from the CPRE.
18. Comments received from Redrow Homes requested more flexibility with regards to the approach to clusters of affordable housing and the number of affordable homes for each phase of development. Officers have reviewed these comments and consider that the requirement for full 30% affordable housing provision on each and every phase ensures more balanced communities. The SPD already states that clusters of more than 10 affordable housing units may be considered on high density flatted schemes. Therefore, it is proposed that no change to the SPD is required.

Development Viability SPD

19. Apart from some additional wording to provide extra clarification, no significant changes are proposed to the draft Development Viability SPD following review of comments from Redrow Homes and the CPRE. Issues raised included clarification of the circumstances where viability assessments would be required and the circumstances where viability information would remain confidential.
20. The proposed final draft versions of the three SPD documents can be found in Appendices 4 to 6.

Next Steps

21. Officers have prepared the final draft versions of the three SPDs and these have been brought to this Committee for consideration. Subject to consideration of the proposed amendments to the three SPDs, the Committee is asked to recommend to Council that the three documents are adopted as SPDs.
22. It is anticipated that the three SPDs will be adopted in July 2018.

Other Options Considered

23. There are no alternative options.

Financial Implications

24. The three SPD documents will provide a robust framework, based on up-to-date policy, which will enable the District Council to secure the infrastructure required to mitigate the impacts of proposed development. Without them, the full impacts of development on existing and future communities will not be properly mitigated, and the benefits of new development will not be secured.

Equality and Customer Service Implications

25. It is important that the District Council is able to secure infrastructure to ensure that all members of society can benefit from amenities and services. It is important that development is accompanied by the necessary infrastructure to support development and sustainable communities.

Other Material Implications

26. There are no other material implications.

Appendix 1: Development Infrastructure and Contributions SPD – Consultation Responses

Appendix 2: Affordable Housing SPD – Consultation Responses

Appendix 3: Development Viability SPD – Consultation Responses

Appendix 4: Development Infrastructure and Contributions SPD

Appendix 5: Affordable Housing SPD

Appendix 6: Development Viability SPD

Development Infrastructure and Contributions SPD

Consultation Responses

Number	Organisation	Section of document	Comment	Officer recommendation
1	Surrey County Council	General comment	No comment, but pleased to note the acknowledgement in paragraph 2.20 of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas.	Noted – no change required.
2	Gatwick Airport	General comment	Request that any developments that come forward in the future comply with aerodrome safeguarding requirements.	Noted – no change required.
3	Natural England	General comment	No comment as consider the SPD does not pose any likely risk or opportunity in relation to its statutory purpose. However, there may be impacts on the environment upon which others may wish to comment.	Noted – no change required.
4	Southern Water	General comment	No comments to make at this stage.	Noted – no change required.
5	The British Horse Society	Paragraph 1.2 Paragraph 3.90, 3.91, 3.92, 3.93 Paragraph 3.105	Support the wording in these paragraphs as it could be helpful in securing developer contributions towards non-motorised user infrastructure and facilities. New development provides opportunities for better facilities and these should be for all vulnerable road users	Noted – proposed change. Figure 6 has been expanded to include routes for pedestrians, cyclists and equestrians to recognise that some routes may not necessarily be formal public rights of way.

Number	Organisation	Section of document	Comment	Officer recommendation
			(walkers, cyclists and equestrians) ideally by providing at least one bridleway route around the fringe of the development which links into the wider countryside network.	
6	Thames Water	Flood mitigation and water infrastructure section	<p>It is important to consider the net increase in water and wastewater demand to serve the development and also any impact that developments may have off-site, further down the network. The SPD should seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments.</p> <p>Thames Water recommends that developers engage with them at the earliest opportunity to establish demands for water and wastewater infrastructure both on- and off-site.</p> <p>Proposed new text: “Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades.” “The Local Planning Authority will seek to ensure that there is adequate water and wastewater</p>	<p>Disagree – proposed new text not included but additional wording has been added.</p> <p>District Plan Policy DP42: Water Infrastructure and the Water Environment sets out the position with regards to the capacity of water infrastructure. It is considered that Policy DP42 already adequately covers the points raised by Thames Water in their proposed new text, however, a new paragraph has been added to the SPD in this section to make reference to Policy DP42 and that developers are encouraged to contact the water/ wastewater company as early as possible to discuss their development proposals.</p>

Number	Organisation	Section of document	Comment	Officer recommendation
			<p>infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.”</p>	
		SuDS	<p>Proposed new text to highlight the importance of surface water drainage and SuDS and the responsibilities of the developer:</p> <p><i>“It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.”</i></p>	<p>Disagree – proposed new text not included but additional wording has been added.</p> <p>It is considered that the existing wording in paragraphs 3.99-3.102 is sufficient as it makes reference to the West Sussex County Council Policy for the Management of Surface Water and District Plan Policy DP41: Flood Risk and Drainage, which outlines the preferred hierarchy of managing surface water drainage from a development. Additional wording has</p>

Number	Organisation	Section of document	Comment	Officer recommendation
				<p>been added to paragraph 3.103 to reflect this.</p> <p>Additional wording has been added to paragraph 3.99 to highlight that early consideration of drainage is important so that developments can be constructed around natural features and make use of natural land levels.</p>
7	Turners Hill Parish Council	General comment	The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council.	Noted – no change required.
8	Theatres Trust	Paragraph 3.93 and Figure 6, page 29	The Trust recommends reference to arts and cultural facilities such as theatres within the list and the SPD more generally. The three dimensions of sustainable development set out in the NPPF include a social role within which is the need to support cultural wellbeing. A core planning principle (paragraph 17) is to improve cultural well-being for all and to deliver sufficient community and cultural services and facilities to meet local needs. Arts and cultural facilities such as theatres, and theatrical groups that operate out of other buildings such as community centres, provide opportunities for local people to participate and come together. We note at least one community theatre	<p>Agree – proposed change.</p> <p>Figure 6 has been expanded to include a reference to arts and cultural facilities including museums, theatres and galleries.</p>

Number	Organisation	Section of document	Comment	Officer recommendation
			within Mid Sussex – the Chequer Mead Community Arts Centre in East Grinstead – and this and other potential facilities and groups across the district could positively benefit from the receipt of contributions to ensure the cultural needs of a growing population are met and to enhance the well-being of existing and future residents.	
9	Sussex Police	Appendix 4	Corrections to the figures and text for the Police in Appendix 4.	Agree – change required. The wording has been amended in Appendix 4.
10	Historic England	General comment	No comments as the SPDs fall outside of Historic England’s expertise and remit.	Noted – no change required.
11	Redrow Homes	General comment	Support the preparation of the new Development Infrastructure and Contributions SPD.	Noted – no change required.
		General comment with reference to paragraph 2.19 and paragraph 3.76	Consider the SPD as currently written does not reflect in enough detail the relationship between the role of Section 106 and how this will operate upon adoption of CIL. The SPD needs to reinforce and reflect the change that will occur once CIL has been adopted. For example, healthcare could be funded by CIL and as such the Council could not seek additional	Agree – proposed change. Additional wording has been added in paragraph 2.19 to clarify that further information will be provided during the preparation of CIL to set out the relationship between CIL and planning obligations once CIL is adopted.

Number	Organisation	Section of document	Comment	Officer recommendation
			Section 106 sums. Suggest the SPD is updated to clarify the relationship between CIL and Section 106 and how each of these two funding streams would operate jointly within the District.	
12	CPRE	General comment	Consider the SPD should be deferred until the new NPPF and NPPG.	Disagree – no change required. The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.
		Paragraph 3.105	The paragraph takes a narrow view of the importance of treating both on-site and off-site environmental enhancements as an infrastructure need – see District Plan Policy DP38 and paragraph 173 of the draft revised NPPF with respect to net gains for biodiversity. Suggest the last sentence of paragraph 3.105 is expanded to read: 'Improvements may also include contributions to create, improve and upgrade recreational routes, rights of	Disagree – proposed new text not included but additional wording has been added. The wording in paragraph 3.105 has been expanded and amended to provide more detail.

Number	Organisation	Section of document	Comment	Officer recommendation
			way and public open spaces, for habitat reclamation and for habitat and/or species conservation and enhancement schemes involving areas referred to within DP38, and/or for other environmental, biodiversity and public realm enhancement purposes that will provide net gains to the local community'.	
		Paragraph 3.120	Query if there is a need to address what will happen once the East Court & Ashplats Wood SANG reaches capacity? Query if monitoring information should be referenced here.	Agree – proposed change. Additional wording has been added in paragraph 3.120 to reflect that the District Council will explore options for another strategic SANG to ensure mitigation can be provided once the East Court & Ashplats Wood SANG reaches capacity. There is ongoing monitoring of SANG capacity.
		Paragraph 3.121-122	Query if the requirements for a SANG to be provided on the development site should be included here and reference made to the maintenance arrangements and costs.	Agree – proposed change. Additional wording has been added to paragraph 3.118 to clarify that further guidance will need to be sought from the District Council if a SANG is proposed on the development site itself.
		Paragraph 3.123-3.124	Need to make reference to the Joint SAMM Strategy.	Disagree – no change required. The Joint SAMM Strategy will replace the Interim SAMM Strategy but it is

Number	Organisation	Section of document	Comment	Officer recommendation
				considered that reference to the SAMM Strategy is sufficient. No change is required.
		Paragraph 3.123-3.124	Need to ensure costs of monitoring the SANG and SAMM Strategy are met by developers.	Disagree – no change required. Paragraph 4.29 states that the District Council expects developers to contribute towards the monitoring of planning obligations.
		Paragraph 4.29	Add enforcement of planning obligations as a matter to be covered by developer funding.	Disagree – no change required. The District Council will seek to recover any court costs should a matter progress to that stage.
		General comment	Request to publish details of the infrastructure funded through developer contributions.	Disagree – no change required. Infrastructure funded through developer contributions will be monitored in accordance with the District Plan Monitoring Schedule.
13	Highways England	General comment	Highways England does not have any comments to make at this point.	Noted – no change required.
14	Sussex Wildlife Trust	Paragraph 3.105 and 3.106	We are encouraged by the inclusion of wording that supports and highlights the importance of green infrastructure in Mid Sussex. We feel this is especially important given that the individual green infrastructure	Noted – proposed change. The section of green infrastructure has been amended and expanded to provide more detail on green

Number	Organisation	Section of document	Comment	Officer recommendation
			<p>policy was removed by the Inspector during the District Plan Examination.</p> <p>Having reviewed these paragraphs we do not feel that they are clearly written and would benefit from being slightly rewritten, in particular the second sentence of paragraph 3.105.</p> <p>If the council wish to contact the Sussex Wildlife Trust to consider how the wording could be revised to strengthen the paragraphs relating to green infrastructure we would be happy to discuss this.</p>	infrastructure and biodiversity.
15	West Sussex County Council	Figure 1, paragraph 3, paragraph 2.10 and paragraph 3.49	<p>Considering the recent national consultation on developer contributions, Figure 1 should be amended to ensure if changes are made to the pooling restrictions, this document does not become 'out of date'. It is suggested 'the pooling restrictions will remain in force until such time as they are removed from government policy' is added after paragraph 3 in the text or remove the paragraph and replace it will 'contributions will be requested in line with government pooling restrictions, if these apply'.</p>	<p>Noted – proposed change.</p> <p>Figure 1 cannot be amended as this is the District Plan policy on securing infrastructure (DP20). However, wording has been amended in paragraph 2.10 and 3.49 to reflect that legislation and government policy may change in the future.</p>
		Paragraph 2.22	<p>Suggested that the source of the statistic is provided.</p>	<p>Noted – proposed change.</p> <p>The statistic that refers to 33% of new affordable housing units being</p>

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				occupied by 'concealed' households who already live in the District is already included in the current 2006 SPD and it is understood that it is still relevant. However, the wording has been amended in paragraph 2.2.
		Paragraph 2.22	The section also states that the discount is applicable to all affordable housing units. It would be useful to specify that it is not applicable to 'Help to Buy' or other incentive schemes, shared ownership, intermediate homes which will be treated as full market housing for the purposes of calculating contributions.	Disagree – no change required. The District Council feels that all affordable housing units including shared ownership and shared equity should benefit from the discount, whilst other 'incentive' schemes such as 'Help to Buy' should not.
		Paragraph 3.66	Request that reference is made to the fact that the costs include fitting out the new school; it should be a 'turnkey solution' that is provided.	Agree – proposed change. The wording has been expanded to refer to the fact that the costs include the fitting out the new school.
		Paragraph 3.68	Request that 'financial' is added before 'contributions are required' on the first line.	Agree – proposed change. The wording has been amended.
		Paragraph 3.69	Amend to reflect the WSCC 'Explaining Contributions Calculator' document ' <i>WSCC provide a calculator to ascertain financial contributions for school infrastructure broken up into four categories, primary, secondary, middle and sixth form. Depending</i>	Agree – proposed change. The wording has been amended.

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			<p><i>on the existing local infrastructure, only some or none of these categories of education will be required. The calculator is used for smaller developments up to and including 500 units where contributions are sought for the improvement and expansion of existing schools. Strategic developments of more than 500 homes are subject to bespoke negotiation where contributions are sought for the improvement and expansion of existing schools. Strategic developments with pupil numbers greater than the local schools have capacity to take or expand to, are subject to bespoke requirements, which might include securing land or buildings for education facilities'.</i></p>	
		Paragraph 3.73	<p>Amend to reflect the WSCC 'Explaining Contributions Calculator' document '<i>Contributions will be sought where necessary towards youth provision and other facilities such as residential care. Though required for large strategic developments of 500 dwellings, each development will be considered on a case-by-case basis.</i>'</p>	<p>Agree – proposed change.</p> <p>The wording has been amended.</p>
		Paragraph 4.26	<p>Make clear that it is the BCIS All-in</p>	<p>Agree – proposed change.</p>

Number	Organisation	Section of document	Comment	Officer recommendation
			TPI that are applied. Wording is suggested to read ' <i>...and in the case of the County Council, indexation by reference to the Building Cost Information Service <u>All-In Tender Price Index</u> will usually apply.</i> '	The wording has been amended.
		Paragraph 4.32	Request that the second sentence is removed: ' <i>The County Council has indicated that it will start to charge a monitoring fee for S106 agreements.</i> '	Agree – proposed change. The sentence has been amended and the wording has been checked with West Sussex County Council.
		Appendix 2 paragraph A2.18	The occupancy rates are from the 2011 Census and provision should be made to enable the occupancy rates to be adjusted when the 2021 Census data is available.	Agree – proposed change. The footnote has been amended to enable the occupancy figures to be adjusted if necessary when data from the next Census is available.
		General comment	It is noted there is no appendix for Education and Highways.	Noted – no change required. Education is included at paragraphs 3.64-3.73 and Highways is included at paragraphs 3.33-3.51. Links are included to the West Sussex County Council website.

Affordable Housing SPD

Consultation Responses

Number	Organisation	Section of document	Comment	Officer recommendation
1	Surrey County Council	General comment and paragraph 20.20	No comment, but pleased to note the acknowledgement in paragraph 20.20 of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas.	Noted – no change required.
2	Gatwick Airport	General comment	Request that any developments that come forward in the future comply with aerodrome safeguarding requirements.	Noted – no change required.
3	Natural England	General comment	No comment as consider the SPD does not pose any likely risk or opportunity in relation to its statutory purpose. However, there may be impacts on the environment upon which others may wish to comment.	Noted – no change required.
4	Southern Water	General comment	No comments to make at this stage.	Noted – no change required.
5	Plan4Localism	Paragraph 2.84 (now paragraph 2.86)	The wording in the paragraph is not quite correct. The District Plan does not cover the National Park area and therefore DP31 cannot apply to it. In the National Park area, the Local Plan 2004 policies will continue to apply until the South Downs National Park Local Plan is adopted.	Agree – proposed change. The wording has been corrected to reflect the need to comply with the policies in the Mid Sussex Local Plan 2004.

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6	Turners Hill Parish Council	General comment	The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council.	Noted – no change required.
7	Historic England	General comment	No comments as the SPDs fall outside of Historic England's expertise and remit.	Noted – no change required.
8	Redrow Homes	General comment	Support the preparation of an updated Affordable Housing SPD and the inclusion of how Vacant Building Credit operates is welcomed.	Noted – no change required.
		General comment – with reference to paragraph 2.12 and 2.41	Request the Affordable Housing SPD is written with more flexibility taking into consideration the commercial realities of providing and delivering affordable housing on development sites, particularly with regards to the total number of units provided in phased developments and the approach to clusters. It is recognised that affordable housing should be spread across development sites, however, the Council should apply a more flexible approach to the total percentage of units in each phase and clusters, for example, with reference to site specific constraints, build and construction programme and the overall layout. Suggest paragraphs 2.12 and 2.41	Disagree – no change required. The requirement for full 30% affordable housing provision on each and every phase ensures more balanced communities. The SPD already states that clusters of more than 10 affordable housing units may be considered on high density flatted schemes.

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			are written to include a subject to negotiation clause recognising the Council can be flexible to site specific factors. Officers have been applying a flexible approach to clustering and this should be written into the SPD.	
		General comment	The Council has not considered in enough detail how the registered providers operate and that they prefer to secure affordable housing plots in larger groups so that they can manage and operate those units in a more efficient manner.	Disagree – no change required. The Council works closely with Registered Providers and Registered Providers are happy with clusters of 10.
9	CPRE	General comment with reference to paragraph 2.68	Welcome the Affordable Housing SPD. Agree the need for different types of affordable homes in the District is acute.	Noted – no change required.
		General comment	Consider the SPD should be deferred until the new NPPF and NPPG is published. For example, the definition of affordable housing may change and a requirement to deliver entry-level housing may be introduced.	Disagree – no change required. The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.
		Paragraph 2.1	Consider expanding the SPD to	Disagree – no change required.

Number	Organisation	Section of document	Comment	Officer recommendation
			<p>provide planning guidance on the District Plan Policy DP30 on housing mix (unless a separate SPD is planned).</p> <p>Would like to see an explanation of the Council's approach to student accommodation given that it is clear that Policy DP31 is not intended to cover this particular market.</p>	<p>The SPD advises that the exact tenure, type and size split for the affordable housing units on each site can be advised during pre-application discussions but is likely to be approximately 25% x 1B/2P, 65% x 2B/4P and 10% x 3B/5P units plus the occasional 4B unit. A made neighbourhood plan may also contain a policy on housing mix.</p> <p>There are currently no Higher Education Institutions in MSDC.</p>
		Paragraph 2.5	Omission of the Policy DP31 lower threshold requirement for residential developments within the High Weald AONB that trigger a commuted payment.	<p>Agree – proposed change.</p> <p>The wording has been amended and an additional paragraph (2.6) added for clarity.</p>
		Paragraph 2.30 (now paragraph 2.31)	The SPD does not contain details of the Council's expectations of tenure mix whilst allowing for individual circumstances.	<p>Disagree – no change required.</p> <p>The SPD states that normally a balance of 75% social or affordable rented homes with the remaining 25% for intermediate homes will be required unless the best available evidence supports a different mix.</p>
		Paragraph 2.35 and 2.36	Welcome the Council's position of not accepting a non-viability case made by a developer when too high a price has clearly been made for the land, but would welcome clarification of the	<p>Noted – no change required.</p> <p>Land value will be considered by an external valuer as part of the viability</p>

Number	Organisation	Section of document	Comment	Officer recommendation
			processes for how the Council will determine this to be the case.	assessment.
		Paragraph 2.42 (now paragraph 2.43)	Design quality could be extended to read: 'design and build quality'.	Agree – proposed change. The wording has been amended.
		Paragraph 2.50 (now paragraph 2.51)	Should minimum fire safety standards in higher rise properties containing affordable accommodation also be included?	Disagree – no change required. Fire standards form part of Building Regulations.
		Paragraph 2.52-2.60 (now paragraphs 2.53-2.61)	Would like to see a clear statement as to the Council's policy for its use of commuted affordable homes payments that it accepts. Would particularly welcome prioritisation of expenditure on the building of affordable homes from commuted payments on sustainable brownfield sites.	Noted – no change required. Commutated payments are only accepted in exceptional circumstances and are used to deliver affordable housing in appropriate alternative locations.
		Paragraph 2.56 (now paragraph 2.57)	Is this described in too prescriptive terms? Could there be situations where small-scale building of affordable homes within the High Weald will be both appropriate and viable, for example, Policy DP32? Where that is the case, the Council should be able to resist accepting a commuted payment.	Noted – no change required. If the scheme has a combined gross floorspace of more than 1000m ² , or the site is a rural exception site, on-site affordable housing provision will be required.
		Paragraph 2.61 etc (now paragraph 2.63)	Affordable housing should still be secured in the regeneration of brownfield sites where it is viable to	Noted – no change required.

Number	Organisation	Section of document	Comment	Officer recommendation
			<p>do so, with viability being determined by the costs of construction, not the expectations of a return to the landowner.</p> <p>If the use of vacant building credit will not increase the affordable housing supply then CPRE will support this section of the draft SPD, but relies on the Council to maintain ongoing monitoring of the continuing validity of that assessment.</p>	<p>Vacant building credit will only be applied where it is necessary to bring back into use brownfield sites which would not otherwise be developed.</p>
		<p>Paragraph 2.79 (now paragraph 2.81)</p>	<p>Support Policy DP32. Omission that the Council should consult the Parish Council and have regard to any applicable neighbourhood plan.</p>	<p>Agree – proposed change.</p> <p>The following sentence has been added: 'Regard must also be paid to any applicable made neighbourhood plan'.</p>
		<p>Paragraph 4.0 (now paragraph 4.1)</p>	<p>Suggest reinforce this introductory paragraph by adding a statement to the effect that the Council will presume at all stages of the planning application and pre-application process that the applicant will be able to meet the District Plan requirements for the delivery of affordable homes or (where the District Plan so permits and the Council agrees) a commuted payment in lieu, and that it is for the applicant to demonstrate the contrary to the Council by robust and timely evidence in the required format to the extent that the applicant seeks to</p>	<p>Agree – proposed change.</p> <p>The following sentence has been added: 'The District Council will presume at all stages of the pre-application process and planning application that the applicant will be able to meet the District Plan requirements for the delivery of affordable homes'.</p>

Number	Organisation	Section of document	Comment	Officer recommendation
			challenge the financial viability of meeting in full the District Plan 's requirements.	
		General comment	Think some of the references to DP29 should be changed to DP31 and DP32.	Noted – proposed change. The policy numbers have been checked and amended where appropriate.
		General comment	Defined terms should be contained in an appendix to the SPD rather than throughout the document particularly as the revised NPPF may change some of the definitions.	Disagree – no change required. Defined terms are highlighted in the document and will be reviewed if appropriate following the introduction of the new NPPF and NPPG.
		General comment	Would suggest amalgamating all the policy guidance on the mix of housing, including affordable housing, and its deliverability/ viability into a single SPD.	Disagree – no change required. The decision was taken that three separate documents would be more appropriate and would improve accessibility.
10	Highways England	General comment	Highways England does not have any comments to make at this point.	Noted – no change required.
11	Mid Sussex District Council	Minor amendment – Executive Summary	Deletion of reference to the SPD applying to five or more dwellings.	
		Minor amendment – paragraph 2.3	Additional wording added to third bullet point: ‘... (including service charges) ...’.	
		Minor amendment –	Additional wording added to the last	

Number	Organisation	Section of document	Comment	Officer recommendation
		paragraph 2.21	sentence: '... and nil public subsidy.'	
		Minor amendment – paragraph 2.36	Additional wording added to the first sentence: '...nil public subsidy and ...'	
		Minor amendment – paragraph 2.44	Amended to DCLG as it produced the guidance, however, a footnote has been added to reflect the change of name to MHCLG.	
		Minor amendment – paragraph 2.46	Additional wording added to the last sentence: '... as amended.'	
		Minor amendment – paragraph 2.52	Additional wording added to the last sentence: '... M4(3)(1)(a) as contained in Category 3 – wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended.'	
		Minor amendment – paragraph 2.60	Additional wording added to the refer to the Retail Prices Index.	
		Minor amendment – paragraph 2.62	New paragraph added: 'Commuted sums will be used to deliver affordable housing in appropriate, alternative locations.'	
		Minor amendment – paragraph 4.7	Amended to 'planning obligation'.	

Development Viability SPD

Consultation Responses

Number	Organisation	Section of document	Comment	Officer recommendation
1	Surrey County Council	General comment	No comment, but pleased to note the acknowledgement in paragraph 20.20 of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas.	Noted – no change required.
2	Gatwick Airport	General comment	Request that any developments that come forward in the future comply with aerodrome safeguarding requirements.	Noted – no change required.
3	Natural England	General comment	No comment as consider the SPD does not appear to relate to Natural England's interests to any significant extent.	Noted – no change required.
4	Southern Water	General comment	No comments to make at this stage.	Noted – no change required.
5	Turners Hill Parish Council	General comment	The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council.	Noted – no change required.
6	Historic England	General comment	No comments as the SPDs fall outside of Historic England's expertise and remit.	Noted – no change required.
7	Redrow Homes	General comment	The approach to viability is clearer in	Noted – no change required.

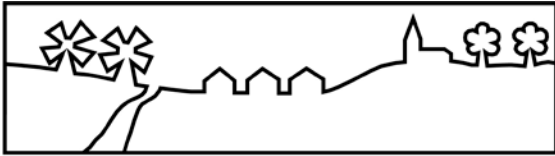
Number	Organisation	Section of document	Comment	Officer recommendation
			the consultation NPPF and NPPG . The SPD should align with the emerging revised national policy and guidance.	The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.
		General comment	The SPD should clarify the circumstances where viability assessments would be required, and that where proposals align with the development plan, that no viability assessment should be required.	Disagree – no change required. It is considered that paragraph 2.5 adequately sets out the circumstances for when a viability assessment would be required.
		General comment	Reference is made to the assessment of land through an existing use value or alternative use value. The draft NPPG does not include references to the use of an alternative use value and as such in order to align with the emerging revised NPPG, references to alternatives use values could be removed.	Noted – no change required. The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.
8	CPRE	General comment	Consider the SPD should be deferred until the new NPPF and NPPG.	Noted – no change required.

Number	Organisation	Section of document	Comment	Officer recommendation
				<p>The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.</p>
		Paragraph 2.6	<p>Agree that it is for the Council to determine the appropriate approach to viability and CPRE hopes that the Council will take a robust approach to viability assessments.</p>	<p>Noted – no change required.</p>
		General comment	<p>Will be interested to see how District Plan Policy DP31 is reconciled with the expected new NPPF/ NPPG approach with regards to a new standardised approach to viability assessments.</p>	<p>Noted – no change required.</p>
		General comment	<p>Request the Council assess the viability of delivering affordable homes at least at the 30% level on all assessed sites, and not to wait to see if the viability is challenged by developers on a case-by-case basis.</p>	<p>Noted – no change required.</p> <p>Viability assessment work was undertaken for the District Plan at the plan-making stage. This tested the ability of a range of developments to be viably developed over the plan period (paragraph 2.2 of the SPD). Paragraph 2.5 of the SPD</p>

Number	Organisation	Section of document	Comment	Officer recommendation
				acknowledges that in some exceptional circumstances, a development proposal may generate insufficient value to support the full range of developer contributions.
		General comment	Would like the Council to argue in appropriate cases for higher affordable housing numbers than the minimum.	Noted – no change required.
		Section 4	Would like the Council to avoid in most cases the need for further viability assessments at the decision-making stage in line with the new draft guidance which references the plan-making stage. This would simplify viability reviews.	Noted – no change required.
		General comment	It should be made clear in the SPD that only a demonstrably significant and unforeseeable set of circumstances that are outside the applicant's control and are not a normal market risk would justify a viability review, and (as the SPD proposes) that the applicant should fund the Council's investigation of the applicant's viability assessment review claim irrespective of the outcome. A developer's profit margin should not justify a reduction in affordable housing.	Noted – partial changes required. It is considered that this comment relates to a viability assessment rather than a viability review. A viability review is undertaken during the implementation of a planning permission (paragraph 4.9) to see if greater or full compliance with the Development Plan can be achieved at that stage (paragraph 4.6) following a viability assessment resulting in reduced requirements at the time of a planning application. Paragraph 2.36 of the Affordable Housing SPD states

Number	Organisation	Section of document	Comment	Officer recommendation
				that the District Council will not accept that the provision of affordable housing is unviable when too high a price has clearly been paid for the land. No change is required. Additional wording has been added to added to paragraph 2.8 to refer to the cost of the external consultant being borne by the developer. This is in line with the Affordable Housing SPD (paragraph 4.4).
		General comment	The SPD has no proposals to address the benchmarking of land values in the context of Policy DP32.	Noted – no change required.
		General comment	Could expand the SPD to explain what information is required from the applicant at the pre-application stage.	Disagree – no change required. Validation requirements for planning applications are set out on the Mid Sussex District Council website.
		General comment	The SPD should explain how the Council intends to establish benchmark land values and other viability criteria based on the expected new standardised assessment methodology.	Disagree – no change required. Benchmark land value and other viability criteria are considered by an external valuer as part of the viability assessment.
		General comment	Would suggest the Council considers consulting with appropriate bodies and individuals on the practicalities and potential value of establishing two	Noted – no change required. A Design Panel is already in place.

Number	Organisation	Section of document	Comment	Officer recommendation
			pre-application expert consultative bodies with whom the applicant and the Council can gain useful insight: <ul style="list-style-type: none"> • Design panel • Environmental impact consultative panel. 	
		Paragraph 2.14 and 2.19-2.25	CPRE welcomes the commitment to transparency requiring viability assessments to be made public.	Noted – no change required.
		Paragraph 2.14	Expand to list the limited circumstances in which the Council would consider agreeing to confidentiality of viability information. Developers should raise these circumstances at the pre-application stage and provide justification. There should be a strong presumption against non-disclosure of information submitted to support a confidentiality claim after the end of the pre-application stage.	Disagree – no change required. All viability information will be made publicly available, with redaction only taking place in exceptional circumstances. Such circumstances would be where the District Council agrees that the disclosure of a specific piece of information would cause harm that is not outweighed by the benefit to the public of the information being published.
9	Highways England	General comment	Highways England does not have any comments to make at this point.	Noted – no change required.



MID SUSSEX
DISTRICT COUNCIL

Development Infrastructure and Contributions

Supplementary Planning Document

**Revised draft for Scrutiny Committee for Community, Housing and
Planning – June 2018**

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Executive Summary

The Mid Sussex Development and Infrastructure Supplementary Planning Document (SPD) was adopted in 2006, and relates to policies in the Mid Sussex Local Plan (2004). A new District Plan was adopted on the 28th March 2018 that replaces the 2004 Local Plan as the Development Plan for Mid Sussex.

Since the 2004 SPD was prepared, the Government has published the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the Community Infrastructure Levy Regulations 2010 (as amended). Each of these documents have set out a new policy context, and provided updated guidance, for the management and collection of developer contributions.

The Mid Sussex Developer Infrastructure and Contributions SPD is therefore being refreshed in order to:

- To ensure that the SPD complies with all current, relevant national planning policy and guidance;
- To update the document to ensure that it complies with the relevant policies in the District Plan 2014-2031; and
- To update the requirements for each type of contribution, and the costs of those contributions.

The District Council's requirements for infrastructure provision will generally apply, unless indicated otherwise, to developments of five or more dwellings.

There are three separate SPD documents:

- A Development Infrastructure and Contributions SPD, which sets out the overall framework for the management of planning obligations;
- An Affordable Housing SPD, which provides more detailed information on the requirements for on-site and off-site affordable housing provision, and
- A Development Viability SPD which provides information on the viability assessment process, and sets out the Council's requirement that, where developers believe the requirements make their proposed development unviable, a viability assessment must be submitted to the Council, with supporting evidence.

This SPD provides an overview of the full range of the District Council's requirements relating to planning obligations to offset the likely impact of development. It should be read in conjunction with the Affordable Housing SPD and Development Viability SPDs.

Section 1 - Introduction

Background

- 1.1. Mid Sussex District Council (the District Council) is committed to delivering sustainable communities that are safe, healthy and inclusive. To help achieve this, the District Council expects new development to provide or contribute directly towards the provision of necessary infrastructure and affordable housing to mitigate the impact of new development.
- 1.2. The purpose of this Supplementary Planning Document (SPD) is to provide information about developer contributions for the area of Mid Sussex that falls outside of the remit of the South Downs National Park Authority¹. The SPD identifies cases where contributions will be sought through planning obligations and Section 278 highway agreements. Information on the Community Infrastructure Levy (CIL) is provided for reference only, as CIL has not yet been adopted by the District Council.
- 1.3. On adoption, this SPD will replace the Development and Infrastructure Supplementary Planning Document (February 2006), which will be withdrawn.

Scope of this document

- 1.4. This SPD sets out the likely scope and scale of planning obligations applicable to different types of development and outlines the District Council's general approach to securing them. It should be viewed as a general guide as development proposals will continue to be assessed on a case-by-case basis.
- 1.5. This SPD is intended to provide guidance about how the District Council will secure contributions for infrastructure and affordable housing to support proposed development and help deliver sustainable communities. The SPD includes:
 - Explanation of planning conditions and planning obligations used to secure contributions for infrastructure and guidance on the circumstances when contributions or works may be secured through these;
 - Explanation of procedure when negotiating and securing planning obligations;
 - Guidance to the process of and material that should be submitted by applicants with planning applications;
 - Information on and the use of the Mid Sussex Infrastructure Delivery Plan;
 - An outline to how the District Council will assess development viability including viability review mechanisms on applications that do not meet policy requirements in full².
- 1.6. This SPD should be read alongside the Mid Sussex Affordable Housing SPD and the Mid Sussex Development Viability SPD.

¹ The South Downs National Park Authority is the statutory planning authority for the area of Mid Sussex falling within the National Park.

² See the Mid Sussex Development Viability SPD for further information.

Status and use of this document

- 1.7. In accordance with relevant legislation, this draft SPD will be subject to consultation and then formally adopted by the District Council. It will supplement the Mid Sussex District Plan 2014-2031 and when adopted will be a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential and non-residential development and when negotiating site acquisitions and undertaking development feasibility.

Mid Sussex Infrastructure Delivery Plan

- 1.8. The Infrastructure Delivery Plan (IDP)³ identifies the infrastructure requirements for Mid Sussex, which will be necessary to support planned growth set out in the District Plan, and, in due course, the Site Allocations DPD. It identifies the indicative cost of infrastructure provision, delivery details, timescale and any priorities for infrastructure delivery. The IDP provides:
- Information on the infrastructure required to support the delivery of development identified through the District Plan and subsequent Development Plan Documents, Neighbourhood Plans;
 - Evidence for developer contributions by indicating suitable infrastructure schemes to which contributions can be directed in order to make a development acceptable in planning terms; and
 - Evidence to support the possible future implementation of the Community Infrastructure Levy by demonstrating the need for infrastructure investment in Mid Sussex.
- 1.9. The IDP will be updated on a regular basis; this process includes consulting with the District's town and parish councils, organisations such as public transport providers, emergency services, utility companies, business associations, the development industry, and other providers of services such as the highway authority, education and social services. The District Council also liaises with a number of organisations in relation to; cross boundary matters with neighbouring local authorities; mitigation strategies in relation to the Ashdown Forest (see paragraph 3.112 onwards); and sub-regional economic plans.

Legislative and policy context

- 1.10. This SPD takes into account the statutory framework for planning obligations set out in Section 106 of the Town and Country Planning Act 1990⁴ and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended); Government policy on planning obligations and conditions is set out in the National Planning Policy Framework⁵; and National Planning Practice Guidance.

³ The Mid Sussex Infrastructure Delivery Plan can be viewed at: www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/evidence-base/infrastructure-delivery-plan/

⁴ As amended by Section 12(1) of the Planning and Compensation Act 1991

⁵ Paragraphs 203-206

1.11. This SPD specifically relates to District Plan Policy DP20 (Figure 1) - the main policy for securing the delivery of new or improved infrastructure and the main context for the guidance in this document.

Figure 1 – District Plan policy DP20: Securing Infrastructure

The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- appropriate on-site mitigation and infrastructure provision;
- the use of planning obligations (s106 legal agreements and unilateral undertakings);
- the Community Infrastructure Levy, when it is in place.

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP31.

1.12. A number of other District Plan policies also provide specific justification for developer contributions and the use of planning conditions that might be required to make a development acceptable in planning terms and are relevant to this SPD.

Figure 2 – District Plan policies providing justification for developer contributions

- DP1 – Sustainable Economic Development
- DP7 – General Principles for Strategic Development at Burgess Hill
- DP8 – Strategic Allocation to the east of Burgess Hill at Kings Way
- DP9 – Strategic Allocation to the north and north west of Burgess Hill
- DP10 – Strategic Allocation to the east of Pease Pottage
- DP11 – Strategic Allocation to the north of Clayton Mills, Hassocks
- DP17 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 – Transport
- DP22 – Rights of Way and other Recreational Routes
- DP23 – Communication Infrastructure
- DP24 - Leisure and Cultural Facilities and Activities

- DP25 – Community Facilities and Local Services
- DP28 – Accessibility
- DP30 – Housing Mix
- DP31 – Affordable Housing
- DP33 – Gypsies, Travellers and Travelling Showpeople
- DP38 - Biodiversity
- DP41 – Flood Risk and Drainage
- DP42 – Water Infrastructure and the Water Environment

Section 2 – Securing developer contributions

What are developer contributions?

- 2.1. Developer contributions are associated with the grant of planning permission. They are used to ensure that development proposals are acceptable in planning terms⁶ and deliver necessary improvements to, or contributions towards, supporting infrastructure. This section explains each of the available developer contribution mechanisms.

Contribution mechanisms

- 2.2. Legislation and national planning policy provide the tools for local authorities to secure developer contributions through the planning system for infrastructure and affordable housing in order to meet the needs of their area. The main ways of securing developer contributions (either individually or collectively) are through the use of:
- Planning conditions;
 - Planning obligations; and
 - the Community Infrastructure Levy (not yet adopted at Mid Sussex)

Planning conditions

- 2.3. Planning conditions are imposed on the grant of planning permission⁷ to enhance the quality of development and enable development proposals to proceed where otherwise it would have been necessary to refuse planning permission. Conditions may relate to phasing of development, timing of delivery of infrastructure (including up front delivery before the commencement of development), or the appearance of development - all of which can help to manage the adverse impacts or additional pressures of development.
- 2.4. When imposing planning conditions, local planning authorities are required to ensure that they meet the following criteria⁸:

⁶ NPPG (paragraph 10-019-20140306) confirms the principle set out in the NPPF (paragraph 176) that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured through appropriate conditions or agreements, planning permission should not be granted for unacceptable development.

⁷ Enabled by Sections 70 and 72 of the Town and Country Planning Act 1990

⁸ As set out in paragraph 206 of the NPPF

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects

Planning obligations

- 2.5. Planning obligations are entered into pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The notable exception is Section 278 agreements, entered under the Highways Act 1980, which relate to off-site highways works.
- 2.6. A planning obligation is a legally binding document either contained in a bilateral agreement between local planning authorities and landowner(s)⁹ and other parties with an interest in land forming the application site or set out in the form of an undertaking made by the landowner(s) and other parties with an interest in land forming the application site to the District Council and (if applicable) West Sussex County Council (the County Council). Planning obligations enable the local authority to secure the provision of infrastructure or services, or contributions towards them, to support development. Planning obligations are used to make an otherwise unacceptable development acceptable, and are only used where it is not possible to address an unacceptable impact through planning conditions.
- 2.7. Planning obligations should only be sought where they meet the following statutory tests¹⁰:
- They are necessary to make a development acceptable in planning terms;
 - They are directly related to a development;
 - They are fairly and reasonably related in scale and kind to a development.
- 2.8. The above three statutory tests mean that planning obligations can only be used to enable the provision of additional or renewed infrastructure to create additional capacity in order to satisfy the demands arising directly from that development and to make it acceptable and cannot be used to correct existing pre-development community infrastructure deficits.
- 2.9. The District Council may (at its discretion) apply contributions secured via planning obligations towards the costs associated with the professional fee and project management costs to fund the planning and implementation stages of delivering new infrastructure (including the process of obtaining all requisite consent orders agreements licences and permissions).
- 2.10. The number of planning obligations that can be collected to fund a specific infrastructure project or type of infrastructure is limited¹¹ to no more than five contributions¹², commonly

⁹ The local planning authority will expect all parties with an interest in the land forming the application site to enter into a planning obligation.

¹⁰ As set out by Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

¹¹ As from April 2015, as set out by Regulation 123 of the Community Infrastructure Regulation 2010 (as amended)

¹² Counting back to 6 April 2010

known as the 'pooling restriction'. The pooling restrictions will remain in force until such time as they are removed from or amended in legislation and government policy.

- 2.11. Planning obligations will continue to be used to secure on-site provision of, or financial contributions towards affordable housing which is exempt from the pooling restrictions. The policy for setting the threshold for affordable housing contributions is set out in the District Plan, reproduced in Figure 3.
- 2.12. It is deemed that none of the contributions sought via this SPD are 'tariff style' obligations that contribute towards a general infrastructure pooled funding 'pot'. Contributions sought are allocated to specific schemes that are needed by the community which development places demand upon¹³. Pooling restrictions¹⁴ (see paragraph 2.10) apply to all planning obligations.
- 2.13. In the case of non-residential development, the requirement for infrastructure will be considered on a case by case basis.
- 2.14. Planning obligations are usually agreed to be spent within a reasonable period of time to programme and plan for the expenditure of contributions, usually ten years from receipt of the requisite contribution(s) in full, provided that if at the end of such ten year period the District Council shall have entered into a contract or other legally binding obligation or specific allocation to expend the requisite contribution(s) the District Council shall not be required to refund the relevant contribution(s).

Section 278 Highway Agreements

- 2.15. A Section 278 agreement¹⁵ secures modifications to the existing highway network to facilitate or service a proposed development. Such agreements enable the funding or undertaking of alteration or improvement works to the public highway necessary to support the development outside or beyond the development site itself (otherwise a Section 106 agreement is used). Section 278 agreements are made between landowners or developers and the Highway Authority. The developer can carry out the works themselves, or pay the highway authority¹⁶ to do the works.
- 2.16. Works covered by Section 278 Agreements include:
 - Roundabouts;
 - Signalised junctions;
 - Right turn lanes;
 - Safety related works such as traffic calming;
 - Street lighting; and
 - Improved facilities for pedestrians and cyclists
- 2.17. Pooling restrictions that apply to planning obligations secured under Section 106 of the Town and Country Planning Act 1990 (see paragraph 2.10) do not apply to Section 278

¹³ In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

¹⁴ As from April 2015, as set out by Regulation 123 of the Community Infrastructure Regulation 2010 (as amended)

¹⁵ Section 278 of the Highways Act 1980 - made between the Council and a developer/ landowner

¹⁶ The highway authority for the local road network is West Sussex County Council, for the strategic road network i.e. the A23/M23 – it is Highways England.

Agreements. Section 278 agreements will not be replaced by the Community Infrastructure Levy when this is adopted.

Community Infrastructure Levy

- 2.18. The Community Infrastructure Levy (CIL) is a tool for local authorities to help fund the delivery of infrastructure¹⁷. CIL is a non-negotiable standard charge on new development. It takes the form of a charge per square metre of net additional floorspace and once adopted, will apply to most new development. Once adopted, CIL will be used to fund identified infrastructure requirements set out in the CIL Charging Schedule, which will complement the continued use of planning obligations to fund site specific infrastructure requirements.
- 2.19. It is proposed to progress work on CIL at Mid Sussex on adoption of the District Plan and when the revised CIL Regulations have been published by the government. The timetable for this work has at the time of publication not yet been decided but will be made available in the Local Development Scheme at www.midsussex.gov.uk. During the preparation of CIL, information will be provided to set out the relationship between CIL and planning obligations, in particular how planning obligations will operate following the adoption of CIL. The approach to CIL and planning obligations will be in accordance with legislation and government policy.

Cross boundary issues

- 2.20. In the case of development applications close to the district boundary which may have implications for service delivery in adjoining authority areas, these authorities will be consulted and requests for contributions to services provided by those authorities will be duly considered. Similarly, if adjoining authorities receive applications which will have an impact on the delivery of services in Mid Sussex, the District Council will seek contributions.

Thresholds for developer contributions

- 2.21. A residential development threshold is applied, below which developer contributions will not be sought unless site specific infrastructure is required to make an application acceptable in planning terms and/ or to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements. The District Council's requirements set out in this SPD will, unless indicated otherwise, apply to developments of five or more dwellings.

Reduced contributions in respect of affordable housing

- 2.22. Many affordable housing occupants already live in the same area as proposed new affordable housing development and the residents of new affordable housing in the District are therefore already using the services provided. As a result a 33% contribution discount for affordable housing is applied to some of the contributions payable under this SPD for all affordable housing units provided by Registered Providers, regardless of tenure. The following contributions have a 33% discount for affordable housing:

- Playspace

¹⁷ As set out under The Planning Act (2008) and The Community Infrastructure Levy Regulations 2010 (as amended)

- Community buildings
- Local Community Infrastructure
- Education
- SAMM tariff

2.23. The thresholds applied for seeking affordable housing are set out in Figure 3, and in Table 1.

Section 3 – Interaction between the contribution mechanisms

3.1. The following section provides a guide on the likely contribution mechanism that would be used to secure different types of infrastructure, summarised in Table 1.

Table 1 - Summary of likely contribution mechanism for different infrastructure types

Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
Housing				
Affordable housing	Planning obligation	All types of residential development that meets the policy thresholds. Developments resulting in a loss of existing affordable housing units.	11 or more dwellings or a max combined gross floorspace of more than 1,000m sq	DP31
Self-build and custom build housing	Planning condition	Housing developments and selected others	Case by case basis	DP30
Accessible and adaptable housing	Planning condition	Housing developments and selected others	Category 2 dwelling - schemes providing 5 or more dwellings; Category 3 dwelling — part of affordable housing based on need/ suitability of site	DP28
Specialist accommodation or care	Planning obligation and/ or condition	Strategic scale housing developments	Case by case basis	DP25 DP30
Gypsy and Traveller accommodation	Planning obligation	Strategic scale housing developments	Case by case basis	DP28
Highways and Transport including Sustainable Transport				
Infrastructure improvements required to serve new development including the strategic road	Planning obligation and/ or condition and/ or Section 278 agreement	All development subject to assessment by relevant highway authority	Case by case basis	DP21

Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
network, e.g. works to highways, pedestrian and cyclist facilities and public transport provision				
Sustainable Transport (Total Access Demand), i.e. schemes that promote travel other than the private car	Planning obligation and/ or condition and/ or Section 278 agreement	All development subject to assessment by local highway authority.	Case by case basis	DP21
Travel Statements / Travel Plans and identified associated measures	Planning obligation and/ or planning condition	Housing development exceeding 50 homes and commercial schemes exceeding 1,500 sq. m ¹⁸	50 or more dwellings or 1,500 sq. m or more for commercial schemes	DP21
Open Space, Leisure / Formal Sports Provision				
Sufficient local open space and facilities, e.g. indoor facilities, children and young people play provision, formal outdoor sports, parks and recreation grounds, leisure facilities, including to secure land/ buildings	Planning obligation and/ or planning condition	Housing developments	5 or more dwellings	DP24
Education and Services for Children and Young People				
Sufficient provision to meet new demand for services, e.g. early years provision, primary schools, secondary schools, sixth form, special education needs, tertiary and adult education, youth provision/ residential care, including to secure land/ buildings	Planning obligations	Housing developments	5 or more dwellings	DP25
Healthcare				
Sufficient provision to meet new demand for services and facilities, e.g. care and treatment in hospital and in the community, primary care (GP) services, mental health services, support and services for people living with	Planning obligations	Larger developments and strategic developments	50 or more dwellings	DP25

¹⁸ See West Sussex County Council Development Travel Plan Policy available at www.westsussex.gov.uk

Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
learning disabilities, including to secure land/ buildings				
Social and Local Community Infrastructure				
Sufficient provision to meet new demand for services and facilities, e.g. social, community, youth/ adult facilities including community buildings, library services, including to secure land/ buildings	Planning obligations	Housing developments	5 or more dwellings	DP25
Emergency Services				
Police and Fire and Rescue, including to secure land/ buildings	Planning obligation and/ or planning condition	Larger developments and strategic developments	50 or more dwellings	DP25
Flood mitigation				
Sustainable Drainage Systems (SuDS) and on-site flood-mitigation measures	Planning obligation and/ or planning condition	SuDS – developments exceeding 10 dwellings and commercial schemes exceeding 1,000 sq. m floorspace	10 or more dwellings or 1,000 sq. m or more for commercial schemes	DP41
Water infrastructure				
Water consumption standards	Planning condition	Water consumption standards – all residential development	All residential development	DP42
Green Infrastructure				
Green infrastructure establishment/ improvement/ restoration and management; biodiversity and habitat establishment/ improvement/ enhancement/ protection, including to secure land	Planning condition/ obligations	Larger development; and strategic developments	Case by case basis	DP38
Rights of way network				
Improvements and upgrades to public rights of way network, including to secure land	Planning obligations	Larger development; and strategic developments		DP22
Waste management				
Waste management	Planning obligations/	Larger developments;		DP20

Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
	conditions to secure site-specific waste and recycling provision	and strategic developments		
Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)				
Ashdown Forest SPA and SAC mitigation measures (to meet the requirements of the Habitats Regulations 2017). ¹⁹	<ul style="list-style-type: none"> • Planning condition for provision and on-going maintenance of (off-site) strategic Suitable Alternative Natural Greenspace (SANG)²⁰. • Planning obligations for on-site bespoke SANG provision and ongoing maintenance in perpetuity. • Planning obligation for Strategic Access Management and Monitoring (SAMM) measures on Ashdown Forest 	All residential development providing a net increase of dwellings within the 7km zone of influence.	Residential development leading to a net increase in dwellings	DP17

Housing

3.2. Providing the amount and type of housing that meets the needs of all sectors of the community is a key objective of the District Plan. For development that meets certain conditions, planning obligations or planning conditions are used to secure the delivery of particular types of provision. This includes:

- On-site provision of affordable housing; or in exceptional circumstances only, commuted financial contributions towards affordable housing;
- Rural exception sites;
- Self-build and custom build housing;
- Accessible and adaptable housing;
- Specialist accommodation or care; and
- Gypsy and Traveller accommodation.

Affordable housing

3.3. One of the roles of the District Council is to enable and co-ordinate the provision of housing to meet the needs of all those within the community. In seeking to meet these needs it is evidenced that some people are unable to meet their housing needs through the private housing market. The District Council is therefore justified to require the provision of affordable forms of housing.

¹⁹ See paragraph 3.112

²⁰ Including strategic SANG at East Court and Ashplats Wood

When is affordable housing required?

- 3.4. Policy DP30 sets out the District Council's requirements in relation to affordable housing. This SPD provides a brief overview of issues relating to affordable housing; further detail is set out in the Affordable Housing SPD.
- 3.5. Further information on the provision of affordable housing is set out in the Affordable Housing SPD. This SPD also includes information on:
- Rural Exception Sites
 - Community led housing
 - Discounted market sale
 - Vacant Building Credit
- 3.6. Where existing affordable housing, or sites previously used for affordable housing are to be redeveloped, the District Council will expect the same number of affordable units to be replaced on the site, with the scheme reflecting current mix and tenure requirements. The District Council is aware that in some circumstances, such re-provision may not be feasible on viability grounds and variations in overall numbers, tenure and size may need to be negotiated. Independent viability evidence will be required in such circumstances. The District Council's approach to financial viability review mechanisms is set out in detail in the Development Viability SPD.
- 3.7. District Plan Policy DP31 will not apply to residential accommodation incidental in use to a main dwelling house or for staff/ student accommodation provided this is made clear in the planning application and accepted by the District Council. Such developments might become liable at a later date should an application be made to convert these to standalone accommodation/ non-staff or student accommodation.

Figure 3 - District Plan affordable housing policy (DP31: Affordable Housing)

<p>DP31: Affordable Housing</p> <p>The Council will seek:</p> <ol style="list-style-type: none">1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace²¹ of more than 1,000m²;2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and5. free serviced land for the affordable housing. <p>All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies</p>
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²¹ Measured as gross internal floorspace

DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.

Private Rented Sector

- 3.8. Private market rented units will not be considered as affordable housing for the purposes of Policy DP31. A private rented scheme will therefore require an affordable housing contribution on site as is the case with other developments unless it is not practical to do so. This could be, for example, if there are prohibitively high service charges. In such instances, a commuted sum may be acceptable.

Self-build and custom build housing

- 3.9. The terms 'self-build' and 'custom build' are used to describe instances where individuals or groups are involved in creating their own home. The amount of personal involvement will vary.
- 3.10. Self-build housing projects are defined as those where a person or persons directly organise the design and construction of their own home. This covers a wide range of projects from a traditional DIY self-build home to projects where the self-builder employs someone to build their home for them. Community-led projects can also be defined as self-build.
- 3.11. Custom build homes are defined as those where a person or persons work with a developer to help deliver their own home. This is more of a hands-off approach and the developer may help to find a plot, manage the construction and arrange development finance.
- 3.12. For the avoidance of doubt it does include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.
- 3.13. Custom and self-build need not be solely for privately owned housing. Affordable housing may also be developed through low cost home ownership schemes such as shared ownership or affordable rented housing.
- 3.14. The District Council encourages developers of larger residential developments to designate a proportion of the plots for self-build or custom housebuilding in accordance with DP30: Housing Mix (see Figure 4) to support the development of sustainable communities. All other residential developments will be considered as to their suitability to deliver serviced

plots and delivery may be required as a result, especially in areas where there is a significant demand as demonstrated on the District Council's Right to Build Register.

- 3.15. An open market scheme that provides self-build plots will need to be phased so that the open market housing and access is in a separate phase to the self-build plots. Each self-build plot needs to form a separate phase to facilitate the submission of a reserved matters (detailed) planning application by the intended occupant.
- 3.16. Self-build housing will not be accepted in lieu of and only in addition to on-site affordable housing provision. To ensure quality design, the District Council may wish to agree a design code. Affordable self-build must remain affordable in perpetuity, via a planning obligation between the appropriate parties and the District Council.

Figure 4 – District Plan housing mix policy (DP30: Housing Mix)

DP30: Housing Mix

To support sustainable communities, housing development will:

- provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;
- meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and
- on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.
- If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).

Accessible housing

- 3.17. The Government introduced technical housing standards for new dwellings through a written ministerial statement on 25 March 2015. This included Building Regulation standards for access. The standards are imposed by District Plan Policy DP28 (see Figure 5), and are secured by planning condition.

Accessible and Adaptable Dwellings

- 3.18. Building Regulations Document M [M4(2)] introduces the category Accessible and Adaptable Dwellings (Category 2 dwellings). District Plan Policy DP28 (Figure 5) requires 20% of dwellings on schemes of five or more dwellings to meet this standard.

- 3.19. Exceptions to the requirement may be made where specific factors such as site topography make meeting the standards unachievable by practicable and or viable means. For instance, a key feature of M4(2) Category 2 homes is that they provide step free access to and within a dwelling, and to any private amenity space. Where step free access would be unviable or impractical, the requirement for step free access may be relinquished and any such homes can and will only be required to meet M4(1) standard.
- 3.20. Additional provision of Category 2 dwellings may be sought for schemes that are specifically intended for the needs of particular groups or individuals, where a greater proportion may be appropriate.

Wheelchair User Dwellings

- 3.21. Building Regulations Document M [M4(3)] introduces minimum specifications for Wheelchair User Dwellings (Category 3 dwellings). . The requirement contained in District Plan policy DP28 (see Figure 5) in relation to Wheelchair-user dwellings applies to a reasonable proportion of affordable homes in Mid Sussex, generally 4%, dependent on the suitability of the site and the need at the time.
- 3.22. Further guidance is set out in the Affordable Housing SPD and is available in National Planning Policy Guidance – Housing: optional technical standards²².

Figure 5 - District Plan accessible and adaptable dwelling policy (DP28: Accessibility)

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 – accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.

Wheelchair-user dwellings

Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.

Extra Care Housing

- 3.23. In order to assist in meeting housing need, providing greater choice for older people and those with special needs, and creating sustainable, inclusive and mixed communities, the

²² www.gov.uk/guidance/housing-optional-technical-standards

provision of Extra Care Housing will be required in accordance with District Plan Policy DP30 (see Figure 4).

- 3.24. Extra Care Housing should be designed to be a home for life. It should promote independent living in self-contained accommodation, where people are able to readily access high quality, flexible support and care services on site to suit their needs, and can include rented, shared ownership or leasehold accommodation.
- 3.25. Extra Care schemes should be located so they are accessible to local facilities, proportionate in scale to the locality and provide ancillary facilities as part of the development. These ancillary facilities should complement locally available amenities and be made available to the wider community.
- 3.26. Whether proposed development falls within Class C2 or Class C3 of the Use Classes Order 1987 (as amended) is a question of fact and degree in each case. In determining the appropriate categorisation, the District Council will take all the characteristics of a scheme into account to ascertain whether the scheme is subject to the provisions of Policy DP31 in relation to affordable housing provision.
- 3.27. The District Council considers that extra care schemes will fall within Class C3 where the units provided:
 - i. Are dwellinghouses. This is a question of fact: the primary consideration is whether the unit is self-contained and affords the facilities required for day-to-day private domestic existence; and either
 - ii. Are occupied by a single person, or by people who are to be regarded as forming a single household, "single household" construed in accordance with s. 258 of the Housing Act 2004; or
 - iii. Are occupied by not more than six residents living together as a single household. This is again a question of fact and degree, having regard in particular to whether the level of care provided is so extensive that the residents cannot be said to constitute a household
- 3.28. Specialist accommodation and care homes falling within Use Class C2²³ are a specialist part of the housing needs market and for Mid Sussex are included in the definition of social infrastructure which also includes community facilities and local services. As such, protection of such stock is made by District Plan Policy DP25: Community Facilities and Local Services
- 3.29. Further detail on Class C2 housing can be found in the Mid Sussex Housing and Economic Development Needs Assessment Addendum (August 2016) and further guidance on the Class C2/ C3 classification may be issued by the District Council from time to time.
- 3.30. Where a scheme is classified as Class C2, such development might become subject to the provisions of Policy DP31 in relation to affordable housing provision at a later date should a relevant change of use planning application be made.

²³ Town and Country Planning (Use Classes) Order 1987 (as amended)

Securing Gypsy and Traveller sites

- 3.31. To ensure that a sufficient amount of accommodation for Gypsies and Travellers is delivered to meet identified needs within an appropriate timescale, policy provision is made in District Plan Policy DP33: Gypsies, Travellers and Travelling Showpeople for the delivery of permanent pitches and to monitor the need for the supply of such sites or other forms of accommodation over the plan period²⁴.
- 3.32. Permanent accommodation is proposed to be delivered as part of the District Plan strategic development allocations²⁵; and as part of any future strategic development site²⁶ that may come forward over the plan period²⁷ if a need is identified. Provision is proposed to be secured on-site, or through an equivalent financial contribution towards off-site provision, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, secured through a planning obligation.

Highways and Transport including Sustainable Transport

Highways and transport

- 3.33. The provision of an efficient and sustainable transport network is a key aim of the District Plan that will help to deliver the objectives of the West Sussex Transport Plan 2011-2026.
- 3.34. The highways authority²⁸ may identify instances where improvements are required to the transport network where planning obligations or Section 278 agreements are required to address specific issue arising from an individual development.
- 3.35. For residential development and for purely residential parts of mixed use development, the design of internal infrastructure will be assessed against national guidance; local guidance provided in development plans; and other appropriate guidance.
- 3.36. For non-residential and mixed use development, the on-site infrastructure needs will be assessed on an individual basis on the functional requirements of the proposed development, the relevant standards adopted by WSCC and with due regard to other material considerations.
- 3.37. The highways authority will consider the extent to which existing off-site infrastructure is able to accommodate extra movements as a result of new developments. In instances where the capacity of the existing network is inadequate as a consequence of new development or the increased use arising from the development will give rise to safety concerns, the landowners and developers must provide or fund necessary new or improved off-site infrastructure. When considering capacity and safety, the effects of other, already

²⁴ Policy DP31: Gypsies, Travellers and Travelling Showpeople

²⁵ Policy DP9: Strategic allocation to the north and north-west of Burgess Hill; and Policy DP9A: Strategic Allocation to the east of Pease Pottage DP9b: Land north of Clayton Mills, Hassocks

²⁶ Policy DP28: Housing Mix

²⁷ The District Plan 'plan period' covers years 2014 to 2031

²⁸ The Highways Authority for the local road network is West Sussex County Council. For the strategic road network i.e. the A23/M23, the Highways Authority is Highways England.

committed development will be taken into account, including for instance unimplemented planning permissions and proposed land allocations.

- 3.38. On-site improvements will be sought through planning obligations and/or via Section 278 agreements for off-site improvements. These could include improvements to junctions on-site or in the immediate locality as a direct result of development traffic generation; diversion/ extension of existing public transport/ bus routes through or in proximity to a site including associated road alterations and bus stop improvements; introduction of or improvement to on and off-site pedestrian facilities (e.g. footways, crossing refuge points) and cycle facilities (e.g. cycle ways/ storage); and preparation and implementation of travel plans with on-going monitoring. In addition, bus stops, shelters and laybys will also be necessary in relation to many new developments.
- 3.39. Commuted maintenance payments may be required for this infrastructure where it is reasonable to do so, equivalent to the capitalised costs of future maintenance. Typical items would include landscaping, special lighting and other street furniture, and drainage soakaways. Commuted payments will not generally be required for carriageway and footway maintenance.
- 3.40. Some maintenance cost components are more predictable and the commuted payment calculation has been standardised. These rates are subject to regular review. Where infrastructure such as bridges, underpasses, retaining walls and surface water retention systems is required, future maintenance costs can only be assessed case by case.
- 3.41. Improvements to public highway infrastructure will require a separate agreement to regulate construction. The County Council's administration and inspection fee is 9% of the County Council's estimated total value of the proposed works, subject to a minimum fee of £2,500. Legal fees for preparing the agreement are in addition to this fee. All street lighting and illuminated equipment will need to comply with a standard development specification and be approved by the County Council's PFI provider.
- 3.42. All street lighting and illuminated equipment will be adopted and maintained through a Private Finance Initiative (PFI) Therefore all design and implementation of street lighting and illuminated equipment will need to comply with the standard development specification and be approved by the PFI provider. The costs associated with the PFI provider reviewing developer designs and checking installations will be recovered through the highway agreement process in addition to the 9% or minimum £2,500 administration and inspection fee. Where the design and or installation of street lighting and illuminated equipment is undertaken by the PFI contractor then there would not be a requirement to recover costs through the agreement for these elements.

Sustainable transport

- 3.43. District Plan Policy DP19: Transport aims to facilitate and promote the increased use of alternative means of transport to the private car.
- 3.44. Developers are required to adopt a sustainable approach to transport. An important element of this is the promotion of modes of travel other than the car and developments need to cater for pedestrians and cyclists as well as ensuring good accessibility to public transport.

- 3.45. A methodology for seeking contributions towards sustainable transport 'Total Access Demand' (TAD) has been developed and successfully used for a number of years by local planning authority areas across West Sussex, including Mid Sussex. This methodology is applied to B1 office, B2 industrial, B8 warehousing and residential development. All developers have the opportunity to provide a Transport Assessment as an alternative approach to identifying the impact and necessary mitigation measures associated with their development.
- 3.46. The TAD contribution is made up of two elements, a Sustainable Access contribution in respect of each occupant or employee without a parking space and an Infrastructure Contribution per occupant or employee with a parking space. These are then amalgamated as a single contribution. The payment for occupants or employees with a parking space (the Infrastructure Contribution) is greater for those without (the Sustainable Access contribution). Therefore the higher the percentage of parking spaces in relation to occupants or employee numbers, the greater the contribution towards public transport and sustainable transport initiatives.
- 3.47. For larger residential developments (more than 80 dwellings), the TAD methodology may provide a guide but improvements to mitigate the impact of development should form part of a full Transport Assessment. It would not be anticipated that contributions secured from larger developments would be any less than the level of contribution calculated using the TAD contribution methodology.
- 3.48. The TAD contribution methodology and an on-line calculator is available at www.westsussex.gov.uk/s106
- 3.49. Pooling restrictions (see paragraph 2.10) apply to all contributions made towards transport and highways and sustainable transport secured through planning obligations (the restriction does not apply to Section 278 Agreements). TAD contributions are allocated to specific schemes that improve access between the development and local amenities, including housing, jobs, shops, schools, leisure and other services, primarily those identified in the Mid Sussex Infrastructure Delivery Plan. The pooling restrictions will remain in force until such time as they are removed from or amended in legislation and government policy.

Car parking

- 3.50. District Plan Policy DP21: Transport seeks the provision of adequate car parking for proposed development, taking into account the accessibility of the development; the type, mix and use of the development and the availability and opportunities for public transport.
- 3.51. The minimum indicative standard of car parking provision expected in new developments is set out in Appendix 1 and is based on the WSCC car parking standards. However, developers should be aware that, in addition to these standards, some town and parish councils have set out their own car parking standards in their respective Neighbourhood Plans. Reference should be made to those standards. Those Neighbourhood Plans are:
- Ashurst Wood
 - Bolney
 - Burgess Hill
 - Crawley Down

- East Grinstead
- Haywards Heath
- Horsted Keynes
- Turners Hill
- West Hoathly

Open Space, Leisure / Formal Sports Provision

- 3.52. Creating places to support and encourage healthy lifestyles is a key element of the District Plan, through Policy DP24: Leisure and Cultural Facilities and Activities. New development must ensure existing and future residents can access sufficient local open space and facilities, if possible as an integral part of the scheme. To support this, planning obligations and/ or conditions are used for the provision of land, equipment and for the laying out of on-site local open space; children and young people's play areas; allotments or outdoor sport; as a mechanism for securing on-going maintenance and management (in perpetuity for 100 years) of on-site open space; to secure play and recreation areas; and for securing the replacement of any open space lost as a result of the development.
- 3.53. The District Council requires that the leisure and recreation needs generated by residential development are provided for by the developer as an integral part of the development. These needs will include outdoor playing space, a contribution towards sporting infrastructure, and, in the case of larger developments may include indoor facilities. If this is not feasible, the District Council will require developers to make financial contributions which will be used to provide appropriate facilities in the district. Non-residential developments may also create added demand for leisure facilities or impact on existing provision and appropriate contributions or planning obligations may be sought.
- 3.54. The District Council is reviewing the existing stock of indoor and outdoor facilities in Mid Sussex and to identify areas or assets where there will be a shortfall in provision as a result of new development. Revised requirements or standards will be provided in an update to Appendix 2, and published on the District Council's website. An update will also be set out in the IDP.

Indoor facilities

- 3.55. If there is likely to be a requirement for development to provide or fund new indoor recreation and leisure facilities or improvements to existing indoor facilities, the requirement will usually be identified in the District Plan or a subsequent Development Plan Document.
- 3.56. The District Council will encourage dual or shared use of leisure and community buildings where feasible.

Outdoor Playing Space

- 3.57. Almost all residential development generates a need for playing space. Current guidelines of provision are set out in Appendix 2 and identified needs for new or improved facilities are set out in the IDP.

Contributions to off-site play space

- 3.58. In cases where it is agreed that it is not appropriate to provide part or all the categories of outdoor playing space on-site, developers will be expected to make financial contributions towards off-site play space.
- 3.59. Contributions will only be sought for the provision of new or improved facilities that are within a reasonable distance of the proposed development and therefore accessible to future residents. Distance thresholds/ guideline are set out in Appendix 2.

Calculation of contributions towards open space, leisure / formal sports provision

- 3.60. The method of calculating contributions is set out in Appendix 2.

Maintenance of playspace

- 3.61. The District Council may be prepared to adopt and maintain properly laid-out playing space and informal open space within residential areas, subject to the payment of a commuted sum by the developer to cover the cost of future maintenance for a period of 100 years. A schedule to enable the calculation of indicative maintenance costs is set out in Appendix 2. However, it is for the District Council to determine actual costs on a case-by-case basis. Further details are provided on the District Council's website.
- 3.62. If it is not intended to offer playing space and informal open space for adoption, the District Council will need to be satisfied that adequate alternative arrangements have been made (usually by a condition) for their long-term maintenance such as through a properly constituted management company.

Informal open space

- 3.63. In most residential development sites, there will normally be a requirement for areas of informal public open space in addition to formal playspace. These will include areas of landscaping, footpath/ cycleway corridors and existing sites features which are to be retained, such as trees, woodland areas and water features. The District Council does not lay down standards for the provision of informal open space on development sites, but specific features may be identified in the District Plan, a subsequent Development Plan Document or sites subject to masterplanning.

Education and Services for Children and Young People

- 3.64. The effects of residential developments on schools and other educational facilities such as early years provision, sixth form, special education needs, tertiary and adult education, must be considered. Accordingly, landowners and developers should estimate the demands for services which are likely to result from proposed residential development.
- 3.65. Some small residential developments will have no measurable effect on the demands for educational services and others will have no effect at all such as sheltered housing for elderly people. In addition, the County Council will account for the extent to which existing permanent facilities serving the area (excluding temporary accommodation) are able to meet the educational needs predicted to arise as a consequence of committed housing developments (with planning permission/ or allocated as a housing site). Where schools are

unable to accommodate children likely to arise from a proposed housing development, landowners and developers will be required to contribute towards the costs of providing the necessary capital infrastructure.

- 3.66. Provision for education facilities may be required from strategic housing sites where there is no realistic opportunity to expand existing capacity to meet the needs generated by such development. Such provision, secured through a planning obligation, could include a serviced site for a school, offered at nil cost, to ensure future education capacity is not constrained by a lack of available land. In circumstances where development(s) generates the need²⁹ for a new education facility, this will also include the construction/ commissioning costs of an appropriately sized new school and will include the costs of fitting out the new school.
- 3.67. The County Council has a statutory responsibility to commission education places for all children of school age, normally 4 to 16 years of age and to ensure sufficient nursery education for 3 and 4 year olds and post-16 years in partnership with other sectors. Landowners and developers should note the County Council's policies for admission of pupils to schools which aim to ensure that parents can normally expect places for their children at the schools serving the area in which they live. However, it should be noted that individual governing bodies of church aided schools, foundation schools, academies and free schools are responsible for their own admissions policies.
- 3.68. Where financial contributions are required, these are calculated on the additional amount of children that the development would generate and therefore the need for school places - referred to as total places required. This is then multiplied by the regionally adjusted Department for Education school building costs per pupil place adjusted annually by RICS BCIS All-In TPI Index, known as the cost multiplier.
- 3.69. WSCC provide a calculator to ascertain financial contributions for school infrastructure broken up into four categories, primary, secondary, middle and sixth form. Depending on the existing local infrastructure, only some or none of these categories of education will be required. The calculator is used for smaller developments where contributions are sought for the improvement and expansion of existing schools. Strategic developments with pupil numbers greater than the local schools have capacity to take or expand to, are subject to bespoke requirements which might include securing land or buildings for education facilities.
- 3.70. 'Early Years' provision should be included alongside new primary school sites.
- 3.71. Special Educational Needs (SEN) facilities may be required alongside primary or secondary school sites at new sites, or as stand-alone facilities.
- 3.72. Education contributions locality table and education maps and the contribution methodology and an on-line calculator are available at www.westsussex.gov.uk/s106.

²⁹ Calculated by reference to the pupil yield of development – see WSCC Developer contributions towards WSCC services – available at westsussex.gov.uk

Other Services for Children and Young People

- 3.73. Contributions will be sought where necessary towards youth provision and other facilities such as residential care. Though required for large strategic developments, each development will be considered on a case-by-case basis.

Healthcare

- 3.74. Clinical Commissioning Groups (CCGs) are statutory, clinically led National Health Service bodies responsible for the planning and delivery of health care services for their local area covering:
- Care and treatment in hospital and in the community
 - Prescribing
 - Primary Care (GP) services
 - Mental health services
 - Support and services for people living with learning disabilities.
- 3.75. Mid Sussex is covered by the Horsham and Mid Sussex Clinical Commissioning Group. The CCG will consider and advise the District Council as to the needs which would arise for the provision of additional infrastructure.
- 3.76. Where there is a lack of capacity to accommodate a development, financial contributions will be sought to increase capacity at existing facilities. Contributions are sought on schemes of 50 or more dwellings, based upon calculating occupancy level of new development from the number and housing mix of the scheme.
- 3.77. Strategic developments of more than 500 homes are subject to bespoke negotiation which might include securing land or buildings for healthcare facilities.
- 3.78. An on-line contribution calculator is available at www.midsussex.gov.uk/spd

Social and Local Community Infrastructure

Community buildings

- 3.79. To ensure that sustainable communities are created, new residential development should provide new community buildings or otherwise provide financial contributions towards enhancing existing community buildings to serve the needs of future residents.
- 3.80. Large-scale housing developments may generate the need for a new, purpose-built community building, or sufficient land and a financial contribution, to be provided by the developer as an integral part of the scheme. In the case of large site allocations, the requirement for a community building may be a policy requirement identified in a Development Plan Document. The size and specification of the facility will depend upon local circumstances and should be discussed with the District Council.
- 3.81. Smaller developments may not generate the need for a new community building but will still generate extra demand for such facilities. In such cases, they should contribute towards the enhancement of the existing facilities which serve the locality. Contributions will be spent on

the extension or improvement of existing community buildings or, in appropriate cases, towards the construction of new facilities.

3.82. The contribution rates are set out in Appendix 3.

Library services

3.83. The County Council has adopted standards which relate service provision to population numbers. Where a library is unable to meet standards due to development, a reasonable contribution will be requested towards the service based on the adopted floorspace standards, the library building cost per square metre and the additional population coming from the proposed development.

3.84. For catchment populations up to 4,000, service provision will be by means of mobile libraries. For populations of over 4,000, the service will be delivered through built libraries. The type of library will be determined by the size of the catchment population.

3.85. Where the best means for the delivery of library services to a new development is a mobile library, provision of a suitable parking area (with good links to the local transportation network and access to a power supply) is required, and/or a proportionate financial contribution towards the costs of providing and stocking an extra vehicle.

3.86. Where the appropriate means for the delivery of library services to a new development is a built library, fair and proportionate contributions towards the costs of providing and stocking a new or improved permanent building are required, including any necessary land acquisition.

3.87. In some cases, it may be appropriate for library facilities to be provided as part of a proposed or existing community building. In such circumstances, fair and proportionate contributions towards shelving and self-service terminals will be sought.

3.88. The needs of the library service will be individually assessed. Occasionally, more than one feasible way of meeting needs to WSCC standards will be identified. For example, improvement of the mobile library service in combination with an enhancement of facilities at the major library in the nearest town could be an acceptable alternative to development of a neighbourhood library, on site or nearby, for a comparable cost. Therefore, where the library needs of a particular development proposal may be satisfied equally well by one or more alternatives, contributions towards the most appropriate solution will be sought.

3.89. The applied adopted floor space standards, contribution rates and a website link to a contribution calculator are available in Appendix 3.

Local Community Infrastructure contributions

3.90. The development of sustainable communities requires the provision of a wide range of local facilities and services, of which many are specifically identified in this SPD. However, there are other important local services and facilities which are not listed but are still needed by the community. To identify all of these and to require developers to address each of them individually would be impractical.

- 3.91. Seeking contributions towards such local facilities and services through Local Community Infrastructure (LCI) contributions is an established principle at Mid Sussex. Examples of the services and facilities supported by this contribution are set out in Figure 6 (in addition to the other services listed in this SPD).
- 3.92. LCI contributions are allocated to specific schemes that are needed by the community which development places demand upon³⁰; primarily those identified in the IDP (see paragraph 1.8) in consultation with local councils and other bodies.
- 3.93. The contribution rates are set out in Appendix 3.

Figure 6 – Examples of facilities and services supported by Local Community Infrastructure Contributions

- Local CCTV schemes
- Allotments
- Burial grounds
- Public conveniences
- Enhancement of the public realm
- Car parks, including new provision and expansion
- Electric charging points
- Litter and dog bins
- Footway lighting
- Local signage
- Cycle tracks
- Public Rights of Way
- Routes for pedestrians, cyclists and equestrians
- Traffic calming
- Public seating
- Arts and cultural facilities including museums, theatres and galleries

Emergency Services

Police

- 3.94. The additional population generated by development will place an increased demand on the level of policing for the area. To maintain current levels of policing, developer contributions towards the provision of capital infrastructure are required as Sussex Police do not have capacity and funding ability to respond to growth caused by additional housing.
- 3.95. Details of provision are set out in Appendix 4.

Fire and Rescue

- 3.96. Adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. Works may also be needed to fulfil the Fire Authority's duty to ensure the provision of an adequate supply of water for firefighting³¹. Requirements for the provision of

³⁰ In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

³¹ Fire hydrants are required on developments as a direct cost to the developer as required by the Fire Services Act 2004

fire hydrants affixed to water mains and to carry out other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, may be sought either as planning conditions or possibly through a planning obligation.

- 3.97. In addition, contributions may be sought via a planning obligation towards the provision of a new fire station or the extension of an existing station so as to enable the fire authority to meet the nationally prescribed standards of fire cover for the area.
- 3.98. Guidelines to assist landowners and developers are set out in Appendix 4.

Flood mitigation and Water Infrastructure

Sustainable Drainage Systems

- 3.99. Early consideration of drainage is important so that developments can be constructed around natural water features such as watercourses and ponds and make use of natural land levels. The provision of on-site Sustainable Drainage Systems (SuDS) and on-site flood-mitigation measures is secured through a planning condition and/or planning obligation. Where Sustainable Drainage Systems are provided, arrangements must be put in place for their management and maintenance. West Sussex County Council may charge a fee for lifetime monitoring of SuDS for major developments, where the maintenance of drainage falls to a commercial management company. The arrangements for this will be set out in the planning obligation.
- 3.100. The County Council as Lead Local Flood Authority (LLFA) is the risk management authority responsible for local flood risk defined as flooding from surface water, groundwater and ordinary watercourses. All major development³² proposals must take account of the policy statement for surface water management, the *West Sussex LLFA Policy for the Management of Surface Water*. The LLFA is required to provide consultation responses on the surface water drainage provisions associated with major development. The policy statement sets out the requirements that the LLFA, has for drainage strategies and surface water management provisions associated with applications for development.
- 3.101. The District Council will refer to consultation responses received from the County Council in the determination of planning applications. Developers should therefore refer to this policy statement to ensure applications meet national and local policy requirements on flooding and drainage and to ensure that schemes meet the requirements of District Plan Policy DP41: Flood Risk and Drainage. This policy includes the preferred hierarchy of managing surface water drainage.
- 3.102. The LLFA policy can be viewed on the website at www.midsussex.gov.uk/spd .

Water infrastructure

³² As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This includes development that involves the provision of 10 or more dwelling houses; where the provision of dwelling houses is carried out on a site having an area of 0.5ha or more; the provision of a building or buildings where the floor space (measured as gross internal floorspace) is 1,000 sqm or more; development carried out on a site having an areas of 1ha or more

3.103. District Plan Policy DP42: Water Infrastructure and the Water Environment sets out that proposed new development will be required to demonstrate that there is adequate capacity or additional infrastructure can be provided in time both on- and off-site to serve the development. Developers are encouraged to contact the water/ wastewater company as early as possible to discuss their development proposals.

Water efficiency standards

3.104. The Government introduced technical housing standards for new dwellings through a written ministerial statement on 25 March 2015 and detailed how these would be implemented through the planning system. This includes higher Building Regulation standards under Part G, for water efficiency consumption of no more than an average of 110 litres per person per day. The standard is imposed by District Plan Policy DP42: Water Infrastructure and the Water Environment, and will be secured by planning condition.

3.105. Further guidance is available in Planning Policy Guidance – Housing: optional technical standards³³.

Green Infrastructure and Biodiversity

3.106. The District Plan seeks the best use of resources and recognises the importance of conserving and enhancing areas for biodiversity and nature conservation. Policy DP38: Biodiversity seeks to ensure development contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity. Habitats and species fragmentation should be minimised and opportunities maximised to enhance and restore ecological corridors to connect natural habitats to increase coherence and resilience. Land may be sought from larger and strategic housing sites for the provision of accessible green infrastructure and green corridors. This will ensure that green infrastructure is provided in a joined up manner to ensure that it can function correctly and that it provides good access for existing and future residents, as well as biodiversity. Opportunities to enhance on-site green infrastructure will also be sought. Green infrastructure functions could include wildlife corridors, flood management, health and well-being benefits, and recreation. Improvements to biodiversity and green infrastructure could include contributions to create, improve and upgrade rights of way, footpaths, bridleways, recreational routes; restore, enhance and expand priority habitats and other habitats including wildlife and corridors; and opportunities to create, improve and enhance public open space, other greenspace and on-site green infrastructure.

3.107. The District Council commonly requires that environmental measures provided in relation to new development are managed and maintained indefinitely for a period of 100 years. The normal expectation is that a management company will be set-up, but the District Council may take on larger sites, but this will be decided on a case-by-case basis. Therefore, the District Council may be prepared to adopt and maintain areas comprising such environmental measures subject to the payment by the developer of a commuted sum in respect of the costs of maintenance for a period of 100 years. Where developers would prefer to make alternative arrangements for the future management and maintenance of

³³ www.gov.uk/guidance/housing-optional-technical-standards

environmental measures, the District Council will need to be satisfied that their proposals are satisfactory in all respects.

Waste Management

3.108. The provision of on-site site-specific waste and recycling provision is expected as part of good design for development. It is expected that development will provide:

- adequate facilities within each dwelling for storage and collection of waste/ recyclable materials;
- depending on the scale of development, provide a local recycling facility off-site or secure a financial contribution towards the provision of such a facility off-site³⁴.

3.109. In considering planning applications for development other than new housing, the District Council will assess individually, the needs for provision of additional appropriate recycling facilities.

3.110. The provision of on-site site-specific waste and recycling provision will normally be secured through a planning condition or obligation. Contributions may be sought for the provision of wheeled bins in order for waste collection services to be provided.

3.111. Contributions for waste management services, such as recycling facilities and waste sites, are not currently required in Mid Sussex. However, this situation is monitored and should improvements be required in the future, contributions may be sought.

3.112. Details of provision are set out in Appendix 5.

Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

3.113. Natura 2000 is a network of protected sites across Europe designated for nature conservation importance. It is formed of Special Areas of Conservation for species, plants and habitats (designated under the Habitats Directive) and Special Protection Areas for bird species (classified under the Birds Directive).

3.114. Ashdown Forest (located outside of and to the east of Mid Sussex District) Special Protection Area (SPA) was classified in 1996 and covers 3,200 hectares. Ashdown Forest Special Area of Conservation (SAC) was designated in 2005 and covers 2,700 hectares.

3.115. The District Council has undertaken a Habitats Regulations Assessment to test whether the District Plan, in combination with other plans and projects, is likely to have an adverse impact on the ecological integrity of these areas. The main potential impacts arising from the District Plan that are likely to have a significant effect on Ashdown Forest are recreational disturbance to protected breeding birds from an increase in visitors to Ashdown Forest (to the SPA) and atmospheric pollution affecting the heathland habitat from increased traffic and associated nitrogen deposition (to the SAC).

³⁴ In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

- 3.116. The Habitats Regulations Assessment for the District Plan identifies that proposed new housing in areas close to Ashdown Forest is likely to increase the number of visitors, with potential associated impacts on bird populations. This 'zone of influence' is within a 7km straight-line distance from the SPA boundary of the Ashdown Forest. For this reason it is important to counter any adverse effects from new residential development in this zone, and establish appropriate measures to reduce visitor pressure. District Plan Policy DP17 sets out the mitigation requirements.
- 3.117. The proposed approach is to provide Suitable Alternative Natural Greenspace (SANG) sites to attract visitors away from the Ashdown Forest SPA and Strategic Access Management and Monitoring (SAMM) measures on the Ashdown Forest itself, to deliver access management and behaviour projects and monitor the protected species.

Provision of Suitable Alternative Natural Greenspace (SANG)

- 3.118. SANGs are sites that cater for the recreational needs of communities in order to avoid and reduce the likelihood of increasing visitor pressure and disturbance on important nature conservation areas such as Ashdown Forest. The provision of SANGs will be over and above that for public open space and should be of a suitable design and size to provide an alternative to visiting the Ashdown Forest.
- 3.119. Planning applications for relevant development³⁵ within the 7km zone of influence will be granted subject to a planning condition which requires that no development shall take place until a scheme for the mitigation of the effects of the development on the SPA has been submitted to and approved in writing by the Local Planning Authority (Mid Sussex District Council) in the form of providing a SANG, either on the development site itself or through a financial contribution to a strategic SANG elsewhere. If it is proposed that a SANG is provided on the development site itself, then the applicant will need to contact the District Council early in the process for further guidance on the requirements for the SANG including its management and maintenance in perpetuity.
- 3.120. In the event that the approved scheme relates to the payment of a contribution in accordance with the SANG tariff, such contribution shall be collected to facilitate the delivery of SANG and to fund the management and maintenance of the site in perpetuity and shall be secured by way of a legal agreement with the District Council.
- 3.121. The District Council has secured provision of a 33 hectare strategic SANG at East Grinstead at East Court & Ashplats Wood towards which developer contributions can be made to mitigate the impact of relevant development within the 7km zone of influence on Ashdown Forest. The East Court & Ashplats Wood SANG Strategy can be found at: www.midsussex.gov.uk. The District Council will explore options for another strategic SANG to ensure mitigation can be provided once the East Court & Ashplats Wood SANG has reached capacity. The District Council actively monitors SANG capacity.
- 3.122. The current tariff for developer contributions towards the strategic SANG is available to view at Appendix 6.

³⁵ Developments causing a net increase in dwellings within the 7km zone of influence

Provision of Ashdown Forest Strategic Access Management and Monitoring (SAMM Strategy) measures

- 3.123. The Ashdown Forest SAMM Strategy will set out measures for the management of visitors to Ashdown Forest in such a way that reduces the impact on features of interest of the designated site together with a programme for monitoring bird populations and the impacts of visitors. The SAMM Strategy can be found at: www.midsussex.gov.uk.
- 3.124. The SAMM strategy sets out the measures that provide part of the mitigation for new residential development within the 7km zone of influence for the Ashdown Forest SPA. These measures focus on protecting the SPA from new recreational pressures by managing access (visitor) behaviour and monitoring both birds and visitors.
- 3.125. All residential development leading to a net increase in dwellings within the 7km zone of influence for the Ashdown Forest SPA must contribute towards the SAMM mitigation strategy. Contributions are made through a planning obligation (usually by way of a unilateral undertaking) (see paragraph 4.9.). The SAMM Tariff is available to view at Appendix 6.
- 3.126. In terms of atmospheric pollution, the Habitats Regulations Assessment concludes that adverse effects on the Ashdown Forest SAC are unlikely and no further measures are necessary at this stage. However, to promote good practice, Policy DP21: Transport of the District Plan contains measures to encourage sustainable modes of transport. In addition, if appropriate, other measures to assess and manage atmospheric pollution impacts on Ashdown Forest will also be reviewed and implemented, particularly if new evidence becomes available.

Telecommunications

- 3.127. The Council supports improved digital connectivity, including the provision of full fibre and 4G and 5G across the District, due to the benefits it will bring to both businesses and residents. It supports the installation of communications infrastructure in excavation projects where the District has determined that it is both financially feasible and consistent with the District's long-term goals to develop full fibre communications infrastructure. The Coast to Capital Strategic Economic Plan also seeks to improve digital connectivity across the District, including the delivery of full fibre connectivity for the proposed Science and Technology Park to the west of Burgess Hill.
- 3.128. Policies DP1, DP7 and DP23 of the District Plan seek major³⁶ new housing and commercial developments to be directly served by high quality fibre networks. Such high quality communications infrastructure is essential to ensure Mid Sussex is able to develop sustainable communities by achieving the District Council's aspirations for sustainable

³⁶ As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This includes development that involves the provision of 10 or more dwelling houses; where the provision of dwelling houses is carried out on a site having an area of 0.5ha or more; the provision of a building or buildings where the floor space (measured as gross internal floorspace) is 1,000 sqm or more; development carried out on a site having an areas of 1ha or more

economic growth as well as supporting the increasing number of internet capable devices in the home.

- 3.129. It is the District Council's preference that full fibre connectivity should be designed into the development at the masterplan stage and implemented through a planning condition. If the development proposal does not adequately address the requirement for full fibre connectivity, the District Council may request a financial contribution to improve linkage to an available backhaul network, exchange and/ or the upgrading of an exchange where this has been identified as necessary to ensure full fibre can be provided.
- 3.130. The District Council will negotiate with the developer over the appropriate level of financial contribution required.

Section 4 – Procedure for securing contributions

- 4.1. This section provides guidance to the process the District Council will use to negotiate and agree planning obligations and outlines the District Council's approach to the assessment of development financial viability.
- 4.2. The process is set out to provide clarity to parties involved in the development process and is designed to ensure that applications are progressed without unnecessary delay.

Negotiating and completing planning obligations

- 4.3. The completion of planning obligations is critical on schemes where such obligations are required to make the development acceptable in planning terms. In line with the National Planning Practice Guidance, and to provide certainty to all parties, planning permission will not be granted until the necessary planning obligations are in place.

Pre-application advice

- 4.4. Pre-application discussions offer the opportunity to clarify the relevant planning policies and material considerations, issues to be resolved and requirements for supporting documentation. Entering such discussions prior to the purchase of land will enable developers to better anticipate the financial implications of planning obligations on development proposals.
- 4.5. Pre-application discussions can minimise delays in determining planning applications and developers and landowners are advised to enter into discussions with the District Council and other infrastructure providers where required as early as possible.
- 4.6. Mid Sussex District Council³⁷ offer a formal pre-application service as do West Sussex County Council on transport and highway matters³⁸. It may be appropriate on complex applications to arrange joint advice. Developers and landowners should have regard to this SPD to provide information to support discussions.

³⁷ www.midsussex.gov.uk/planning-licensing-building-control/planning/pre-application-advice/

³⁸ www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/

- 4.7. Development proposals should accord with District Plan policies, including affordable housing requirements at a policy compliant tenure split. The District Council should be notified of any viability issues at the pre-application stage that are deemed to make a proposal unviable at full policy provision, supported by a draft appraisal. This provides the opportunity to discuss the appropriate methodology for a full financial viability assessment, required to support a development proposal that does not meet policy requirements in full. This should include details of discussions with registered providers of affordable housing to inform the value of affordable housing assumed within an assessment. Further detail on the submission of financial viability assessments to Mid Sussex District Council is provided in the Development Viability SPD.
- 4.8. Draft Section 106 Heads of Terms should be considered during pre-application discussions. The District Council aims to agree planning obligations at an early stage, which will ensure there is sufficient time for drafting the requisite planning obligation within statutory timescales.

Application submission

- 4.9. Planning applications must be submitted with the appropriate documentation in accordance with the local list requirements³⁹. In all cases, where it is known from the outset that a planning obligation is required, it is expected that applicants will submit a Planning Obligation Instruction Form⁴⁰. In cases which relate solely to the payment of financial contributions, a planning obligation by way of a unilateral undertaking⁴¹ may be suitable and a draft form of Unilateral Undertaking can be accessed via the District Council's website. Applicants should liaise with the District Council's legal team and seek their approval to the form of planning obligation before submitting any signed documentation to accompany the planning application.
- 4.10. If a viability assessment is required it should include all information required by the District Council, as set out in the Developer Viability SPD to avoid delays in validating the application.
- 4.11. If material changes are made to an application after submission that could affect scheme viability, a revised assessment is required which could delay determination. This highlights the importance of engaging with the District Council in pre-application discussions. If it has not been possible to determine the application within the timescale originally envisaged, it may be necessary to submit an updated viability assessment to reflect current market conditions⁴².

³⁹ www.midsussex.gov.uk/planning-licensing-building-control/planning/making-planning-applications/planning-application-guidance/

⁴⁰ www.midsussex.gov.uk/planning-licensing-building-control/planning/making-planning-applications/planning-application-guidance/new-dwellings-and-housing-developments/

⁴¹ A Unilateral Undertaking is a simplified, standard document which is relatively straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. The Council is not a party to the document and therefore cannot provide reciprocal obligations. A Unilateral Undertaking may be suitable where the obligations consist solely of the payment of financial contributions, of one or more of the types described in this SPD, to be paid prior to commencement of development.

⁴² NPPG – Paragraph 10-017-20140306

- 4.12. As set out in the Planning Obligation Instruction Form, applicants should provide up to date evidence of title to the application site, details of their legal representative and an agreement to pay the District Council's legal costs⁴³ in connection with the planning obligation (payable whether or not the matter proceeds to completion).

Application assessment

- 4.13. The investigation and negotiation on any necessary conditions or obligations form part of the consideration of a valid planning application. This process is undertaken without prejudice to the determination of the application.
- 4.14. The case officer assigned to determine the planning application will manage the negotiation process in conjunction with the District Council's legal team. This includes consultation with internal departments and external bodies, in particular the County Council, to determine the obligations necessary to make the development acceptable in planning terms. Any draft heads of terms submitted will also be reviewed⁴⁴.
- 4.15. Consultation responses will be relayed to the applicant with a view to negotiating and agreeing the nature, scale and any triggers for matters to be included as obligations.
- 4.16. Where an application is refused on other grounds, a decision will be made to whether it is prudent to pursue completion of a planning obligation prior to determination or whether to add non-completion of a planning obligation as an additional reason for refusal.
- 4.17. The applicant is expected to pay the District Council's reasonable legal costs associated with the requisite planning obligation.

Determination and post determination

- 4.18. Where an application is to be determined by officers under delegated authority a completed and executed planning obligation (in a form previously approved by the District Council's legal team) will need to be submitted to, and approved by, the District Council's legal team before a decision is issued.
- 4.19. For applications to be decided by Planning or District Planning Committee, all matters to be included in any obligations must be known and agreed with the applicant by the time the proposal is taken to committee and will be set out in the committee report.
- 4.20. The Committee will decide whether the proposed obligations are appropriate. Any resolution to grant planning permission will be made subject to the completion of a satisfactory planning obligation within a specified time period and will authorise the Head of Service to accept such an undertaking. Planning permission and any other consent will be issued at a point following the completion of the required planning obligation.
- 4.21. A planning obligation should ideally be drafted prior to Committee otherwise it should be progressed immediately following Committee resolution to grant permission to meet any specified time period.

⁴³ Payment may be required up front or in stages and is payable irrespective of whether permission is subsequently granted

⁴⁴ These will be made publicly alongside other planning documentation

4.22. The District Council usually requires all parties with an interest in the land forming the application site to enter the planning obligation. For example, if the land to which the proposal relates is mortgaged or charged to other third parties or if a developer has an option arrangement, it will be necessary for such interests to be party to any planning obligation. Applicants should liaise as early as possible with interested parties/ lenders/ charges about their proposals to ascertain whether approval is likely and to avoid lengthy delays in the signing/ execution process.

Payment of contributions and monitoring

- 4.23. The planning obligation, along with relevant consents, will be registered as local land charges⁴⁵. The District Council does not remove the entries upon compliance with the obligations, however, confirmation of compliance may be sought from the Section 106 Monitoring Officer⁴⁶. A copy of the completed planning obligation will be held by the District Council for public inspection.
- 4.24. The District Council will normally require the payment of financial contributions prior to implementation of a development. This will enable mitigation and improvement works to commence during construction of the development and, where feasible, be co-ordinated with the completion of development.
- 4.25. For phased developments, the staging of payments may be acceptable and to facilitate this, the District Council will seek a phasing plan. The developer must inform the District Council when the relevant stage triggers have been reached. Larger projects funded through Section 106 contributions may take longer to deliver given the time that may be required to put sufficient additional funding in place, to work up details of projects, undertake consultation, obtain relevant consents and address any other issues that arise.
- 4.26. Planning obligations which require financial contributions or commuted sums will be subject to an appropriate method of indexation as specified by the District Council and County Council (as applicable) which shall apply from the date of the planning obligation to the date payment is made to ensure that the value of the obligation does not reduce over time due to inflation. In the case of financial contributions or commuted sums due to the District Council, indexation by reference to the Retail Prices Index will usually be applied and in the case of the County Council, indexation by reference to the Building Cost Information Service All-In Tender Price Index will usually apply.
- 4.27. Compliance with the planning obligation will be monitored as the development proceeds. In the event the developer fails to comply with any terms regarding financial payments, a penalty rate of interest – above and beyond indexation – will be incurred until the point the payment is received. This will be incorporated into the planning obligation.
- 4.28. In the event of non-compliance with a planning obligation the District Council has powers to instigate legal and planning enforcement action. This could include injunctions to prevent development proceeding further. The District Council also has the power to enter land to

⁴⁵ The applicant may be required on occasion to register the agreement as a charge against the title of the property at HM Land Registry. Any requirement will be made clear during the process of negotiation.

⁴⁶ section106monitoring@midsussex.gov.uk

carry out required works and to recover costs for this action from the developer, subject to prior notice.

Recovery of costs incurred in the negotiation and monitoring of planning obligations

- 4.29. The District Council maintains a dedicated resource to monitor planning obligations to ensure the efficient monitoring of planning obligations and processing of queries on such matters. The District Council therefore expects developers to contribute towards the subsequent monitoring of planning obligations.
- 4.30. The tasks undertaken to monitor developments and planning obligations include:
- Update the database with details of the planning obligation.
 - Liaison with the case officer and developers on trigger points.
 - Sending notification to developers on contributions due as appropriate.
 - Liaison with the County Council and town and parish councils.
 - Sending notifications on discharge of planning obligations.
 - Preparation of reports to release monies for appropriate infrastructure projects.
- 4.31. The costs for monitoring developments and planning obligations will be reviewed on an annual basis and will be published on the District Council's website: www.midsussex.gov.uk.
- 4.32. The County Council also monitors contributions paid directly to them. The County Council does not currently apply a monitoring fee, however, it reserves the right to apply a monitoring fee in the future.
- 4.33. The District Council will require its legal costs to be met (whether or not a matter proceeds to completion). You are advised to seek independent legal advice before entering any planning obligation or deed. The District Council's legal team will usually require a Solicitor's undertaking in relation to costs at the outset of a matter. The District Council's legal team can provide an estimate of costs. The County Council also requires its legal costs to be met.
- 4.34. The securing of such fees is not relevant to the determination of planning applications and does not constitute a reason for the granting of planning permission. As such, the provisions of Regulation 122 of the CIL Regulations⁴⁷ do not apply.

Appendix 1 – Mid Sussex Parking Standards

- A1.1 The standards set out below are minimum indicative standards of the level of provision parking generally expected in new developments. Where a lower provision is proposed, this will need to be justified on site specific grounds.
- A1.2 Where a lower provision is provided, evidence should be submitted to demonstrate where overflow parking demands can be accommodated (on-street or elsewhere); that there is sufficient capacity for these demands to be met; and that where necessary, mitigation can

⁴⁷ Community Infrastructure Levy Regulations 2010 (as amended)

be provided to ensure that overflow parking would not cause highway safety issues. This could include where appropriate, measures included in a Travel Plan, or the funding of additional waiting restrictions.

A1.3 The standards will apply to all development in the associated class. Generally no thresholds will apply with the exception of small commercial development in less accessible areas.

Figure 7 – Residential Parking Standards

Dwelling type - (Flats and Houses)	Minimum Indicative Standard
1 bed dwellings	1 car space* per dwelling and 1 cycle space per dwelling**
2/3 bed dwellings	2 spaces per dwelling and 2 cycle spaces per dwelling**
4 bed dwellings	3 spaces per dwelling and 2 cycle spaces per dwelling**
5+ bed dwellings	Car and cycle parking to be assessed individually

* A residential parking space is defined as a garage, spaces on driveway within the curtilage of property or designated parking outside the curtilage of the property such as parking courts and laybys.

** No cycle parking is required if a garage is provide and the garage is of sufficient size. On larger developments (8 dwellings or more) cycle parking for visitors should be provided at a ratio of 1 cycle space per 8 dwellings.

Figure 8 – Other Residential Uses

Residential Uses	Minimum Indicative Standard
Sheltered Accommodation, extra care housing and flats for older people (Use Class C3)	1 space per 2 sheltered units (0.5 per unit) 1 car space for each member of resident staff This category will apply where development is provided with internal communal facilities and warden accommodation. In other case the residential standard will apply.
Residential Institutions including nursing homes (Use Class C2)	1 car space for every 20 residents or increment of up to 20 residents, plus 1 car space for visitors at the ratio of 1 space for 8 residents or increments of up to 8 residents, plus 1 car space for each member of staff based on a ratio of 1 space per 5 residents or increments of up to 5 residents (All to be provided within the layout near to dwellings) Spaces for service vehicles as required
Houses in Multiple Occupation (Use Class C4)	0.5 car space per room/unit
Hostels	1 space for residents at the ratio of 1 space for every 4 residents,

	plus 1 space for visitors at the ratio of 1 space for every 20 residents. Space for service vehicles as required.
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Figure 9 – Retail Uses

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure 19)
Food Retail	1 space per 14 sqm	1,000sqm or under 2 spaces, over 1,000sqm 3 spaces	(1) to (6), (13), (14)
Non-Food Retail	1 space per 20 sqm	1,000sqm or under 2 spaces, over 1,000sqm 3 spaces	(1) to (6), (13), (14)
Garden Centres Independent and attached to non-food retail warehouses	1 space per 20 sqm for covered sales areas and 1 space per 30sqm for uncovered areas	Independent - considered on merits of proposal Attached to non-food retail warehouses – 1,000sqm or under 2 spaces, over 1,000sqm 3 spaces	(1) to (6), (13), (14)
Markets	To be assessed individually	To be assessed individually	(1) to (7), (13), (14)
Wholesale Cash and Carry (excluding factory outlets/ factory retail outlets etc.)	1 space per 50 sqm	1 space per 200 sqm	(1) to (6) and (9)
Car Sales Establishments	1 space per 30 sqm of internal and outside gross car display area Staff parking to be clearly designated	Considered on merits of proposal but provision for off-loading car transporters	(1) to (7)
Motor Repair Garages (NB: This is an industrial use not retail, but as often accompanies car sales it was felt appropriate to group these two uses)	1 space per 45 sqm for staff and 3 spaces per service bay (or 25sqm) Staff parking to be clearly designated	To be assessed individually	(1) to (7)

Figure 10 – Other Business and Industrial Uses

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure

			19)
Financial and Professional Services (Use Class A2)	1 space per 30 sqm	Considered on merits of proposal	(1) to (7), (10), (13), (14)
Business Use (Use Class B1) including offices	1 space per 30 sqm (threshold of 500sqm in rural areas)	Considered on merits of proposal	(1) to (8), (13), (14)
General Industry (Use Class B2)	1 space per 40 sqm	1 minimum (for 240sqm gross or under) 1 minimum and 1 space per 500 sqm (for over 240sqm)	(1) to (8), (13), (14)
Storage and Distribution (Use Class B8)	1 space per 100 sqm	1 minimum (for 240sqm gross or under) 1 minimum and 1 space per 500 sqm (for over 240sqm)	(1) to (9), (13), (14)
Open Storage	1 space per 100 sqm	To be assessed individually	(1) to (5)

Figure 11 – Leisure Uses

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure 19)
Tennis/ Badminton Courts	2 spaces per court	---	(1), (3), (4), (5), (11), (12), (13), (14)
Squash Court	2 spaces per court	---	(1), (3), (4), (5), (11), (12), (13), (14)
Swimming Pools	1 space per 10 sqm of pool area	---	(1), (3), (4), (5),(6), (11), (12), (13), (14)
Golf Courses	4 spaces per hole	---	(1), (3), (4), (5),(6), (11), (12), (13), (14)
Riding Schools/ Stables	2 space per loose box	---	(1), (3), (4), (5), (12), (13), (14)
Indoor Equestrian Centres	1 space per 20 sqm of arena	1 space per 150 sqm of arena for horse boxes/traders	(1), (3), (4), (5), (11), (12),

			(13), (14)
Bowling (including 10 pin, outdoor and indoor)	1 space per 22 sqm	---	(1), (3), (4), (5), (11), (12), (13), (14)
Playing Fields (including soccer, rugby, hockey, cricket etc.)	12 spaces per hectare of pitch	---	(1), (3), (4), (5), (11), (12), (13), (14)
Cinemas and Conference Facilities	1 space per 5 seats	---	(1), (3), (4), (5),(6), (11), (12), (13), (14)
Stadia	1 space per 15 seats	---	(1), (3), (4), (5),(6), (11), (12), (13), (14)
Indoor Multi-Purpose Facilities	1 space per 22 sqm	---	(1), (3), (4), (5),(6), (11), (12), (13), (14)
Other Indoor Leisure Uses	1 space per 22 sqm	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)
Other Outdoor Leisure Activities (e.g. angling and shooting)	Consider on merits	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)

Figure 12 – A3 Uses

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure 19)
Food and Drink (public houses, restaurants, cafes and private clubs)	1 space per 5 sqm of public area and 2 spaces per bar (or 5m length of bar for large bars) for staff Staff parking to be clearly designated	---	(1), (3), (4), (5), (6), (7), (10), (13), (14)

Figure 13 – Places of Assembly, Hotels

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure
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			19)
Places of Assembly (places of worship, theatres, concert halls, night clubs)	1 space per 22 sqm For larger scale places of assembly serving more than a local catchment 1 space per 15sqm	---	(1), (3), (4), (5), (7), (11), (13), (14)
Cinemas and Conference Facilities	1 space per 5 seats	---	(1), (3), (4), (5), (7), (11), (13), (14)
Hotels, Motels and Guest Houses	1 space per bedroom (including staff bedrooms)	---	(1), (3), (4), (5), (7), (10), (11), (13), (14)

Figure 14 – Hospitals, Doctors, Vets

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure 19)
Hospitals	Applications should be assessed individually and be based upon a Travel Plan.	--	(1), (3), (4), (5), (10), (13), (14)
Doctors, Dentists, Vets and Medical Centres	1 space per practitioner plus 4 spaces per consulting room for visitors and staff, plus 1 space per 20 sqm of office space for administrative support staff	---	(1), (3), (4), (5), (10), (13), (14)

Figure 15 – Other Uses

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure 19)
Schools, Colleges and Libraries	To be assessed individually As a general guide: 1 space per 2 daytime teaching staff Parking levels to be	---	(1), (3), (4), (5), (6), (13), (14)

	established within a Travel Plan		
Higher and Further Education	1 space per 2 staff and 1 space per 15 students.	---	(1), (3), (4), (5), (6), (13), (14)
Children's Nurseries	To be assessed individually. Particular regard will be given to adequate provision for dropping off children without causing highway problems. As a general guide 1 space per 2 staff	---	(1), (3), (4), (5), (6), (13), (14)
Cemeteries and Crematoria	To be assessed individually	---	(1), (3), (4), (5), (13), (14)

Figure 16 – Disabled Parking Standards

Development/ Use	Car Parking standard	Operational Requirements
Employment Premises	Individual bays for disabled employees. At least one space or 5% of total car parking provision, whichever is greater.	See 'Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure' (December 2005). This includes technical advice on a range of mobility/ access related issues, including recommended standards for parking provision. It is considered appropriate that standards are in line with this guidance.
Car Parks Associated with Shopping Areas, Leisure, Recreation and places open to the general public	A minimum of open space for each employee who is a disabled motorist, plus 6% of the total capacity for visiting disabled motorists.	

Figure 17 – Motor Cycle Parking

Development/ Use	Car Parking standard
Employment Premises and Car Parks Associated with Shopping Areas, Leisure, Recreation and places open to the general public	1 space plus one space per 10 car parking spaces For retail uses primarily involving bulky purchases (e.g. food superstores and hypermarkets) the provision may be reduced to 1 space per 25 car parking spaces)

Figure 18 – Cycle Parking Requirements

A1 – Shops	1 space per 100 sqm for staff and 1 space 100 sqm for customers
A2 – Financial and	1 space per 100 sqm for staff and 1 space per 200 sqm for customers

professional services	
A3 – Food and Drink	1 space per 4 staff and 1 space per 25 sqm for customers
B1 – Business	1 space per 150 sqm for staff and 1 cycle space per 500 sqm for visitors
B2 – General Industry	1 space per 200 sqm for staff and 1 space per 500 sqm for visitors
B8 – Storage or distribution	1 space per 500 sqm for staff and 1 space per 1000 sqm for visitors
D2 – Leisure and recreation	1 space per 4 staff plus visitor/customer cycle parking
<p>The number of cycle spaces required will be calculated on gross floorspace.</p> <p>The cycle standards are a minimum.</p> <p>All cycle parking must be sheltered and secure and in accordance with local guidance or best practice design. However, flexibility and innovation will be encouraged. It is essential that cycle parking is considered carefully within the design of new development. Communal provision should be in covered and secure stores and be within view of dwellings. Ideally, provision should be individually allocated to each dwelling. Where this is impractical, a common store should be provided with individual, lockable cages.</p> <p>For uses that are not listed above the level of cycle parking required will be assessed individually.</p>	

Operational Requirements

A1.4 The operational requirements for each category of development vary according to the nature of the development concerned. They are listed below (1-14) and those applying to each category of development are set out in the right hand corner of the Standards Schedule.

Figure 19 – Operational Requirements

1	Car space	Size 4.8m x 2.4m to accommodate a private car of average dimensions. Adequate access to car parking space is also required
2	Lorry space	Minimum size 11m x 3m together with adequate access
3	Disabled spaces	In all parking areas provision should be made at a ratio as set out in the standards
4	Loading/unloading	Adequate loading, unloading and turning facilities will be required. Turning facilities should be provided to enable commercial vehicles to be able to turn within the curtilage and clear of the highway
5	Layout and use	Car and lorry space, loading/ unloading and turning space shall be conveniently laid out and accessible to the buildings proposed and kept available for use at all times. A loading bay may double as a lorry space, provided it is to be kept available for these purposes
6	Floor space	Refers to gross floor areas by external measurement
7	Replacement floorspace	The car parking requirement will normally be calculated on the net

		increase in gross floor space
8	Sustainable transport contribution	Advice on sustainable transport contribution is contained this document
9	Associated office use	Associated office use shall be assessed at business use (B1) standard
10	Associated residential use	Associated residential use shall be assessed at residential standards
11	Associated licensed bar/club/restaurant use	Associated licensed bar/club/restaurant use shall be assess at food and Drink (A3) standards
12	Staff/Spectator Provision	Provision for staff/spectators to be considered on the merits of the particular proposal
13	Cycle provision	Cycle parking spaces should be provided in accordance with the standards set out in this SPG. Communal provision should be in covered and secure stores and be within view of dwellings. Ideally, provision should be individually allocated to each dwelling. Where this is impractical, a common store should be provided with individual, lockable cages
14	Motor Cycle Provision	Associated with any car parking provision, spaces for motorcycles shall be provided. The standard for motorcycle provision is set out in this document. Motorcycle spaces shall be 1.4m x 2.3m to accommodate a motorcycle with panniers.

General Requirements for Cycling Provision

- A1.5 It is important that cycle parking is of a suitable quality and appropriate location to encourage people to cycle more and ensure that cycle parking facilities are used.
- A.1.6 Ideally the cycle parking should be located within 20-30m of the access point of the facility which it serves. Cycle parking should be situated so that it does not cause conflict between pedestrians and cyclists.
- A.1.7 Cycle parking should be covered. This is particularly important for cycle parking provided at places of employment and residential developments where cycles will be parked for long periods of time.
- A.1.8 There are a number of types of cycle stand systems. The most common form is the 'Sheffield stand', which is a popular choice with cyclists. These stands are also relatively low cost and easy to maintain. Wall mounted loops are also low cost and suitable for areas where space is limited, but these types of units are less popular with the cyclist and are not suitable for all cycles. Design details for these stands are set out below.

- A.1.9 Other types of stands include lockable stands, which are more secure than those set out above but are also more costly and require more maintenance. Lockers provide high levels of security but are expensive to buy and install.
- A.1.10 Secure cages, sheds and buildings can also be used to provide secure parking. This type of parking is particularly appropriate at places of employment and residential developments. On flatted developments cycle parking could be incorporated into the building itself, with access via the main entrance of the building
- A.1.11 Cycle parking must be secure. This means the cyclist must be able to lock their cycle with a locking device. This is particularly important for unsecured cycle parking which is often found in public areas. Unsecured parking, such as the 'Sheffield Stand', should be clearly visible to encourage their use, reduce the risk of theft and also to make them visible to partially sighted pedestrians.
- A.1.12 Further information on cycle parking is set out in the Sustrans Design Manual – Handbook for cycle-friendly design (2014).

Appendix 2 – Open Space, Leisure, Formal Sports Provision Contributions (overview, thresholds, cost and calculation)

- A.2.1 The District Council has recently commissioned work to review the Playing Pitch Strategy, and Parks & Open Space Strategy; revised requirements will be published on the District Council's website later in 2018.

Outdoor playing space in new housing developments

- A.2.2 The Council uses the guidelines set out within the Guidance for Outdoor Sport and Play of the National Playing Fields Association (2015) as the benchmark standards when assessing playing space requirements for new residential development. These should not be interpreted as a maximum standard and there may be circumstances where provision in excess of these standards will be required.
- A.2.3 Outdoor playing space is defined as space which is available for sport, active recreation or children's playspace which is of suitable size and nature for its intended purpose and safely accessible and available to the general public.
- A.2.4 Formal sport for youth and adult use comprises of playing pitches such as for football, rugby, cricket and hockey; and for all outdoor sports such as for courts and greens comprising natural or artificial surfacing including tennis, bowling, athletics facilities and other outdoor sports areas, available for use to local people.
- A.2.5 Children's playing space includes equipped designated playgrounds and casual play space within housing areas, containing a range of facilities and which should meet the needs of children of different ages and be available for public use. This excludes areas not available for public use, informal open space, landscaped amenity areas, ornamental parks and gardens, golf courses, open water, indoor sports and leisure centres.

A.2.6 New residential development adds to the demand for recreational facilities and the guidelines set out within the Guidance for Outdoor Sport and Play will be applied to all new developments. The basic requirements for each type of outdoor play space are set out below. These include an indication of the size of development where the Council will normally require outdoor play space to be provided.

Quantity Guidelines

A2.7 The overall guideline is for 1.2ha of playing pitches; 1.6 ha for 'all outdoor sports'; 0.25ha for equipped designated play areas and 0.30ha for other outdoor provision per 1,000 population.

A2.8 The children's playing space requirement for Mid Sussex falls into two categories: LEAP - Local Equipped Areas for Play (for younger children (and informal recreation); and NEAP - Neighbourhood Equipped Areas for Play for older children (including informal recreation, and provision for children and young people). Guidance on the size and distribution of each of these categories is set out below. Further detailed guidance on the specification for the laying out and equipping of areas is set out in MSDC Standards for Playspace Provision on New Housing Developments.

A2.9 It is not always practicable or appropriate to provide all the categories of outdoor playing space, sport and recreation within every development. Only on larger developments is it appropriate to provide playing pitches on site and we would normally expect only children's playing space to be provided on site for developments of 50 homes or more. Provision thresholds are set out below.

Children's playing space

A2.10 A LEAP is an unsupervised play area equipped for children of early school age (4-8 years old). LEAPs should be located within five minutes walking time from every home (400m walking distance). The main activity area should be a minimum of 400m² with a 20 metre minimum buffer zone between it and the habitable room façade of dwellings. This buffer zone can include footpaths and planted areas. The District Council will seek to ensure that LEAPs are located in areas that enjoy a large degree of natural surveillance.

A2.11 A NEAP is an unsupervised site, equipped mainly for older children, which should incorporate a kick-about area and opportunities for wheeled play. A NEAP should be provided within 15 minutes walking time from every home (1,000m walking distance). The activity area should be a minimum of 1,000m² with a 30 metre minimum buffer zone between it and the boundary of the nearest residential property, so as to minimise any disturbance to nearby houses.

A2.12 The developer will be expected to fund the provision of all play equipment which must conform to all relevant safety standards. Signs to the satisfaction of the District Council must be erected on the development site and prospective house buyers must be made aware where play areas will be located in the scheme. In line with District Council policy safety surfacing should be provided under and around the equipment. Arrangements for the future maintenance of play areas must be agreed with the District Council. Playgrounds must be laid out and equipment installed before 25% of the houses are occupied.

Areas for formal sport

A2.13 Formal sport areas comprise pitches, courts, athletic tracks and greens for a variety of sports. Provision may also need to be made for car parking and a pavilion. Areas for formal sport should be included within or close to any development where more than 200 dwellings are proposed.

A2.14 When developments are proposed for less than 200 dwellings it will probably not be practicable for an area for formal sport to be laid out. However, these developments add to the overall demand for such facilities and, as users are prepared to travel some distances to play formal sports, it will be appropriate for financial contributions to be made to enable the facilities to be provided elsewhere in the locality.

Off-site provision

A2.15 Developers whose schemes do not include provision for the full requirement of outdoor playing space are expected to make a financial contribution towards the provision of equivalent facilities elsewhere. The contribution per dwelling is standardised for each element of play space set out below.

A2.16 Contributions will only be sought if the District Council intends to spend them on providing new facilities or improving existing facilities that are within a reasonable distance of the proposed development and therefore accessible to the residents of the new development. For LEAPs and NEAPs, as a guide, these distances will normally be 400m and 1,000m respectively when measured in a straight line to the nearest part of the application site. However the District Council will account for the location of the site and existing provision in the locality to assess whether distances in excess of these guidelines form a reasonable basis for seeking contributions. For formal sport (i.e. playing fields, courts and greens), where participants are prepared to travel some distance, the facilities may be located anywhere in Mid Sussex, within reason⁴⁸.

Off-site provision calculation

A2.17 The amount of any contribution will be determined by three main factors:

- i. The scale of the development which is proposed, measured by the expected number of residents (the 'Occupancy'), and
- ii. The nature and extent of existing play space provision, and
- iii. The District Council's proposals for providing new or improved play space facilities in the locality or improving the sporting infrastructure of the district.

A2.18 Contributions are calculated as follows:

- The expected occupancy of the development is first estimated. Where details of house types are known, the assumed occupancy⁴⁹ will be as follows:

1 bed unit	1.3 persons
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⁴⁸ In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

⁴⁹ Data source: 2011 Census – Household size. The occupancy figures will be adjusted if necessary when data from the next Census is available.

2 bed unit	1.9 persons
3 bed unit	2.5 persons
4 bed unit	2.9 persons
5+ bed unit	3.3 persons

- If the proposal is in outline form and only the total number of units is known, the occupancy will be assumed to be 2.5 persons per unit. Contributions towards children's playspace will not be sought from 1 bed flats.
- If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.
- The Infrastructure Delivery Plan is examined for the provision of new or improved play space facilities to establish if there are any appropriately located proposals for outdoor sport and children's playing space. If there are no programmed proposals, opportunities for providing new facilities or improving existing facilities in the locality will be considered.
- Depending upon the conclusions reached in respect of the above, the areas required for each category of play space or sporting area deemed to be relevant to the proposal are calculated using the assumed occupancy and the NPFA standards.
- The current costs per square metre of providing these categories of play or sporting space are then applied to the areas to calculate the contribution. The costs are based on the actual costs of providing new facilities and associated works. The current costs (2017) are set out in Figure 20 and the contributions for different house types are set out in Figure 21. The costs will be regularly reviewed.

Figure 20 – Guidance cost of providing new playspace facilities (2017 prices)

LEAP: 400m²

Equipment and associated safety surfacing	£64,305	
Drainage (if required)	£3,951	
Landscaping	£1,317	
Fencing (coloured bow top)	£6,585	
Total	£76,158	(£190/m ²)

NEAP: 0.5ha

Play equipment with associated safety surfacing	£90,027	
Drainage (for enclosed games area)	£7,902	
Landscaping	£1,317	
Hard surface	£13,170	
Rebound wall and basketball post	£9,219	
Fencing of site boundary	£11,853	
	£133,488	(£133/m ²)

Playing fields: 2.2ha

Levelling	£26,339
Drainage	£52,679
Landscaping	£5,268

Ball stop fencing	£13,170	
Car parking and access road	£65,848	
Pavilion (changing facilities)	£588,595	
Total	£751,899	(£34/m²)

(Note: the figure for playing fields does not include the cost of the land)

Figure 21 - Calculation of playspace contributions (2017)

Based upon standards set out in Guidance for Outdoor Sport and Play (2015)

Local Equipped Areas for Play (LEAPs)	0.25 Ha/1,000 pop.	(2.5m ² per person)
Neighbourhood Equipped Areas for Play (NEAPs)	0.3 Ha/1,000 pop.	(3m ² per person)
Outdoor sports	1.6 Ha/1,000 pop.	(16m ² per person)

Contributions per person:

Equipped playspace (LEAPs)	£190/m ² x 2.5m ² /person	£475
Casual/informal playspace (NEAPs)	£133/m ² x 3 m ² /person	£399
Formal sport (playing fields)	£34/m ² x 16 m ² /person	£544

Contribution per dwelling:

Unit size	Occupancy	Market housing			Affordable housing*		
		LEAPs	NEAPs	Playing fields	LEAPs	NEAPs	Playing fields
1 bed (houses only)	1.3	£618	£519	£707	£414	£348	£474
2 bed	1.9	£903	£758	£1,034	£605	£508	£693
3 bed	2.5	£1,188	£998	£1,360	£796	£669	£911
4 bed	2.9	£1,378	£1,378	£1,578	£923	£923	£1,057
5+ bed	3.3	£1,568	£1,317	£1,795	£1,051	£882	£1,203

*Discount by 33% for affordable units (see 2.22)

Maintenance of playspace calculation

Amenity Land Adoption: Maintenance Rates and Calculation

Figure 22 – Calculation of Indicative Costs of Capital Contributions for maintenance of the landscape infrastructure

Capital contribution in respect of each item:

$$\frac{[\text{Annual Unit Cost (AUC) x Unit}] \times 100 \text{ years}}{\text{Interest Rate (Note 1)}}$$

Table 2 - Cost of maintenance from 1 April 2017:

Item	Unit	Annual Unit Cost £
Grounds Maintenance:		
Maintenance of Dog Bins	per bin	155.08
Shrub beds - mulched to L A specification	per 100m ²	292.00

Ditch maintenance	per 100m run	389.70
Seasonal bedding/Herbaceous Borders	100m ²	653.70
Hedge maintenance - High Vig 2 x p a	per 100m run	218.87
Hedge maintenance - Low Vig 1 x pa	per 100m run	82.98
Wild flower meadow/maintenance	per 100m ²	12.45
Grassed areas to be maintained 15 x p a	per 100m ²	31.38
Grassed areas to be maintained 4 x p a	per 100m ²	21.78
Grassed areas to be maintained 2 x p a	per 100m ²	1.15
Litter scavenge/collection E.P.A.Zone 1	per 100m ²	12.45
Litter scavenge/collection E.P.A.Zone 2	per 100 m ²	7.52
Litter scavenge/collection E.P.A.Zone 3	per 100m ²	6.48
Woodland Litter Scavenge	per 100m ²	0.31
Sweeping hard surfaces	per 100m ²	14.52
Junior football pitch (Drained)	per pitch	3,941.74
Junior Football pitch (Non-drained)	per pitch	2,696.98
Arboriculture		
Individual established trees (up to semi-mature)	per tree	26.35
Individual mature trees	per tree	53.40
Groups of trees/small copses	per 100m ²	72.47
Large woodland areas	(to be individually assessed)	
Newly planted individual trees e.g. standard	per tree	17.37
Newly planted copse of whips/feathered trees	per 100m ²	82.26
Newly planted copse of whips & standards	per 100m ²	90.76
Civils		
Playground (equipped)	per p/ground	466.79
Stone footpath (Type 1 blinded by 3mm grit)	per 100m ²	35.89
Tarmac footpath with conc. edges	per 100 m ²	59.29
Brick wall up to 1.8m high	per 100m run	115.40
Close Board or similar fencing up to 1.8m	per 100m run	85.47
Post and 3 rail fence with chain link	per 100m run	63.47
Single gate	per unit	12.81
Double gate	per unit	21.37
Bollard	per unit	11.83
Goalpost metal (informal use)	per unit	24.58
Wooden pole surround for kickabout area	Per 100m	106.84
Pond maintenance	per 100m ²	49.17
Pond maintenance - repair of banks	per 100m run	109.44
Seat/Bench	per unit	139.00
Dog bin	per unit	45.95
Unilog retaining wall	per 100m run	157.05
Re-bound Wall	per unit	235.05
Standalone Basketball Post	per unit	79.04
All weather surface	per 100m ²	48.02
Grasscrete surfacing	per 100m ²	45.95
Wooden vehicular bridge	per unit	692.92*

(* Assume new bridge costs £10,500 and has a life span of 20 years)

Note 1: 5 year Public Works Loan Board Interest Rate: 1.55% (as at April 2017)

The above annual unit cost figures (AUC), and interest rate will be reviewed annually and Appendix 3 will be updated. The most current figures will be used at the actual date of advising the developer of the capital sums due. These will remain valid for 6 months and may then be re-calculated if necessary.

Calculating playspace capital contributions

Multiply the AUC by the appropriate unit, then by 100 and divide by the current rate of interest i.e.:

For areas: e.g. 1,920 m² of grass to be cut 15 times per year:

$$= \frac{(\pounds 31.38 \times 19.2) \times 100}{1.55} = \pounds 38,870.71$$

For lengths: e.g. 64m of vigorous growth hedge:

$$= \frac{(\pounds 218.87 \times 0.64) \times 100}{1.55} = \pounds 9,037.21$$

For items: e.g. for one established semi-mature oak tree:

$$= \frac{(\pounds 26.35 \times 1) \times 100}{1.55} = \pounds 1,700.00$$

Appendix 3 – Social and Local Community Infrastructure

Community buildings

A.3.1 The District Council has recently commissioned work to review the Community Asset Strategy; revised requirements will be published on the District Council's website later in 2018.

A.3.2 The following assumptions will be used to calculate contributions towards community buildings:

- Typical population served by community building: 2,500 persons
- Typical community building floorspace: 400 square metres
- Building costs for construction of community buildings: £1,950/square metre
- Cost per person: £312

Unit size	Occupancy	Market housing	Affordable housing*
1 bed	1.3 persons	£406	£270
2 bed	1.9 persons	£593	£395
3 bed	2.5 persons	£780	£520
4 bed	2.9 persons	£905	£603
5+ bed	3.3 persons	£1,030	£686

*Discount by 33% for affordable units (see 1.14)

A3.3 Where the details of unit types are known, the assumed occupancy will reflect the above and the contribution will be calculated accordingly

- A3.4 If the proposal is in outline form and only the total number of units is known, the contribution will be calculated on the basis of an average occupancy of 2.5.
- A3.5 If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.

Library services

- A3.6 The contribution will be applied to new residential development and is calculated as follows:

Library infrastructure contributions are determined by the population adjustment resulting in a square-metre demand for library services. The square-metre (SQM) demand is multiplied by a cost multiplier which determines the total contributions:

- Contributions = SQM demand x Cost Multiplier

The square-metre demand (SQM demand) for library floorspace varies across the relevant districts and parishes based on available library infrastructure and the settlement population in each particular locality.

The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1,000 people and is provided with each individual calculation.

- Square Metre Demand = (Adjusted Population x LFD) / 1,000

The **cost multiplier** for providing relatively small additions to the floorspace of existing library buildings is currently £4,591 per square metre as at 2017/18.

Occupancy rates are taken from Census 2011 data and will be revised following the next Census.

An on-line calculator is available to view at www.westsussex.gov.uk/s106

Local Community Infrastructure Contributions

- A3.7 The contribution will be applied to new residential development and will be £354 per person, calculated as follows:

Unit size	Occupancy	Market Housing	Affordable housing*
1 bed	1.3 persons	£460	£307
2 bed	1.9 persons	£673	£448
3 bed	2.5 persons	£885	£590
4 bed	2.9 persons	£1,027	£684
5+ bed	3.3 persons	£1,168	£779

*33% discount for affordable housing (see 2.22)

- A3.8 Where the details of unit types are known, the assumed occupancy will reflect the above and the contribution will be calculated accordingly

A3.9 If the proposal is in outline form and only the total number of units is known, the contribution will be calculated on the basis of an average occupancy of 2.5.

A3.10 If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.

Appendix 4 – Emergency Services

Police

A4.1 Calculations towards policing new development are based upon the following. All figures below are as at 2018. Contributions are generally sought from all development of 50 units or more.

There are four parts to the Police contribution:

- Staff
- Premises
- Vehicles
- Other infrastructure (ANPR)

Predicted impact of proposed development in Mid Sussex:

This is calculated by calculating the number of incidents that are likely to occur as a result of development and calculating the number of officers and support staff required to serve the new development to maintain existing policing levels in Mid Sussex.

Predicted development incidents:

- Current policing requirements:

Number of recorded incidents per person in Mid Sussex district:

$$\frac{\text{Total incidents per year for Mid Sussex}}{\text{Mid Sussex population}} = \text{Incidents per person}$$

$$\frac{35,326 \text{ incidents}}{139,860 \text{ total population}} = 0.25 \text{ incidents per person}$$

- Predicted incidents as result of population increase:

Proposed development population x 0.26 incidents per person = Predicted number of development incidents

Proposed development population is based upon the following occupation rates:

Unit size	Occupancy
1 bed	1.3 persons
2 bed	1.9 persons
3 bed	2.5 persons
4 bed	2.9 persons
5+ bed	3.3 persons

Where the details of unit types are known, the assumed occupancy will reflect the above and the contribution will be calculated accordingly

If the proposal is in outline form and only the total number of units is known, the contribution will be calculated on the basis of an average occupancy of 2.5.

If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.

Number of required uniformed officers and staff as a result of development:

- Uniformed officers:

$$\frac{\text{Predicted number of incidents from development}}{\text{Total incidents per year for Mid Sussex / total number of officers}} = \text{Required uniformed officers}$$

- Support staff:

Ratio of support staff to officers (total support staff/ total officers) x number of required officers from development

Calculating contributions

Calculations are based upon total current levels of staffing provision in Mid Sussex and cost of the provision of infrastructure.

- **Staffing provision**

Mid Sussex is currently served by:

- Dedicated uniformed officers, i.e. Investigations, Local Support Teams, Neighbourhood Policing Team (NPT), Response and SIU (Special Investigations Unit).
- Dedicated support staff (Safer in the City – ASB Team, Performance, Licensing, Divisional Command).
- West Sussex Divisional officers, i.e. Forensics/ Major Crimes Unit (as Mid Sussex 'proportion' of West Sussex Division staff)
- West Sussex Divisional support staff (Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroner's Office)
- Force wide officers (Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles)

- Sussex Central support staff (Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service (as Mid Sussex 'proportion' of Force wide staff)

The breakdown of total staffing for Mid Sussex is calculated on current staffing levels and as a proportion of Mid Sussex 'use' of West Sussex Division Staff and Force wide Staff. The Mid Sussex 'proportion' is calculated by the proportion of the total number of incidents in Mid Sussex as a percentage of the total number of incidents in West Sussex and Sussex (East and West Sussex). The current rates as at 2018 are 13.8% and 6.4% respectively.

The following table sets out current staffing levels:

	Total staff	Mid Sussex proportion	Breakdown
Dedicated uniformed officers	88	88	
Divisional officers	105	14.5	(105 x 13.8%)
Force wide officers	821	52.5	(821 x 6.4%)
Total		155	
Dedicated support staff	6	6	
Division support staff	99	14	(99 x 13.8%)
Force wide support staff	1,202	77	(1,202 x 6.4%)
Total		97	
Ratio support staff to officers		0.63	

- Infrastructure costs

Costs are calculated on infrastructure required to serve proposed development. Contributions would be pooled towards provision⁵⁰.

- Staff set up cost

The basic capital set up costs of equipping new police officers and support staff is as follows:

OFFICER	Capital cost
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33
Start-up recruitment and training cost	£5,460
TOTAL COST	£9,767,33

SUPPORT STAFF	Capital cost
Start-up equipment (workstation, IT equipment)	£2,086
Start-up recruitment cost	£1,060

⁵⁰ In accordance with Regulation 123 of the Community Infrastructure Regulation 2010 (as amended)

TOTAL COST	£3,146
------------	--------

The cost is calculated by total cost per officer or support staff x number of required staff as a result of development.

- **Premises**

Contributions towards premises are based upon existing capacity to accommodate additional required officers and will only be sought where floorspace is required to accommodate additional officers as a result of a proposed development.

Following the start of the 2018/19 tax year, Sussex Police will use the up to date BCIS costings index multiplier for all Section 106 planning obligation requests. The 17/03/18 issue of the RICS BCIS costs lists the median cost for new police stations at £2,631 and the median costs for adaption/ conversion of police stations at £1,561.

Taking an average floor space provision across Sussex Police's sites which deliver neighbourhood policing, Sussex Police have determined that each new officer/member of staff should be allocated 8.93 sqm of floorspace (workstation / locker room / storage) and

Premises calculation:

BCIS cost multiplier cost per sqm x 8.93 sqm/employee x no. of required employees

- **Vehicles**

The average capital cost of a standard patrol vehicle is £17,000 (not including fuel and maintenance). Guideline is to replace vehicles every 4 years or 125,000 miles. The development requires fleet investment for a minimum of 8 year life of provision to serve the proposed development. Sussex Police estimate that the 4-year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

Total vehicle provision for Mid Sussex serving a total of 60,705 households is 63.3 vehicles.

This is based upon a total dedicated vehicle provision for Mid Sussex of 25 vehicles plus a proportion of the 598 force wide vehicles serving the county (based on 6.4% of total countywide incidents occurring in Mid Sussex, the proportion totals 38.3).

The development cost is calculated by cost per household x total number of development households. Cost per household = £35.45

$$\frac{\text{£17,000 cost per vehicle} \times 63.3 \text{ total vehicles} \times 2}{60,705 \text{ Mid Sussex households}} \times \text{number of development households}$$

A.4.2 An on-line calculator is available at www.midsussex.gov.uk/spd

Fire and Rescue

A.4.3 Guidelines to assist landowners and developers are set out below:

- The costs of providing a fire hydrant, ranges from £700-£850 (excluding VAT).
- Hydrants are to be fitted to water mains at least 100mm in diameter in residential areas and 150mm diameter in commercial/ industrial areas. Where water undertakers are not proposing to lay mains of those sizes, the cost of a supply from the nearest main of adequate size would be in the range £800-£1,000 (excluding VAT) per linear metre.
- In residential areas fire hydrants should be positioned approximately 350 metres apart, and in industrial areas approximately 180 metres apart. Fire hydrants covering large public buildings and areas such as hospitals, hotels, schools and town centre developments should be spaced at 180 metre intervals unless relevant codes of practice state otherwise. In planning the provision of fire hydrants in rural areas, particular attention should be paid to specific risks and therefore no definitive distances can be provided.
- Where development is considered to be a 'major risk', it will be considered individually to ensure that the overall provision for firefighting comprising, as appropriate, internal water based protection systems, private fire hydrants, statutory fire hydrants and other 'open water' supplies, is adequate.
- Fire hydrants should be sited in positions to be agreed by the Fire Authority and, where possible, such locations will be at main roads, feeder roads or road junctions where they are readily visible.

A.4.4 Full details of the Fire Brigade standards for access roads (including weight requirements) and for water supplies are available on request.

Appendix 5 – Refuse/ recycling facilities – new development provision

A5.1 The District Council intends to use S106 funds to purchase specialist lockable recycling bins to improve recycling quality in communal bin stores. Funds will also cover costs of signage, leaflets and stickers for bins in the future.

A5.2 In large-scale residential developments (200 or more dwellings), it will be necessary to make provision for a central recycling point. This would ideally be located in an area visited by the local community, i.e. local retail outlet or recreation area. Small, local recycling sites require a hardstanding area of approximately 30m².

Appendix 6 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

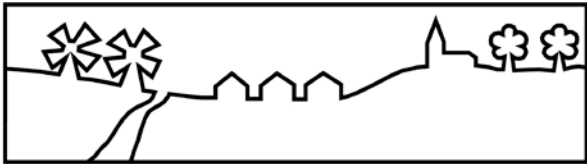
A.6.1 The East Court & Ashplats Wood SANG strategy took effect on 1st January 2015. The tariff is as follows. Further details are available at: www.midsussex.gov.uk/planning-licensing-building-control/planning/ashdown-forest/

Number of bedrooms	SANG tariff per Dwelling
1	£886
2	£1,275
3	£1,691
4+	£2,033

A6.2. The interim SAMM tariff is as follows. Further details are available from the link in A6.1.

A6.3 A 33% reduction for SAMM applies to affordable housing.

Number of bedrooms	SAMM tariff per dwelling	SAMM tariff per affordable dwelling
1	£1,404	£941
2	£2,146	£1,438
3	£2,628	£1,761
4+	£3,140	£2,104



MID SUSSEX

DISTRICT COUNCIL

Affordable Housing

Supplementary Planning Document

Revised draft for Scrutiny Committee for Community, Housing and Planning – June 2018

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Executive Summary

The Mid Sussex Development and Infrastructure Supplementary Planning Document (SPD) was adopted in 2006 and relates to policies in the adopted Mid Sussex Local Plan 2004.

Since the 2004 SPD was prepared, the Government has published the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the Community Infrastructure Levy Regulations 2010 (as amended). Each of these documents have set out a new policy context, and provided updated guidance, for the management and collection of developer contributions.

The District Plan 2014-2031, which was adopted in March 2018 replaced the Local Plan 2004 as the Development Plan for Mid Sussex District.

The Development and Infrastructure SPD is therefore currently being refreshed, in order:

- To ensure that the SPD complies with all relevant national planning policy and guidance;
- To update the document to ensure that it complies with the relevant policies in the District Plan 2014-2031; and
- To update the requirements for each type of contribution, and the costs of those contributions.

There are three separate SPD documents:

- A Development Infrastructure and Contributions SPD, which sets out the overall framework for the management of planning obligations;
- An Affordable Housing SPD, which provides more detailed information on the requirements for on-site and off-site affordable housing provision, and
- A Development Viability SPD which provides information on the viability assessment process, and sets out the District Council's requirement that, where developers believe the requirements make their proposed development unviable, a viability assessment must be submitted to the District Council, with supporting evidence for approval

This SPD identifies the District Council's requirements relating to affordable housing. It should be read in conjunction with the Developer Contributions Infrastructure SPD and the Development Viability SPD.

Section 1 - Introduction

Background

- 1.1. Mid Sussex District Council (the District Council) is committed to delivering sustainable communities that are safe, healthy and inclusive. To help achieve this, the District Council expects new development to provide or contribute directly towards the provision of affordable housing.
- 1.2. The purpose of this Supplementary Planning Document (SPD) is to provide information about affordable housing for the area of Mid Sussex that falls outside of the remit of the South Downs National Park Authority¹.
- 1.3. On adoption, this SPD will replace the affordable housing section of the Development and Infrastructure Supplementary Planning Document (February 2006), which will be withdrawn.

Scope of this document

- 1.4. This SPD is intended to provide guidance about how the District Council will secure affordable housing to support proposed development and help deliver sustainable communities.
- 1.5. It should be read alongside the Mid Sussex Development Infrastructure and Contributions SPD and the Mid Sussex Development Viability SPD.

Status and use of this document

- 1.6. In accordance with relevant legislation, this SPD will be subject to consultation, review of feedback received and then formally adopted by the District Council. It will supplement the Mid Sussex District Plan 2014-2031 and, when adopted, will be a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential and mixed use development from the inception stages and therefore when negotiating site acquisitions and undertaking development feasibility.

Legislative and policy context

- 1.7. This SPD takes into account the statutory framework for planning obligations set out in Section 106 of the Town and Country Planning Act 1990² and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended); Government policy on planning obligations and conditions is set out in the National Planning Policy Framework³; and National Planning Practice Guidance.

¹ The South Downs National Park Authority is the statutory planning authority for the area of Mid Sussex falling within the National Park.

² As amended by Section 12(1) of the Planning and Compensation Act 1991

³ Paragraphs 203-206

- 1.8. This SPD specifically relates to District Plan Policy DP31 Affordable Housing and DP32 Rural Exception Sites (Figure 6) – the main local policies for securing the delivery of new affordable housing and the main contexts for the guidance in this document.

Section 2 - Affordable housing on residential development sites

- 2.1. Providing the amount and type of housing that meets the needs of all sectors of the community is a key objective of the District Plan. For development that meets certain conditions, planning obligations or planning conditions are used to secure the delivery of particular types of provision. This could include:
- On-site provision or, in exceptional circumstances only, commuted financial contributions towards affordable housing;
 - Rural exception sites;
 - Self-build and custom build housing;
 - Accessible and adaptable housing;
 - Specialist accommodation or care; and
 - Gypsy and Traveller accommodation.
- 2.2. One of the roles of the District Council is to enable and co-ordinate the provision of housing to meet the needs of all those within the community. In seeking to meet these needs it is evidenced that some people are unable to meet their housing needs through the private housing market. The District Council is therefore justified to require the provision of affordable forms of housing.
- 2.3. All categories of affordable housing must be demonstrably affordable when the local incomes of households in housing need for rented or low cost home ownership products are taken into account. For instance:
- If they are a home ownership product they must be affordable to those on the local Help to Buy Register or any equivalent replacement;
 - If it is a shared ownership or a shared equity type of affordable housing the percentage sold and rent set must be at an affordable level;
 - If the affordable units are rented housing whether social rent, affordable rent or intermediate rent, the rents (including service charges) must be set and retained at a truly affordable level. This means that they must be capped at a maximum of 80% of market rent or at Local Housing Allowance Level (whichever is lower) in the case of affordable rents; and at a maximum of 80% of market rent in the case of intermediate rents. Social rent levels are determined through the Government's rent policy.

When is affordable housing required?

- 2.4. Policy provision for affordable housing is set out in District Plan Policy DP31: Affordable Housing (see Figure 1). This applies to all types of residential development falling within Use Class C3 that meet the policy thresholds and includes changes of use of any building

to residential use (where subject to planning permission), mixed use sites that incorporate an element of residential development, sheltered, and extra care housing schemes and conversions.

- 2.5. Other than where existing affordable housing, or sites previously used for affordable housing are to be redeveloped, or where the site lies within the High Weald Area of Outstanding Natural Beauty, contributions will not be sought from developments of 10 dwellings or less, and which have a maximum combined gross floorspace⁴ of less than 1,000m². If the number of dwellings to be built on a development site is below the threshold for the number of units required to contribute affordable housing, but has a combined gross floorspace of more than 1,000m², it is expected that affordable units will be built on the development site in accordance with District Plan policy DP31 at 30% affordable housing provision.
- 2.6. In cases where residential developments do not contain 11 dwellings or more or do not have a combined floor space of more than 1000m² but lie in the High Weald Area of Outstanding Natural Beauty a commuted payment towards off site provision, equivalent to providing 30% on site affordable housing, will be required where the scheme provides 6-10 units.
- 2.7. Where existing affordable housing, or sites previously used for affordable housing are to be redeveloped, the District Council will expect the same number of affordable units to be replaced on the site, with the scheme reflecting current mix and tenure requirements. The District Council is aware that in some circumstances such re-provision may not be feasible on viability grounds and variations in overall numbers, tenure and size may need to be negotiated. Independent viability evidence will be required in such circumstances. The District Council's approach to financial viability and viability review mechanisms is outlined in Section 4 of this document and set out in detail in the Development Viability SPD.
- 2.8. District Plan Policy DP31 will not apply to residential accommodation incidental in use to a main dwelling house or for staff / student accommodation provided this is made clear in the planning application and accepted by the District Council. Such developments might become liable at a later date should an application be made to convert these to stand alone accommodation / non-staff or student accommodation.
- 2.9. In calculating the number of affordable housing units to be provided, the number of units will be rounded up if it is not a whole number.
- 2.10. District Plan Policy DP31 is clear that development proposals that do not provide sufficient affordable housing will be refused unless significant clear evidence is provided and accepted by the District Council to show that the site cannot support the required affordable housing from a viability and deliverability perspective. The District Council's approach to financial viability and viability review mechanisms is outlined in Section 4 of this document and set out in detail in the Development Viability SPD.

⁴ Combined gross floor space figure will be calculated in accordance with the RICS measuring guide and is calculated based on the size of the gross internal floorspace including integral garages, on a square metre basis. The calculation excludes ancillary uses such as sheds, greenhouses and adjacent garages. This is the same measuring guide as used to calculate CIL contributions.

- 2.11. If it can be clearly demonstrated and is accepted that the requirement to provide affordable housing cannot be met, the District Council will negotiate a lower provision of on-site affordable housing that is financially viable. In order to ensure that the maximum reasonable level of affordable housing is provided in line with District Plan Policy DP31, and that other plan requirements are met, the District Council will require viability review mechanisms secured by a planning obligation⁵ on all residential applications which do not meet the affordable housing requirement, and for all applications where policy requirements are not met in full at the time permission is granted. The District Council's approach to financial viability and viability review mechanisms is outlined in Section 4 of this document and set out in detail in the Development Viability SPD.
- 2.12. The provision of affordable housing will be through on-site provision of affordable homes, unless it is agreed in exceptional circumstances, such as those listed later in this document, that this is impractical in which case a financial contribution will be sought depending on the size, location and type of affordable housing required to be provided by the scheme. The provision of affordable housing or financial contributions will be secured through an appropriate planning obligation (by way of an agreement or unilateral undertaking as the District Council considers appropriate in the circumstances).
- 2.13. On phased developments the full 30% affordable housing requirement will be required to be provided on each and every phase and to be fully integrated within the development as a whole. Timescales for delivery will also be included in a planning obligation.

Figure 1 – District Plan policy provision of affordable housing (DP31: Housing)

DP31: Affordable Housing

The Council will seek:

1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace⁶ of more than 1,000m²;
2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;
3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;
4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and
5. free serviced land for the affordable housing.

All affordable housing should be integrated with market housing and meet national technical standards for housing including “optional requirements” set out in this Plan (Policies DP25: Dwelling Space Standards; DP26: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required

⁵ Planning obligations are entered into under Section 106 of the Town and Country Planning Act 1990 (amended by Section 12 of the Planning and Compensation Act 1991)

⁶ Measured as gross internal floorspace

affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.

Definition of affordable housing and types of affordable housing

Figure 2 – Affordable housing definition

Affordable Housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing must include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

- 2.14. The affordable housing will be secured through planning obligations and will be funded through the provision of free serviced land; and by Registered Providers using their own resources, loans and if available, central government or Local Authority grants. Community Infrastructure Levy cannot be used to fund affordable housing.
- 2.15. The District Council will work with Registered Providers who are approved by the District Council. Registered Providers are expected to commit to participate in the Mid Sussex Common Housing Register and have a local management base.
- 2.16. Affordable housing providers who are not Registered Providers must be accredited by Homes England⁷ and must satisfy the District Council that they have appropriate local management arrangements, a commitment to creating sustainable local communities and a willingness to help the District Council to meet those housing needs identified as a priority for the district.
- 2.17. Works should not begin on site on any development or phase of a development until the District Council approves in writing the identity of the Affordable Housing Provider(s) with responsibility for the provision of the affordable housing units on the development or phase of a development and the developer has entered into a contract with the Affordable Housing Provider(s) to deliver the affordable housing units. This requirement and the evidence to be provided will be detailed in the planning obligation.
- 2.18. A principal requirement of the District Council is to ensure that the necessary serviced land is made available at nil cost for the subsequent construction of the requisite number of affordable housing units to meet needs identified as a priority for the district. This will be secured in a planning obligation.

⁷ Or any subsequent equivalent body

Figure 3 – Definition of affordable housing types

Social rented housing – owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the Government's rent policy. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing – let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable) and affordable rents must be set at this level or the level of the prevailing Local Housing Allowance for the size of unit, whichever is the lower.

Intermediate housing – homes for sale and rent provided at a cost above social rent, but below market sale and rent levels, subject to the criteria in the Affordable Housing definition above. These can include shared ownership, shared equity, other low cost homes for sale such as starter homes, and intermediate rent.

Shared Ownership – the purchaser buys a proportion of the value of the home and the remaining share is kept by the freeholder which is usually a registered provider. A subsidised rent is paid for the remainder of the equity. Providers should not fix the share of a given property to be sold in advance, but offer specific buyers a size of share appropriate to their individual circumstances. The initial equity share must be between 25% and 75% and the District Council expects that at least 50% of each type and size of shared ownership units on each scheme should initially be sold at shares of 35% or below in order to help ensure affordability. The District Council requires that such units should be affordable to households on the Help To Buy Register for Mid Sussex (or equivalent).

Shared equity – the purchaser acquires the whole of the property but effectively only pays a proportion of the value; the remaining value is secured by an equity loan but without any rental obligation. The District Council requires that such units should be affordable to households on the Help to Buy Register for Mid Sussex (or equivalent).

Intermediate rent – this is housing available at a rent above social rent but below market rent levels. Generally intermediate rented properties are reserved for specific groups of tenants and short term tenancies. The District Council requires that rents are no more than 80% of the local market rents.

Homes that do not meet the above definition of affordable housing, such as low cost market housing, build to rent, rent to buy and affordable private rented housing will not be considered as affordable housing for planning purposes, unless brought into the definition of affordable housing in the National Planning Policy Framework. In this instance affordability tests will be applied to such options to ensure that they are affordable to local people in housing need. These options are likely to be regarded as intermediate affordable housing.

Private Rented Sector

- 2.19. Private market rented units will not be considered as affordable housing for the purpose of the policy. A private rented scheme will therefore require an affordable housing contribution on site as is the case with other developments unless it is not practical to do so. This could be for example if there are prohibitively high service charges. In such instances a commuted sum may be acceptable.

Mechanism and timing for the transfer of land

- 2.20. The following section deals with the range of issues likely to be covered by a planning obligation in different circumstances.
- 2.21. Affordable housing secured through a planning obligation will ensure the provision of the necessary units as part of the overall scheme generally through 'Developer built homes'. This involves the developer building the affordable housing in accordance with the design standards and requirements of the approved Registered Provider and then transferring the ownership and management of the housing to the Registered Provider at a price that reflects nil land value and nil public subsidy.
- 2.22. In some circumstances however affordable housing is provided through serviced plots which are made available to the Local Authority or an approved Registered Provider at nil cost, with a guarantee that the plot will subsequently only be used to construct the necessary affordable housing in conjunction with the nominated Registered Provider.
- 2.23. With both approaches the District Council will require the developer to have agreed a suitable affordable housing partner and to have entered into a contract with them to deliver the affordable housing units prior to work beginning on site, on any development or phase of a development.
- 2.24. In cases where landowners / developers are experiencing difficulties securing a housing partner they will be required to provide a copy of their brief inviting offers from Registered Providers and the names of the Registered Providers invited to offer. Registered Providers who choose not to submit an offer in such cases will also be asked for their reasons, in order for the District Council to establish what obstacles may prevent a developer securing an affordable housing provider and to assist them in overcoming them. In some cases the District Council may take on the brokerage role itself.

Figure 4 – Serviced plots definition

Serviced plots: defined as 'shovel ready' sites with planning permission, where plots or parcels are laid out and the land is ready for construction. Access is provided and each plot or parcel has utilities/ services provided to the plot/ parcel boundary.

Incorporating the affordable housing requirement

- 2.25. It is essential that landowners / developers consider early in the pre-application process how affordable housing will be integrated into a policy compliant development scheme. The landowner / developer will be required to build into their designs at pre-application stage the 30% affordable housing required in accordance with DP31 and the occupancy and design requirements detailed in this SPD.
- 2.26. An Affordable Housing Statement will also be required as part of the planning application, clearly setting out how the application meets the affordable housing requirements. This statement should contain as a minimum details of the specific size, tenure, type and location of the affordable units.

- 2.27. If such a statement for a policy compliant scheme or a viability assessment (see later) for a non-policy compliant scheme is not provided a planning application will not be validated.
- 2.28. It should also be noted that Affordable Housing Statements and any Viability assessments (in an unredacted format) will be put on the public planning register with the rest of the planning application documents to increase openness and transparency in the planning process.
- 2.29. Redaction of any information will only be allowed in exceptional circumstances. If an applicant considers that there is commercially sensitive information that should remain confidential then this should be clearly identified and full justification provided as to the extent of the harm that would occur if this information was disclosed. The District Council would then assess the case put forward in accordance with the relevant legislation.
- 2.30. Such justification whether or not accepted will also be placed on the public planning register.

Tenure

- 2.31. The appropriateness of the housing tenure (shared ownership or rented) will be assessed for each individual site. Normally, a balance of 75% social or affordable rented homes, with the remaining 25% for intermediate homes will be required unless the best available evidence supports a different mix.

Prioritisation of affordable housing and viability review mechanism

- 2.32. The priority is to increase the number of affordable homes within the district and for developments to provide the correct number and mix of affordable homes in line with District Plan policies DP31 and DP32 (see Figure 1).
- 2.33. There is a firm expectation that the full quota of affordable housing will be provided on the development site where the provision could reasonably be made without making the development unviable. However, District Plan policy is not intended to render development unviable and harm the delivery of housing.
- 2.34. If it can be clearly demonstrated and it is accepted by the District Council that the requirement to provide affordable housing cannot be met in full, the District Council will negotiate a lower provision of on-site affordable housing that is financially viable. The District Council's position on vacant building credit is set out in later in this document.
- 2.35. The District Council will require viability review mechanisms secured through legal agreements on all residential applications which do not meet the affordable housing target and for all applications where policy requirements are not met in full at the time permission is granted. The District Council's approach to financial viability and viability review mechanisms is outlined in Section 4 of this document and set out in detail in the Development Viability SPD.
- 2.36. Land negotiations by developers with landowners should reflect nil public subsidy and the requirement that serviced land for affordable housing is to be made available at nil cost and the District Council will not accept that the provision of affordable housing is unviable when too high a price has clearly been paid for the land.

2.37. In addition, it should not be assumed that abnormal costs would necessarily be borne exclusively at the expense of compliance with the Development Plan, as a site involving abnormal development costs is likely to attract a lower land value than could be achieved on a site where this was not the case. Indeed developers should make themselves aware of abnormal costs prior to purchasing the site and take them into account in the purchase price agreed.

Development site standards and characteristics

2.38. The characteristics of a site and the development as a whole should be reflected in the affordable housing mix – dwelling tenure, type and size. The exact tenure, type and size split on each site can be advised through pre-application discussions but is likely to be approximately 25% x 1B/2P, 65% x 2B/4P and 10% x 3B/5P units in accordance with known affordable housing need. 4 bed units may occasionally be required subject to need and affordability.

2.39. The occupancy requirements and minimum floor areas for each unit type are set out in Figure 5 below and it should be noted that affordable units are likely to be fully occupied.

Figure 5 – Occupancy and minimum floor area requirement

No. of bedrooms per affordable housing Unit	No. of persons per affordable housing Unit	Minimum floor area - 1 storey	Minimum floor area - 2 storey	Minimum floor area - 3 storey	Floor area - wheelchair user dwelling
1	2	50m ²	58m ²		60m ² (1B/2PF)
2	4	70m ²	79m ²		73m ² (2B/3PF) 84m ² (2B/4PF) 103m ² (2B/4PH)
3	5	86m ²	93m ²	99m ²	121m ² (3B/5PH)
4	6	99m ²	106m ²	112m ²	138m ² (4B/6PH)

2.40. Land made available for affordable housing should be fully serviced and of a sufficient size to accommodate the range and type of dwellings necessary to meet the identified housing need and should not be based on the minimum site area possible to accommodate the specified number of units.

2.41. Housing proposals will be expected to make efficient use of land. Any proposal that appears to have an artificially low density in order to avoid the required thresholds for affordable housing will be scrutinised and may be refused planning permission, where they fail to make efficient use of land and provide appropriate levels of affordable housing. The same applies to any site that appears to have been deliberately sub-divided as a possible measure to avoid the required affordable housing threshold.

2.42. Affordable housing provided on-site must be designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed – see clause 2.49) rather than concentrated in one location. Consideration of the grouping of

affordable housing in the overall scheme will include how the provision relates to other phases of the same development including where there is a degree of separation provided by roads, open space or landscape feature; and the grouping of affordable housing in nearby previously developed schemes.

- 2.43. Affordable housing units must also be 'tenure blind' so that affordable and private homes are indistinguishable from one another in terms of design, build quality, appearance, materials and site location. This will help to avoid visual separation between private and affordable housing and would not artificially constrain provision by a design approach based on the separation of market and affordable units when additional affordable housing would otherwise be viably achieved.
- 2.44. Account must be made to relevant design and quality codes and standards as set out by the Homes and Community Agency or other associated national bodies. DCLG⁸ Nationally Described Space Standards should also be adhered to.
- 2.45. All development will be required to meet and maintain high standards of accessibility so all users can use them safely and easily. Account should also be taken of policy DP28 of the District Plan which requires a reasonable proportion of affordable homes, generally 4% to be provided as wheelchair user dwellings, dependant on the suitability of the site and the need at the time.
- 2.46. In such cases a wheelchair user dwelling means a dwelling which meets the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 – wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended.
- 2.47. In order to properly accommodate these requirements developers will need to allow additional space when designing wheelchair user dwellings, over and above that which is required by Nationally Described Space Standards. This should be approximately 20% of the Gross Internal Area in the case of flats and 30% of the Gross Internal Area in the case of houses, as set out in Figure 5 - Occupancy and minimum floor area requirement.
- 2.48. The requirement for wheelchair provision will be secured through a planning condition and in order to demonstrate compliance with the furniture schedule contained in M4(3) (see below) manoeuvring zones and furniture of the correct sizes will need to be clearly indicated on the submitted unit layouts. Reserved Matters (Detailed planning permission) will not be granted until the submitted layout plans have been agreed.

⁸ The Department for Communities and Local Government is now the Ministry of Housing, Communities and Local Government.

Appendix D: Furniture schedule

Space	Furniture to be shown	Furniture size (mm)	Number bedspaces / number furniture items required							
			2	3	4	5	6	7	8	
Living space	Arm chair (or number sofa seats in addition to minimum sofa provision)	850x850	2	3	1	2	3	4	1	
	2 seat settee (optional)	850x1300								
	3 seat settee	850x1850			1	1	1	1		
	TV	220x650	1	1	1	1	1	1	1	
	coffee table	500x1050 or 750 diameter								
	occasional table	450x450								
	storage units	500 x length shown (1 only required)	1000	1000	1500	2000	2000	2000		
Dining space	dining chair		2	3	4	5	6	7	+	
	dining table	800 x length shown (1 only required)	800	1000	1200	1350	1500	1650		
Bedrooms										
Double Bedroom	Principal bedroom double bed; or	2000x1500	1	1	1	1	1	1	1	
	Other double bedroom double bed; or	1900x1350	1	1	1	1	1	1	1	
	single bed (2 number in twin)	1900x900	2	2	2	2	2	2	2	
	bedside table	400x400	2	2	2	2	2	2	2	
	desk and chair	500x1050	1	1	1	1	1	1	1	
	chest of drawers	450x750	1	1	1	1	1	1	1	
	double Wardrobe	600x1200	1	1	1	1	1	1	1	
Twin bedroom	single bed (2 number in twin)	1900x900			2	2	2	2	2	
	bedside table	400x400			2	2	2	2	2	
	chest of drawers	450x750			1	1	1	1	1	
	table and chair	500x1050			1	1	1	1	1	
	double wardrobe	600x1200			1	1	1	1	1	
Single Bedroom	single bed	1900x900		1	1	1	1	1	1	
	bedside table	400x400		1	1	1	1	1	1	
	chest of drawers	450x750		1	1	1	1	1	1	
	table and chair	500x1050		1	1	1	1	1	1	
	double wardrobe	600x1200		1	1	1	1	1	1	
Bathrooms	WC + cistern	500x700								
	Bath	700x1700								
	Wash hand basin	600x450								
	Hand rinse basin	350x200								
Manoeuvring zone										
Bedrooms	Manoeuvring square as per requirements	1200x1200								
Living rooms	Turning circle; or	1500x1500								
	Turning ellipse	1400x1700								

- 2.49. Within flatted development, due to management, service charges and other requirements, rented and shared ownership units must be located on separate floors, around separate cores/ entrances or in separate blocks to both each other and to open market units. All affordable flatted housing units must be tenure blind and provided in small clusters, of no more than ten units around the development.

- 2.50. On high density flatted schemes, it may be agreed by the District Council to allow blocks containing more than ten affordable housing units, provided that the design does not seek to concentrate the affordable housing into flats at the expense of integration.
- 2.51. All accommodation designed for the over 55's which is 3 stories or more should have a lift if at all possible.
- 2.52. Appropriate provision should be made for car parking for the affordable housing units, in line with that for open market housing. Car parking provision for wheelchair accessible housing must comply with the requirements detailed in M4(3)(1)(a) as contained in Category 3 – wheelchair user dwellings of Schedule 1 of the Buildings Regulations 2010 as amended.

Commuted payments

- 2.53. The District Council aims to achieve mixed, balanced and sustainable communities and consequently expects affordable housing to be provided on site and landowners and developers to make provision for this requirement.
- 2.54. Commuted payments towards off-site provision, equivalent to providing 30% on-site affordable housing, will only be accepted (other than for residential developments of 6-10 dwellings and below 1000m² in the High Weald Area of Outstanding Natural Beauty – see below), where there are exceptional reasons preventing the provision of on-site affordable housing, namely:
- Where the objectives of achieving a mixed and balanced community could be better met in an alternative location. For example, where the appropriate form of affordable housing cannot be provided within a scheme.
 - Where there are high housing costs for occupiers associated with the development. For example, in conversions of listed buildings which result in high service / maintenance charges and where this cannot be satisfactorily overcome or avoided by alternative design.
 - Where on private 'build for rent' schemes high service charges are levied to reflect additional facilities, making the units to be provided not viable as affordable housing. For example, where gyms are provided.
 - Where on sites providing a small number of units affordable housing is not deliverable, because an affordable housing provider cannot be secured. For example schemes consisting of less than 4 dwellings.
 - Where on-site provision is not viable, but an equivalent or lesser financial contribution is. For example, on extra care schemes where a small number of affordable housing units would make affordable extra care provision unviable.
 - Where the District Council is satisfied that a financial contribution would better meet a greater need elsewhere in the district than on-site provision. For example, in the case of rural schemes where services may be lacking or the location is not sustainable.

- Where the District Council is satisfied that due to management issues, a financial contribution would be an appropriate alternative to on-site provision. For example single block older persons schemes where separate facilities and entrances cannot be provided.
- 2.55. Commuted sums may also be acceptable in specific circumstances if the District Council wishes to utilise such funding to develop its own affordable housing including temporary accommodation.
- 2.56. A developer's preference for a commuted sum or concerns over any potential impact on the values of surrounding properties through the provision of affordable units, would not be justification for a commuted payment in lieu of on-site provision.
- 2.57. In the High Weald Area of Outstanding Natural Beauty, affordable housing contributions will be sought from developments of 6 to 10 units and below 1000m² in the form of a commuted sum equivalent to providing 30% affordable housing on site - in accordance with District Plan policy DP31 (see Figure 1).
- 2.58. Where a commuted sum is considered acceptable, a planning obligation will need to be entered into to enable the provision of affordable housing on an alternative site. The commuted sum must reflect the full cost of providing alternative serviced land for affordable housing (the land to be provided at nil cost). The commuted sum must be sufficient to provide the same number of affordable housing units on an alternative site as would have been provided on site.
- 2.59. The commuted sum will be based on the dwelling type and size of the affordable housing that the District Council deems would be most suited to the current housing needs on that particular development site. The number of units on which the sum is based will be rounded up if it is not a whole number.
- 2.60. The commuted sum will be payable at start on site and the exact sum to be paid and the payment schedule will be reflected in a planning obligation. There will be provisions within the planning obligation in terms of indexation and the method that will be applied (this will usually be the Retail Prices Index), calculated from the date of the planning obligation to the date(s) of payment. A penalty interest rate will be applied in the event of late payment (s).
- 2.61. The District Council will regularly review the amounts set out in the Affordable Housing Commuted Sum Payment Table to reflect any changes in economic viability over the lifetime of the District Plan. This is to ensure that the commuted sum remains financially viable for the relevant development types.
- 2.62. Commuted sums will be used to deliver affordable housing in appropriate, alternative locations.

Vacant buildings credit (VBC)

- 2.63. In 2014, Government introduced a vacant building credit (VBC) which may be applied to sites where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building. The vacant building credit reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought

back into use or redeveloped by offering a financial credit. The VBC has implications on the delivery of affordable housing in Mid Sussex where there is a high need for such accommodation.

- 2.64. It is important to note that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 provides that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 2.65. The District Council acknowledges that national planning policy and guidance set out in the Written Ministerial Statement⁹(WMS) of November 2014 and the National Planning Practice Guidance (NPPG) with respect to the application of VBC are material considerations which should be taken into account in decision taking.
- 2.66. Following the Court of Appeal decision (11 May 2016) regarding these matters, the District Council notes that the provisions of national policy were not found to be inconsistent with the statutory scheme “the policy’s unqualified terms do not demonstrate that it was intended to countermand or frustrate the effective operation of the statute”. It is for the decision maker to assess how much weight is to be afforded to the WMS.
- 2.67. VBC is unlikely to bring forward more development in Mid Sussex. Whilst previously developed (brownfield) land forms a significant component of housing land supply, viability testing of the housing land supply indicates that the policy provision of DP31 is generally viable at full provision, at the policy thresholds. Therefore affordable housing requirements will not prevent sites from coming forward.
- 2.68. The intention of VBC is to bring back into use sites which would not otherwise be developed and not simply to reduce the affordable housing requirement of schemes that would come forward without VBC thereby reducing the supply of affordable housing to meet local needs.
- 2.69. As a result it is the District Council’s view that in most circumstances, it will not be appropriate to apply the VBC in Mid Sussex. Indeed VBC will only be applicable to sites to bring them back into use if they would not otherwise be developed (see below). It will not apply to reduce the affordable housing requirement of schemes that would come forward anyway without VBC.
- 2.70. The current need for affordable housing in Mid Sussex is acute, with the most urgent need for reasonable preference groups forecast to not fully be met over the plan period. In addition, delivery rates of affordable housing has been close to policy requirements of 30% over the ten year period 2006/07 to 2016/17, with around 29% of all completions being affordable housing. Previously developed land also forms a significant component of the housing land supply and there are no indications that the requirement for affordable housing has had, or will have an impact on the delivery of housing from this source without such an incentive.
- 2.71. The NPPF requires that the costs of any requirement likely to be applied to development should provide a competitive return to a willing landowner and willing developer and

⁹ Support for small scale developers, custom and self-builders. Written statement – HCWS50 Made 28 November 2014

affordable housing policy DP31 already accounts for this by being flexible in cases where sites cannot support the required affordable housing from a viability perspective.

- 2.72. There may be some exceptional circumstances where the VBC should be applied and would, in line with the intention of the policy provide an incentive for development on previously developed sites containing vacant buildings that would not otherwise come forward for development. In taking a decision on whether VBC should be applied, the following criteria will be used, as well as site specific factors:
- The building is not in use at the time the application is submitted;
 - The building is not covered by an extant or recently expired permission for the same or substantially the same development;
 - The site is not protected for alternative land use;
 - The building has not been made vacant for the sole purpose of redevelopment; and
 - The building has not be abandoned
- 2.73. To demonstrate that a building has not been made vacant for the sole purpose of redevelopment, an applicant will be required to demonstrate that the relevant buildings (i.e. those for which they are claiming the credit) have been vacant for a continuous period of at least five years before the application was submitted and will also be required to provide evidence that the site has been actively marketed for at least two of those five years at realistic prices.
- 2.74. Where it is considered that the VBC should be applied, the methodology to calculate the credit is set out in Appendix 1 – Vacant Building Credit
- 2.75. The written ministerial statement in November 2014 emphasised that the VBC is intended to be consistent with exemptions from the Community Infrastructure Levy (CIL). When CIL is adopted at Mid Sussex, the District Council will have regard to the CIL definition of an in use building when determining whether a building is vacant for the purposes of the VBC.
- 2.76. This approach will ensure that development cannot benefit from CIL relief on the basis that a building is in use, whilst simultaneously benefiting from VBC on the basis that the building is vacant. The CIL Regulations define an in use building as one which has been in continuous use for any six month period within the preceding three years.
- 2.77. The District Council encourages applicants to seek pre-application advice to identify whether or not the credit will apply and if so, the likely extent of the affordable housing contribution. All schemes where the applicant argues that the VBC should be applied will be required to submit viability information for consideration prior to validation, which will be published as part of the application. The District Council's approach to financial viability and viability review mechanisms is outlined in Section 4 of this document and set out in detail in the Development Viability SPD.

Securing rural exception sites

- 2.78. Rural exception sites are sites outside of built up areas used for the development of affordable housing for local people in perpetuity. Such sites would not normally be granted permission for housing, but as implied can be released in exceptional circumstances. Rural

exception sites are subject to District Plan policy DP32: Rural Exception Sites – set out in Figure 6.

- 2.79. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.
- 2.80. Such sites are developed as a response to an identified local housing need and are best brought forward through a partnership with the relevant Parish Council and the District Council's Planning and Housing Enabling Teams.
- 2.81. Any developer wishing to bring forward a rural exception site must consult with the Housing Enabling Team at the District Council and also the Parish Council and take on board their opinions and the results of any housing need survey undertaken. Regard must also be paid to any applicable made neighbourhood plan. The District Council works with specialist rural providers who are experienced at delivering rural exception sites and it is important to involve these early on in the planning process.
- 2.82. Where it can be clearly demonstrated from a viability perspective through evidence that the site cannot support a scheme comprising 100% affordable housing, the District Council will consider an element of open market housing, limited to that required to facilitate scheme viability, to a maximum of 20% of the overall scheme, provided that the housing is to meet local needs justified by the best available evidence. The District Council's approach to financial viability and viability review mechanisms is outlined in Section 4 of this document and set out in detail in the Development Viability SPD.
- 2.83. For the affordable housing provided, either solely as an affordable housing scheme, or with an element of market housing, the occupancy of the affordable housing must be restricted in perpetuity to those with a genuine local need for affordable housing.
- 2.84. The new development must integrate any open market units with the affordable housing, units and seek to be 'tenure blind' and make best use of the land.
- 2.85. A planning obligation will be used to secure the transfer of land for affordable housing purposes directly to a Registered Provider (if this has not already taken place). This will include detail on future occupancy, management of the housing provided, and the requirement for the District Council to have 100% nominations in perpetuity to ensure that the land continues to be used for affordable housing to meet local housing need.

Figure 6 - District Plan rural exception sites policy (DP32: Rural Exception Sites)

The development of rural exception sites for affordable housing will be permitted provided:

- i) the development comprises 100% affordable housing;
- ii) the housing is to meet local needs justified by the best available evidence;
- iii) the occupancy of the homes is restricted in perpetuity to those with a genuine local need for affordable housing;
- iv) the scale of the development respects the setting, form and character of the settlement and surrounding landscape; and
- v) it is adjacent to, or in close proximity to a rural settlement containing local services.

Where it can be clearly demonstrated through evidence that the site cannot support a scheme comprising

100% affordable housing from a viability perspective, the Council will consider an element of open market housing, limited to that required to facilitate scheme viability, to a maximum of 20% of the overall scheme, provided that:

- The requirements of ii), iv) and v) can be met for the overall scheme and for the affordable housing element i) and iii); and
- The new development physically integrates the open market and affordable housing, which should seek to be 'tenure blind' and makes best use of the land.

Details of the evidence required to justify an element of open market housing will be set out in a Supplementary Planning Document.

The delivery of rural exception sites will normally be led by Parish Councils, through planning applications, Community Right to Build schemes, Neighbourhood Development Orders or through Neighbourhood Plans.

South Downs National Park

2.86. Development in the Mid Sussex district within the boundaries of the South Downs National Park must provide affordable housing in accordance with the requirements of the South Downs National Park Authority's planning policy. Sites that come forward prior to the adoption of such a policy will need to comply with the policies in the Mid Sussex Local Plan 2004.

Community led housing

2.87. The District Council is committed to enabling the delivery of community led affordable housing projects which empower communities to commission their own housing to meet local needs. Such housing has many models of delivery from general stewardship and oversight of dwellings financed and owned by a Housing Association or land trust, through to actual tenancy management and outright ownership of the asset. Such schemes will be supported in both urban and rural areas

Self-build and custom build housing

2.88. The terms 'self-build' and 'custom build' are used to describe instances where individuals or groups are involved in creating their own home. The amount of personal involvement will vary.

2.89. **Self-build** housing projects are defined as those where a person or persons directly organise the design and construction of their own home. This covers a wide range of projects from a traditional DIY self-build home to projects where the self-builder employs someone to build their home for them. Community-led projects can also be defined as self-build.

2.90. **Custom build** homes are defined as those where a person or persons work with a developer to help deliver their own home. This is more of a hands-off approach and the developer may help to find a plot, manage the construction and arrange development finance.

- 2.91. For the avoidance of doubt it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.
- 2.92. Custom and self-build need not be solely for privately owned housing. Affordable housing may also be developed through low cost home ownership schemes such as shared ownership or affordable rented housing.
- 2.93. The District Council encourages developers of larger residential developments to designate a proportion of the plots for self-build or custom housebuilding in accordance with DP28: Housing Mix, to support the development of sustainable communities.
- 2.94. All other residential developments will be considered as to their suitability to deliver serviced plots and delivery may be required as a result, especially in areas where there is a significant demand as demonstrated on the District Council's Right to Build Register.
- 2.95. An open market site which provides self-build plots will need to be phased so that the open market housing and access is in a separate phase to the self-build plots. Each self-build plot needs to form a separate phase, to facilitate the submission of a reserved matters (detailed) planning application by the intended occupant.
- 2.96. Self-build housing will not be accepted in lieu of and only in addition to on-site affordable housing provision. To ensure quality design the District Council may wish to agree a design code. Affordable self-build must remain affordable in perpetuity, via a planning obligation between the appropriate parties and the District Council.

Discounted market sale

- 2.97. Discounted market sale dwellings at proven affordable housing levels, typically 50% of market value, may be supported in exceptional cases. In all cases the future re-sale value of the property will be expressed in the planning obligation as a simple percentage of open market value, to be safeguarded in perpetuity through the use of re-sale covenants. First purchasers will need to be approved by the District Council and a charge registered with the Land Registry will also require the District Council to formally approve any future purchaser before the deeds of a property can be transferred.

Extra Care Housing

- 2.98. In order to assist in meeting housing need, providing greater choice for older people and those with special needs and creating sustainable, inclusive and mixed communities, the provision of Extra Care Housing will be required in accordance with District Plan Policy DP30.
- 2.99. Extra Care Housing should be designed to be a home for life. It should promote independent living in self-contained accommodation, where people are able to readily access high quality, flexible support and care services on site to suit their needs, and can include rented, shared ownership or leasehold accommodation.
- 2.100. Extra Care schemes should be located so they are accessible to local facilities, proportionate in scale to the locality and provide ancillary facilities as part of the

development. These ancillary facilities should complement locally available amenities and be made available to the wider community.

- 2.101. Whether a proposed development falls within Class C2 or Class C3 of the Use Classes Order 1987 (as amended) is a question of fact and degree in each case. In determining the appropriate categorisation, the District Council will take all the characteristics of a scheme into account to ascertain whether the scheme is subject to the provisions of Policy DP31 in relation to affordable housing provision.
- 2.102. The District Council considers that extra care schemes will fall within Class C3 where the units provided:
1. Are dwellinghouses. This is a question of fact: the primary consideration is whether the unit is self-contained and affords the facilities required for day-to-day private domestic existence; and either
 2. Are occupied by a single person, or by people who are to be regarded as forming a single household, "single household" construed in accordance with s. 258 of the Housing Act 2004; or
 3. Are occupied by not more than six residents living together as a single household. This is again a question of fact and degree, having regard in particular to whether the level of care provided is so extensive that the residents cannot be said to constitute a household.
- 2.103. Specialist accommodation and care homes falling within Use Class C2 are a specialist part of the housing needs market and for Mid Sussex are included in the definition of social infrastructure which also includes community facilities and local services. As such protection of such stock is made by District Plan Policy DP25: Community Facilities and Local Services.
- 2.104. Further detail on Class C2 housing can be found in the Mid Sussex Housing and Economic Development Needs Assessment Addendum (August 2016) and further guidance on the Class C2/ C3 classification may be issued by the District Council from time to time.
- 2.105. Where a scheme is classified as Class C2, such development might become subject to the provisions of Policy DP31 in relation to affordable housing provision at a later date should a relevant change of use planning application be made.

Section 3 - Procedure for securing contributions

- 3.1. Affordable housing will be secured through planning obligations, and will be funded by developers from cross-subsidy on mainly market housing developments and the provision of free land; and by Registered Providers using their own resources, loans and if available, central government grants. The Community Infrastructure Levy, when adopted, cannot be used to fund affordable housing.
- 3.2. The procedure for securing contributions is set out in Section 4 of the Development Infrastructure and Contributions SPD.

Section 4 – Applications that do not meet plan requirements

- 4.1. It is important to note that economic viability is not the key test of whether there should be on or off site affordable housing provision. Viability determines the overall amount of affordable housing costs, i.e. the appropriate percentage and the type (tenure and mix) of affordable housing sought regardless of whether this is provided on site, off site or as a commuted payment. The District Council will presume at all stages of the pre-application process and planning application that the applicant will be able to meet the District Plan requirements for the delivery of affordable homes.
- 4.2. The District Council should be notified of any issues at the pre-application stage that identify that the full requirement for affordable housing cannot be met on site. Issues of financial viability must be supported by a draft appraisal in a standardised and accessible format (see below). This should include details of discussions with Registered Providers of affordable housing to inform the value of affordable housing assumed within an Assessment.
- 4.3. Where an application does not meet policy requirements for affordable housing, a viability assessment must be submitted in a standardised and accessible format with full supporting evidence to substantiate the inputs and assumptions used (detail set out in Development Viability SPD) prior to a planning application being validated.
- 4.4. If material changes are made to an application after submission that could affect scheme viability, a revised assessment is required which could delay determination. This highlights the importance of engaging with the District Council in pre-application discussions. If it has not been possible to determine the application within the timescale originally envisaged, it may be necessary to submit an updated viability assessment to reflect current market conditions¹⁰.
- 4.5. The viability assessment will be scrutinised by the District Council with advice from a suitably qualified external consultant and the cost of this external consultant is to be borne by the developer. The assessment will consider whether the approach adopted and inputs used are appropriate and adequately justified by evidence and will determine whether the level of planning obligations and other Development Plan requirements proposed by the

¹⁰ NPPG – Paragraph 10-017-20140306

applicant are the maximum that can be viably supported or whether further obligations and/or a greater level of policy compliance can be achieved.

- 4.6. On completion of the assessment, the District Council will indicate if additional planning obligations are required. Heads of Terms will be included in the District Council's Planning Report, reflecting the outcome of the viability process. An application will be refused permission if terms cannot be agreed.
- 4.7. Where reductions in affordable housing provision are agreed on viability grounds the District Council will include the estimated scheme Gross Development Value and build costs at the time of planning permission in a planning obligation.
- 4.8. In order to ensure that the maximum reasonable level of affordable housing is provided in line with District Plan Policy DP31, and that other plan requirements are met, the District Council will also require viability review mechanisms through planning obligations on all residential / mixed use applications which do not meet the affordable housing policy and for all applications where policy requirements are not met in full at the time permission is granted.
- 4.9. Potential affordable units will also be identified in planning obligations where affordable housing is not being provided in full or in part on viability grounds. This will enable affordable units to be provided at a later stage if there is an increase in viability and it subsequently proves possible to provide such units.
- 4.10. All Affordable Housing Viability information will be put in the public domain to increase openness and transparency in the planning process, by publishing it on the public planning register with the rest of the planning application documents after the application has been validated.
- 4.11. Redaction of any information will only be allowed in exceptional circumstances, and any justification provided as to the extent of harm that would occur if the information was disclosed will be placed on the public planning register whether or not accepted.
- 4.12. Further detail on viability review mechanisms are set out in the Development Viability SPD.

Nominations

- 4.13. All affordable housing developed through affordable housing policies will require a legal nomination agreement between the District Council and the affordable housing provider. This will enable the District Council to control the occupancy of new affordable housing, and to ensure that it continues to be available to meet local housing needs in perpetuity, by detailing occupancy criteria and nomination arrangements for both initial and future lettings, assignments and disposals (as applicable).
- 4.14. Applicants will be nominated from the District Council's Common Housing Register and in accordance with the District Council's allocations scheme. It is expected that 100% nomination rights will be provided in perpetuity.
- 4.15. For schemes developed under rural exception site policies, the Nomination Agreement will specify the local area with which prospective occupants must have a local connection, whether by current residence, employment or family association.

- 4.16. The District Council uses a standard form of Nomination Agreement and a draft will be appended to the planning obligation with the expectation that the finalised agreement will be in substantially the same form. The developer must take into account the timing and processes required to ensure that such an agreement is in place prior to the occupation of the affordable housing units.

. . .

Appendix 1 – Vacant Building Credit

- A1.1. The National Planning Practice Guidance provides limited guidance on how the Vacant Building Credit is calculated in practice. Where it is agreed the VBC can be applied, the District Council will use the methodology outlined below until such time as a different approach is either formally endorsed by Government or the District Council is otherwise directed.
- A1.2 Gross internal area should be calculated in accordance with the RICS Code of Measuring Practice. When the Community Infrastructure Levy is adopted, such information will normally be reflected within the 'Community Infrastructure Levy Additional Information form'.
- A1.3 If the total floorspace of existing buildings to be demolished is equal to or exceeds the total floorspace created then no affordable housing would be provided. If affordable housing provision is in the form of commuted sums, the revised affordable housing figure will be translated into a financial contribution, agreed with the District Council's Housing Team.

Figure 7 – Vacant Building Credit methodology

- Step 1** - Calculate the required affordable housing contribution on a given site – i.e. 30% of the total number of dwellings proposed
- Step 2** - Calculate, as a proportion, the extent of existing floorspace compared against the proposed floorspace. Such calculations should be based on the Gross Internal Area.
- Step 3** - Make a deduction to the number of affordable dwellings to be provided based on the proportion identified at Step 2

This is calculated as follows:

Figure 8 – Vacant Building Credit calculation

$$\mathbf{RAH = AH - ((AH \times EFS) / PFS)}$$

RAH = Revised number of affordable housing units to be provided

AH = Expected number of affordable housing units to be provided prior to application of vacant building credit (i.e. 30% of total number of dwellings proposed)

EFS = Existing floorspace to be demolished

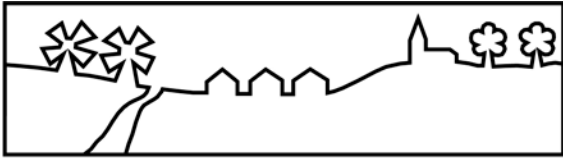
PFS = Proposed floorspace to be created

A worked example of the above calculation is provided in Figure 9.

Figure 9 - Worked example of Vacant Building Credit calculation

A development of 100 dwellings creating 10,000 square metres of new floorspace in total, on a site that has a vacant building of 2,000 square metres gross internal area, which is proposed to be demolished as part of the scheme and where it is agreed that VBC can be applied

1. Without the vacant building credit, the affordable housing contribution would be 30 units (30% of 100)
2. Revised contribution is: $30 \text{ units} - ((30 \text{ units} \times 2,000\text{m}^2) / 10,000\text{m}^2) = 30 \text{ units} - 6 \text{ units} = 24 \text{ units}$



MID SUSSEX
DISTRICT COUNCIL

Development Viability

Supplementary Planning Document

**Revised draft for Scrutiny Committee for Community, Housing and
Planning – June 2018**

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Executive Summary

The Mid Sussex Development and Infrastructure Supplementary Planning Document (SPD) was adopted in 2006, and relates to policies in the adopted Mid Sussex Local Plan 2004.

Since the 2004 SPD was prepared, the Government has published the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the Community Infrastructure Levy Regulations 2010 (as amended). Each of these documents have set out a new policy context, and provided updated guidance, for the management and collection of developer contributions.

The District Plan 2014-2031, which was adopted in March 2018 replaced the Local Plan 2004 as the Development Plan for Mid Sussex District.

The Development and Infrastructure SPD (2006) is therefore currently being refreshed, in order:

- To ensure that the SPD complies with all current, relevant national planning policy and guidance;
- To update the document to ensure that it complies with the relevant policies in the District Plan 2014-2031; and
- To update the requirements for each type of contribution, and the costs of those contributions.

The District Council's requirements for infrastructure provision will generally apply, unless indicated otherwise, to developments of five or more dwellings.

There are three separate SPD documents:

- A Development Infrastructure and Contributions SPD, which sets out the overall framework for the management of planning obligations;
- An Affordable Housing SPD, which provides more detailed information on the requirements for on-site and off-site affordable housing provision, and
- A Development Viability SPD which provides information on the viability assessment process, and sets out the Council's requirement that, where developers believe the requirements make their proposed development unviable, a viability assessment must be submitted to the District Council, with supporting evidence.

This SPD provides an overview of the full range of the District Council's requirements relating to development viability. It should be read in conjunction with the Developer Infrastructure and Contributions SPD and the Affordable Housing SPD.

Section 1 - Introduction

Background

Scope of this document

- 1.1 This Supplementary Planning Document (SPD) provides guidance on:
- What is expected of applicants submitting viability assessments (Submission Viability Assessments) in support of applications (including the process involved and required information);
 - How the District Council will consider Submission Viability Assessments; and
 - Guidance on future viability review mechanisms in cases where the affordable housing target or other policy requirements are not met following the consideration of a Submission Viability Assessment.

Status and use of this document

- 1.2 In accordance with relevant legislation, this SPD will be subject to consultation, review of feedback received and then formally adopted by the District Council. It supplements the [Mid Sussex District Plan](#) and, once adopted, will be a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential and mixed-use or non-residential development from the inception stages and therefore when undertaking development feasibility and negotiating site acquisitions.
- 1.3 Section 2 provides guidance on the viability assessment process. Section 3 provides guidance for applicants on the typical information requirements that they will be expected to provide to support their viability assessment and the District Council's review of that. Section 4 provides guidance on the use of future viability review mechanisms for all applications where policy requirements are not met in full at the time permission is granted.

Section 2 - Viability and negotiation

Introduction

- 2.1. The economic viability of development is important in terms of supporting delivery in both plan making and when determining planning applications¹. The NPPF requires that the costs of planning policy requirements should allow for competitive returns to a willing land owner and willing developer to enable development to be deliverable²; and that Local Planning Authorities should assess the likely cumulative impacts of policies and standards on development, which should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle³.
- 2.2. The District Council has accounted for the cumulative impact of its policy requirements on development viability as part of the evidence base supporting the independent examination of its District Plan.
- 2.3. Proposals should be designed in a way that accords with Development Plan policies, including for the provision of affordable housing taking account of the overall District Plan requirement at a policy compliant tenure split (see Section 4). However, it must be noted that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured through appropriate conditions or agreements, planning permission should not be granted for unacceptable development⁴.
- 2.4. The District Council is aware that in some exceptional circumstances, a proposal may generate insufficient value to support the full range of developer contributions.
- 2.5. In instances where, in the opinion of the applicant, a scheme cannot meet policy requirements, applicants are required to robustly demonstrate that the site is clearly unviable by submitting a Financial Viability Assessment (from hereon a 'viability assessment' or 'VA').
- 2.6. It is the District Council's role to determine the most appropriate approach to be taken in each viability case. This SPD sets out guidance on the approach and methodology considered appropriate in the context of supporting delivery of the Development Plan and making sure that the maximum possible provision of necessary planning obligations is achieved in the particular site and scheme circumstances, bearing in mind that this relates to the land and to planning; and is not an approach that is tailored or responsive to the applicant's particular circumstances in any way.
- 2.7. All VAs must be submitted in a clear and accessible format with full supporting evidence to substantiate the inputs and assumptions used (as set out in this SPD) and must be submitted alongside a planning application in order for it to be validated.

¹ NPPF – Paragraph 173 states “*pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking*”.

² NPPF – Paragraph 173

³ NPPF Paragraph 174

⁴ NPPF – Paragraph 176 / NPPG – Paragraph 10-019-20140306

- 2.8. The VA will be scrutinised by the District Council with advice from a suitably qualified external consultant and the cost of this external consultant is to be borne by the developer. The assessment will consider whether the approach adopted and inputs used are appropriate and adequately justified by evidence and will determine whether the level of planning obligations and other Development Plan requirements proposed by the applicant are the maximum that can be viably supported or whether further obligations and/ or a greater level of policy compliance can be achieved. During assessment, the District Council may request clarification or additional information. The District Council will, where appropriate, be prepared to consider reasonable compromise but will expect applicants to present VAs that demonstrate the nearest to policy compliant proposals possible, having demonstrated satisfactorily that full compliance cannot be achieved. If a VA is not agreed by the District Council and follow-up / negotiation is appropriate, the District Council will expect the further review costs also to be paid by the applicant.
- 2.9. The cost of the District Council's review of the VA and any other associated costs (for example related to any follow-up or negotiation requiring the District Council's further review or additional support by its external consultant) will be paid for in advance by the applicant – before the review or follow-up work proceeds. In some instances it may be necessary also for the District Council or applicant to commission additional specialist services to enable the District Council to properly assess the scheme, depending on the nature of the proposals and the dialogue on the information supplied.
- 2.10. On completion of the VA (or any follow-up review VA), the District Council will indicate if additional planning obligations are required over and above those proposed by the applicant through their VA. Heads of Terms will be included in the District Council's Planning Report, reflecting the outcome of the viability process. An application will be recommended for refusal of planning refused permission if terms cannot be agreed.
- 2.11. Where reductions in affordable housing provision are agreed on viability grounds the District Council will include the estimated scheme Gross Development Value and build costs at the time of planning permission in a planning obligation.
- 2.12. Potential affordable units will also be identified in planning obligations where affordable housing is not being provided in full or in part on viability grounds. This will enable affordable units to be provided at a later stage if there is an increase in viability and it subsequently proves possible to provide such units (see paragraph 4.13).
- 2.13. NPPG encourages transparency of evidence wherever possible⁵. The VA must be open and transparent and adopt an "open book" approach see paragraph 2.19 onwards.
- 2.14. To ensure openness and transparency in the planning process, all viability information will be made publically available on the public planning register alongside other planning application documentation. Redaction of any information will only be

⁵ NPPG 10-004-20140306

allowed in exceptional circumstances, and any justification provided as to the extent of harm that would occur if the information was disclosed will be placed on the public planning register, whether or not accepted.

- 2.15. If a VA submitted to the District Council is to be relied on for the purposes of determining a planning application (the Submission VA), the District Council will expect that this appropriately represents the viability of the development and is consistent with corresponding information that an applicant has themselves relied upon to inform commercial decisions.
- 2.16. The District Council will not accept viability arguments where it is not given the ability to properly assess the validity of the appraisal that is relied on. It is vital the District Council is provided with a full working electronic version of the viability appraisal model that can be fully tested and interrogated. All assumptions should be accessible and capable of variation to observe the impact on the model's outturn⁶.

Summary of Viability Assessment Requirements

- 2.17. The minimum requirements for a VA and the submission of supporting information are set out in Section 3 but the following must be noted:
- A VA should contain:
 - a summary of the main assessment assumptions;
 - A detailed appraisal containing the information in Section 4 as a minimum with supporting evidence;
 - A summary clearly setting out the exceptional reasons that make a development proposal unviable; and
 - a request to vary planning obligation/ usual affordable housing requirements.
 - Assumptions used in the VA must be generally evidenced from an independent expert or source.
 - To accord with paragraph 2.15, a statement that the VA appropriately represents the viability of the development and is consistent with corresponding information that an applicant has themselves relied upon to inform commercial decisions; and that the costs and values applied in the VA submitted to the District Council are consistent with current costs and values within (or used as a starting point for) VAs that the company is relying on for internal or financial purposes⁷.
 - A statement that the company undertaking the VA has not been instructed on the basis of performance related pay or incentivised in any other way

⁶ The Council will generally not make the live working version of a viability model accessible to third parties, other than to those who have a specific role in advising the District Council on viability matters. These advisors will be required not to release the model to any third party.

⁷ If 'outturn' values and costs are applied within an assessment presented to the District Council, these should also be consistent with those relied on by the applicant - see Section 4 – Considering Changes in Value and Costs at Planning Application Stage.

according to the outcome the viability process and the level of planning obligations that the applicant is required to provide.

- The applicant must clearly demonstrate with reference to viability evidence that the proposed level of obligations is the maximum that can be provided and that the scheme is deliverable with this level of provision and a statement that the scheme as proposed to be deliverable, based on the information provided to the District Council.
- Where the applicant does not intend to build out the scheme themselves, they may be expected to provide evidence from a developer with experience of delivering schemes of a similar type and scale to demonstrate that the scheme is capable of being delivered on the basis of the evidence presented in the VA.
- The financial viability of schemes will change over time due to the prevailing economic climate and changing property values and construction costs. On large sites with extended build out times and particularly in cases for schemes granted in outline, a VA Review may be required for each phase and/or updated when the reserved matters application is made.

2.18. Where the District Council is satisfied that developer contributions cannot be met in full due to financial viability, the District Council will choose to:

- Negotiate the affordable housing requirement in accordance with District Plan Policy DP31. This could include:
 - Reduced or revised affordable housing requirements (including adjustments to tenure mix); and/ or
 - A Review VA for the clawback of an affordable housing financial contribution in the event that the completed development proves to be more financially viable than anticipated in the Submission VA.
- Negotiate other planning obligations. This could include:
 - As a priority, the provision of site specific infrastructure in phases or with deferred timing/ trigger points;
 - Reducing the scope of contributions or in-kind requirements provided the scheme would still remain acceptable in planning terms. This could be through altering the scope/ specification of a particular piece of infrastructure or negotiating reduced commuted sums;
 - A mechanism for the clawback of a financial contribution in the event that the completed development proves to be more financially viable than anticipated in the VA⁸.

Transparency of evidence

2.19. To ensure openness and transparency in the planning process, all viability information will be made publically available on the public planning register alongside other planning application documentation. Redaction of any information will only be

⁸ Providing these particular planning obligations are not necessary to make a development acceptable in planning terms.

allowed in exceptional circumstances, and any justification provided as to the extent of harm that would occur if the information was disclosed will be placed on the public planning register, whether or not accepted.

- 2.20. It is common practice for applicants to seek to place confidentiality restrictions on viability information, normally as a request for exemption from disclosure under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000, on the basis that this would adversely affect the confidentiality of commercial information which protects a legitimate economic interest.
- 2.21. The District Council recognises the importance of public participation and the availability of viability information in the planning process to Councillors, officers and consultees. The District Council considers that disclosure would not cause an 'adverse effect' which would outweigh the public benefit of such an action; and that information submitted as a part of, and in support of a VA should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publically available alongside other application documents.
- 2.22. The District Council will allow exceptions in very limited circumstances and only in the event that disclosure of an element of a VA would clearly cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Applicants wishing to make a case for exceptional circumstances should provide full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest, that is not outweighed by the benefits of disclosure.
- 2.23. The District Council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the Environmental Information Regulations, as well as the specific circumstances of the case. Such issues should be raised at an early stage within the pre-application process.
- 2.24. The District Council has the right to provide information to external parties advising it on viability matters to fulfil its statutory function as Local Planning Authority. Regardless of any decision not to make specific elements of an appraisal publically available. Information will be made available, on a confidential basis, to Planning Committee members or any other District Council member who has a legitimate interest in seeing it.
- 2.25. The District Council may also need to release information to a third party where another body has a role in providing public subsidy; or where the application is subject to a planning appeal. Any decision not to disclose information will be subject to the District Council's obligations under the Freedom of Information Act and the Environmental Information Regulations.

Methodology

- 2.26. The Residual Land Value methodology is a tool to determine whether a scheme will proceed or not. It determines the 'residual' value that is left available to pay a landowner for their land, once the costs of development (and a reasonable profit for

the developer) are deducted from the gross development value (GDV) generated by the development. If a proposal generates sufficient positive land value after also supporting a suitable level of profit as well as necessary development costs and planning obligations, it will generally be capable of implementation from a viability point of view. If not, the proposal may not go ahead, unless there are alternative funding sources to 'bridge the gap' or other compelling drivers for it to progress.

- 2.27. Any additional land value provided by a development over and above the value of the site in its existing use, or an accepted policy compliant alternative use, is dependent on the grant of planning permission, the basis of which is compliance with the Development Plan⁹.
- 2.28. The Residual Land Value methodology is the most appropriate to use in this context and is consistent with the longstanding principle that policy requirements associated with securing planning permission are development costs that influence the level of any uplift in land value from the grant of planning permission or change of use of land for development. Applied properly this approach is therefore appropriate for assessing viability as part of the planning process given that the purpose of the planning system is to achieve sustainable development.
- 2.29. Landowner expectations and speculation on land values need to be balanced against the legitimate needs of communities accommodating new development, including the provision of affordable housing and infrastructure. Ultimately, the landowner will make a decision on implementing a scheme or selling on the basis of return and the potential for market change, and whether an alternative development might yield a higher value. The landowner's 'bottom line' will be achieving a residual land value at a premium above the 'existing use value' (see paragraph 2.33) a landowner would expect to make development worthwhile.
- 2.30. It is not considered appropriate to apply a fixed land value as an input within a development appraisal based on price paid for land or on an aspirational sum sought by a landowner. In such cases the developer's profit rather than the land value, would become the output of the residual valuation. This can result in a high fixed land value which is inconsistent with the outcome of the VA which shows an unviable scheme. Other changes to a scheme, such as an increase or reduction in density (which can increase or decrease residual value) may not be reflected in an appraisal where the site value has been fixed and is not the output of the appraisal.

Benchmark land values

- 2.31. The NPPF requires that competitive returns should be secured for a willing landowner and developer¹⁰. NPPG confirms that current (or existing) use value provides an appropriate basis for comparison with a residual land value to determine

⁹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

¹⁰ NPPF, paragraph 173

whether this incentivises a land owner to release a site and achieves a competitive return¹¹.

- 2.32. Benchmark land values, based on the existing use value or alternative use value of sites, are key considerations in the assessment of development viability as they indicate the threshold for determining whether a scheme is viable or not. A development is deemed to be viable if the residual land value (see paragraph 2.26) is equal to or higher than the benchmark land value. At this level, it is considered that the landowner will receive a competitive return and assumed will willingly release the land for development.

Assessing Existing Use Value/ Alternative Use Value

- 2.33. Existing use value is defined as the value of the site¹² in its existing use, assuming that it remains in such use. It does not include any hope value¹³ to reflect development on the site for alternative uses. Existing use values can vary significantly depending on the demand for the type of building relative to other areas. For instance, open greenfield land or other forms of previously undeveloped land or unused land have low existing use value.
- 2.34. It is important that any reference to existing use value is fully justified with comparable evidence specific to the current use. It must exclude any 'hope value' associated with proposed development on the site or potential alternative uses.
- 2.35. Development, particularly residential, generates significantly higher land values and landowner expectations. For instance, benchmark land values for greenfield sites are typically ten or more times agricultural value. It is a common approach to utilise an Alternative Use Value, or an Existing Use Value plus a premium to determine the benchmark land value and assess whether the residual land value provides a competitive return for the landowner.
- 2.36. The Alternative Use Value or an Existing Use Value plus a premium approach should form the primary basis for determining the benchmark land value in most circumstances. This method best reflects the need to ensure that development is sustainable (by taking into account site specific circumstances and complying with policy requirements) and should reflect the value of the landowners' existing interest prior to grant of consent and the need to provide a relevant incentive for the landowner to release the land for development.
- 2.37. Any Alternative Use Value, or Existing Use Value plus a premium should also be justified¹⁴ reflecting the individual circumstances of the site and the landowner. For

¹¹ NPPG, Viability Paragraph 024

¹² Market transactions used to justify an existing use value must be genuinely comparable to the application site, and should relate to sites and buildings of a similar condition and quality, or otherwise be adjusted accordingly- see paragraph 2.40.

¹³ An element of market value, which reflects the prospect of some more valuable future use or development in excess of the existing use.

¹⁴ Comparable, market-based evidence can also be used as a cross reference to help inform the benchmark land value (and premium above existing use value) and to check whether this is likely to be sufficient to encourage a landowner to release a site. When undertaking such a sense check, it is vital such transactions are comparable and reflect planning policy.

example, a previously developed site in a poor state of repair could generate costs or not meet the requirements of the market and this is likely to be reflected in a limited or a nil premium. Conversely, a well located site than can meet the needs of the market or the operational needs of a profitable business which may require relocation, may require the adoption of a higher premium.

- 2.38. An Alternative Use Value approach to the benchmark land value will only be accepted where the alternative use would comply with the Development Plan¹⁵. Sufficient information should be submitted to allow the principle of the alternative use to be assessed on a without prejudice basis to any future application that might be submitted.
- 2.39. In all cases, land or site value should reflect the site characteristics, planning policies including affordable housing, planning obligations and the Community Infrastructure Levy¹⁶ (CIL) (when this is adopted by the District Council¹⁷). Such an approach significantly reduces inflated land values arising from the grant of planning permission, based on assumptions which do not adequately reflect planning policy and would likely make these unviable.

Market Value Approach

- 2.40. There is no single threshold land value at which land will come forward for development and there are a number of potential difficulties in the analysis of land market transaction to inform the benchmark exercise in VAs. Such issues might be:
- Overall – comparability of sites, schemes and circumstances;
 - Potential overestimates of value based on past transactions (“comparables”);
 - Potential for other transactions (“comparables”) to not fully reflect current planning policy requirements such as those relating to affordable housing and density;
 - Differing existing use value depending on any income generating existing uses.
 - Land transactions are speculative based on assumptions of growth in values; and
 - Transactions may relate to sites of different sizes, densities, mix of uses and costs to facilitate development.
- 2.41. Reliance on transactions that are not comparable may therefore lead to inappropriate views on site value. This would restrict the ability to secure development that is sustainable and consistent with the Development Plan.
- 2.42. Comparable, market-based evidence can be used to help inform the Alternative Use/Premium Above Existing Use Value, but should always be appropriately adjusted to ensure that transactions are genuinely comparable, reflect current policy requirements and have not been inflated through assumptions of growth in values. If

¹⁵ NPPG Paragraph 10-024-20140306

¹⁶ NPPG Paragraph 10-023-20140306

¹⁷ It is proposed to progress work on a CIL at Mid Sussex on adoption of the District Plan. The timetable for this work has at the time of publication not yet been decided but once agreed can be viewed in the Local Development Scheme at www.midsussex.gov.uk

this is not possible, limited weight can be given to this and any benchmark land value that is reliant on them and the District Council will rely on the Existing Use Value plus a premium approach applying the guidance set out in this document.

Section 3 - Information requirements – Evidence, Inputs and Assumptions

3.1. The Submission VA should contain as a minimum the following information and data:

Table 1 –Viability Assessment: Required information and data

	Information / data required	Notes
Appraisal format	<ul style="list-style-type: none"> Printed and electronic version of appraisal in format that can be fully tested and interrogated Methodology utilised for the appraisal including details of any appraisal software or toolkits used 	
Scheme details	<ul style="list-style-type: none"> Gross and net site area and densities Residential unit numbers, sizes and types of units including the split between private and affordable tenures Floor areas: <ul style="list-style-type: none"> Residential: Gross Internal Area (GIA) and Net Saleable Area (NSA) Commercial / Other: Gross Internal Area (GIA) and Net Internal Area (NIA) Proposed specification for each component of development, consistent with assumed costs and values, and target market / occupiers 	
Development programme	<ul style="list-style-type: none"> Project plan, including land acquisition, pre-build, construction and marketing periods and phasing (where appropriate) Viability cash flow where possible: <ul style="list-style-type: none"> The timing of cost and income inputs (including interest rates, capitalisation rates, loan costs residential sales rates with reference to project/ construction plans and contracts and land/ development/ letting agreements as relevant). 	
Gross Development Value ^A	<ul style="list-style-type: none"> Anticipated residential sales values, ground rents, sales rates (per month), assumptions regarding forward sales and supporting evidence Anticipated rental values, yields and supporting evidence Details of likely incentives, rent-free periods, voids for any commercial element Anticipated value (and timing of payments) of affordable units based on evidence including details of discussions with Registered Providers and Registered Providers offers Substitution values and revenues for less or no affordable housing 	<ul style="list-style-type: none"> Assumptions relating to development values should be justified with reference to up to date transactions and market evidence relating to comparable new build properties within a reasonable distance from the site, and, where relevant, arrangements with future occupiers where possible. Information relevant to comparable properties should be fully analysed to demonstrate how this has been interpreted and applied to the application scheme. Development appraisals should be informed by discussions with a Registered Provider of affordable housing – providers may be able to indicate their likely offer prices Affordable housing values assumed within a VA should reflect the offer/s made by Registered Providers for purchasing the affordable housing element of the development. Where input is not available, information on rents, management and repair costs, voids, yields /payback period requirements should be submitted. For Shared ownership - % share and rent level on retained equity. Estimated %s market value (MV) and £/sq. m indications are also useful benchmarks

		<p>helping inform a view on the revenue assumptions.</p> <ul style="list-style-type: none"> Evidence of calculations underpinning affordable housing values, including details of rental and capital receipts (including stair casing), discussions with Registered Providers and subsidies should be provided.
Costs	<ul style="list-style-type: none"> Build costs per square metre based on RICS Build Costs Information Service (BCIS), with values correctly reflecting the specific proposal, and justified to show that an appropriate and reasoned approach has been taken in estimating the costs Abnormal or exceptional costs not reflected in the land value/ price (and detailed reasons why) Where applicants seek to rely on a specific assessment of build costs rather than a recognised publically available source of information (likely to be the case for larger schemes): expected build cost and supporting evidence including a fully detailed elemental cost plan demonstrating the basis of cost estimations and evidence of contractor costs. Disaggregated abnormal costs (if relevant) that can be benchmarked against BCIS^B Details of other costs such as demolition and supporting evidence including clarity on any additional assumptions such as relating to external/site works 	<ul style="list-style-type: none"> Development costs adopted within VAs are typically determined based on current day figures at the point of the planning permission. The RICS Build Costs Information Service (BCIS) is a publically available source of cost information which can be used in VAs. The selection of BCIS values must correctly reflect the specific nature, location and size of proposal, and be justified to show that an appropriate and reasoned approach has been taken in estimating the costs. In such instances where costs are agreed by the District Council, this would be an acceptable basis of cost inputs as part of a review mechanism, linked to the Tender Price Index (TPI)^B. Abnormal costs should come with an explanation of the need/relevance and cost estimate information / reasoning for the assumed cost levels. It should not be assumed that abnormal costs would necessarily be borne exclusively at the expense of compliance with the Development Plan, as a site involving abnormal development costs is likely to attract a lower land value than could be achieved on a site where this was not the case. Where a specific assessment of build costs is relied on, rather than standardised costs from a recognised source, or where any abnormal costs are applied, build costs will be reviewed on an open book basis as a part of a viability review. Costs should be provided for different components of the scheme including market and affordable housing. The District Council will expect a clear correlation to be evident between a development's specification, assumed build costs and development values.
Fees	<ul style="list-style-type: none"> Sales/ letting and professional fees and supporting evidence 	<ul style="list-style-type: none"> Build; sales / marketing costs
Developer profit	<ul style="list-style-type: none"> Profit on cost or value Supporting evidence from applicants to justify proposed target rates of profit taking account of the individual characteristics of the scheme 	<ul style="list-style-type: none"> In accordance with the NPPG the District Council will avoid a rigid approach to profit levels. The District Council will consider the individual characteristics of each scheme when determining an appropriate profit level and will require supporting evidence from applicants and lenders to justify why a particular return is appropriate, having regard to site specific circumstances, market conditions and the scheme's risk profile. The appropriate level of developer profit will vary from scheme to scheme. This is

		<p>determined by a range of factors including property market conditions, individual characteristics of the scheme, comparable schemes and the development's risk profile. The lower the scheme's risk profile, the lower the level of required profit and vice versa.</p> <ul style="list-style-type: none"> • Profit requirements for affordable housing are generally much lower than those for market sale units given the lower levels of risk associated with securing occupation of affordable units compared with the sale of market units. • Assumptions made must be balanced and internally consistent. In line with this, it should be made clear how the profit level has been adjusted taking into account the other assumed inputs within an appraisal. For example, where a high build cost contingency or other costs at the upper end of typical parameters are adopted as means of mitigating risk, this would equally be expected to influence the assumed profit target. • The District Council expect that the actual developer return that is produced as part of the applicant's submitted viability development appraisals should form the profit threshold (rather than any higher figure)/ be regarded as a reasonable return for the applicant. • The most common approach for calculating developer's profit in VAs submitted as a part of the planning process is either as a factor of Gross Development Cost (GDC) or Gross Development Value (GDV).
Benchmark land value	<ul style="list-style-type: none"> • Existing Use Value (EUV) based on evidence including existing income, comparable data and details of condition of existing site. Justification for any alternative land use value / premium applied over EUV, taking account of circumstances of site and planning policy together with this SPD • Freehold/leasehold titles • Tenancy schedule - to include lease summaries (where appropriate) • Details of income that will continue to be received over the development period (where appropriate) • Arrangements between landowner and developer, including any land sale, development or tenancy agreements (where appropriate) • Evidence for how benchmark land value reflects planning policy 	<ul style="list-style-type: none"> • See section 2.33 • Land value should reflect policy requirements, planning obligations and CIL charges • The current application of a 'market value' approach has raised concerns which can inappropriately reduce planning Obligations. Where these concerns are evident the Council will rely on the Existing Use Value plus a premium approach applying the guidance set out in this document. • Lower levels of affordable housing should only be tested where warranted by genuine site specific viability constraints (including where an acceptable benchmark land value cannot be achieved) as defined under the terms of this guidance. • An Alternative Use Value benchmark land value will only be accepted where there is a valid consent for the alternative use or if the alternative use would clearly fully comply with the Development Plan. • In any event bearing in mind that land can be overpaid for – a historic or actual site purchase may not be a good indicator of current site value.
Planning contributions	<ul style="list-style-type: none"> • Planning obligation costs (see Section 2) 	<ul style="list-style-type: none"> • Likely planning obligations (and CIL when adopted) should be included as a development

	<ul style="list-style-type: none"> Community Infrastructure Levy (see paragraph 2.39) 	<p>cost in a VA.</p> <ul style="list-style-type: none"> The timing and level of planning obligations that can be supported as a part of the VA process will be considered. Where these are necessary to make development acceptable in planning terms however, and these cannot be secured, planning permission will not be granted. Any CIL instalment policy (if adopted) should be reflected in assumed timings of payments.
Development finance	<ul style="list-style-type: none"> Finance costs appropriate to the type of proposal, reflecting that finance costs vary throughout the development period, with the majority of interest costs typically incurred during construction and bearing in mind the assumed land purchases timing(s) 	<ul style="list-style-type: none"> A standardised approach will generally be adopted to finance costs which should be appropriate to the type of proposal. The viability model should reflect that finance costs vary throughout the development period, with the majority of interest costs typically incurred during construction.
Other	<ul style="list-style-type: none"> A statement to verify accuracy of information submitted/ (see paragraph 2.15 for more details) Other information requested by the District Council having regard to the specific application Depending on individual site circumstances further information may be required, this may include: <ul style="list-style-type: none"> Developers market analysis report; Details of company overheads; Copy of financing offer/ letter; Copy of cost plan; Board report on scheme; Letter from auditors concerning land values and write offs; Sensitivity analysis showing different assumption options (e.g. low, medium and high scenarios). 	

Notes:

- A. GDV - Gross Development Value is determined by assessing the total value of a development based on the value of the individual uses within the development. This is derived from the sales values of any units to be sold and the rental value of any units to be rented which are capitalised using a 'yield', to give an overall capital value (including ground rents). Development values adopted within VAs are typically determined based on current day figures at the time of determination.
- B. BCIS - The RICS Building Cost Information Service is a publically available (subscription) source of cost information which can be used in VAs. The selection of BCIS values must correctly reflect the specific nature, location and size of proposal, and be justified to show that an appropriate and reasoned approach has been taken in estimating the costs. In such instances where costs are agreed by the District Council, this would be an acceptable basis of cost inputs as part of a review mechanism, linked to the Tender Price Index (TPI) (a measure of the movement of prices).

Section 4 – Viability Review

- 4.1. The assessment of viability at planning application stage (Submission VA) may have had the effect of reducing the policy requirements that a development would otherwise have to meet. One potential outcome could be a reduced provision of affordable housing.

- 4.2. In order to ensure that the maximum reasonable level of affordable housing is provided in line with District Plan Policy DP31, and that other plan requirements are met, the District Council will require viability review through planning obligations on all residential/ mixed use applications which do not meet the affordable housing requirement and/ or policy requirements in full at the time permission is granted.
- 4.3. Property markets have experienced significant changes in recent years at a local and national level. The viability of a scheme may therefore be notably different by the time of implementation due to changes in market conditions; and uncertainties in relation to aspects of a VA at the application stage. As such, the practice of viability review to ensure that proposals are based on an accurate assessment of viability at the point of delivery has become increasingly well established.

The approach to viability review

- 4.4. In order to ensure that the maximum reasonable level of affordable housing is provided in accordance with District Plan Policy DP31 and other plan requirements are met, viability review mechanisms are required, secured through planning obligations, for all applications which do not meet the strategic affordable housing requirement; and or applications where policy requirements are not met in full at the time permission is granted.
- 4.5. Viability review will determine whether a development is capable of providing additional affordable housing or meeting other unmet policy requirements, deemed unviable at planning application stage through the Submission VA.

Additional provision capped based on policy requirements

- 4.6. The purpose of a viability review is to determine whether greater or full compliance with the Development Plan can be achieved to accord with the District Council's duty to deliver and implement its District Plan. Therefore any additional obligations will be capped based on the terms of the Development Plan (including the District Plan affordable housing target) with the aim of securing the provision of policy requirements that were previously determined not to be deliverable.
- 4.7. After any outstanding policy requirements are met, any additional 'surplus' will be retained in its entirety by the developer as additional profit. Further details on the District Council's approach to determining the cap and additional developer profit are set out below.

Timing of viability reviews

- 4.8. Viability reviews carried out at an early stage in the development or prior to the implementation of later phases have the benefit of increasing the likelihood that additional affordable housing can be provided on site. The advantage of undertaking viability reviews towards the end of a development on the other hand is that robust, up to date values and costs can be taken into account; and is based on up to date and accurate viability evidence, and to support the delivery of the Development Plan.

- 4.9. The District Council will therefore require viability reviews to take place at the following stages.
- For all schemes requiring a Submission VA at planning application stage (see paragraph 4.1): At an advanced stage of development (**Advanced Stage Review VA**), a review will ensure that viability is accurately assessed and up to date;
 - On phased developments¹⁸: In view of the priority given to onsite delivery of affordable housing¹⁹, an additional viability review will be required prior to substantial implementation of the development (**Pre-implementation Review VA**) where this does not occur within 12 months of the planning permission; and
 - For 'large phased schemes'²⁰: A further review will be required at a mid-point stage in the development (prior to implementation of the second half/ later phases of the development) (**Mid-term Review VA**).

Viability review process

- 4.10. The applicant is required to submit updated information consistent with this SPD, as per that submitted at initial planning application stage (Submission Viability Assessment) including any necessary supplementary information following the District Council review of this. The review will assess changes to gross development value and build costs, the key variables most likely to change. This will apply to the development as a whole (incorporating all uses) and be based on formulas (see below) to be included in the planning obligation.
- 4.11. These formulae will be used to determine whether a 'surplus' will be generated over and above required developer returns²¹. A proportion of any additional value generated as a result of increased values or reduced costs will be retained by the developer as an additional profit allowance to ensure that they also gain from the improved scenario²². This allowance will be higher for mid-term and advanced stage reviews to ensure that a developer remains incentivised to maximise values and minimise costs prior to the review.
- 4.12. In the event of a 'surplus' being identified on viability review, this is used to determine the level of additional affordable housing that can be provided (capped by the strategic affordable housing target) based on the (opportunity) cost to the developer of converting market housing into affordable housing as determined by the difference in value of market housing compared to its value as affordable housing. For other

¹⁸ Typically sites of 150 or more residential units 10,000 sq. m or greater commercial schemes or mixed use schemes – however, to be assessed by the Council based on circumstances of individual schemes.

¹⁹ District Plan policy DP31: Affordable Housing

²⁰ Threshold for 'large phased developments': 400 or more residential units or 25,000 sq. m of greater for commercial/ mixed use.

²¹ The starting point for the review is that, it was determined that the approved scheme is deliverable at application stage (see Section 2)

²² This is calculated as a factor of value and costs to ensure that the developer potentially stands to gain in either scenario.

planning obligations that were not fully addressed at application stage, the level of any additional financial contribution (capped at a policy compliant level) will be determined by the initial formulas at each stage, as set out below.

- 4.13. In order to increase the likelihood of additional affordable housing being provided on site following a review at any stage, potential affordable units will be identified in planning obligations where affordable housing is not being provided in full or in part on viability grounds through an Additional Affordable Housing Schedule²³ to be appended to the planning obligation. This will enable affordable units to be provided at a later stage if there is an increase in viability and it subsequently proves possible to provide such units.

Pre-Implementation Viability Review

- 4.14. For phased developments²⁴, where a development has reached 'substantial implementation'²⁵ within 12 months of the grant of planning permission and market conditions and the viability of a scheme remains relatively unchanged, a Pre-Implementation Viability Review would not normally be required. If substantial implementation occurs after 12 months (at which point the initial VA will be deemed to be out of date) a Review will be required. This should take place within a 3 month period following substantial implementation.
- 4.15. Reviews which take place prior to implementation of a phased development should deliver additional on-site affordable housing in accordance with an Additional Affordable Housing Scheme to be appended to the planning obligation. This should identify the units to be converted to affordable housing in line with the required tenure split. Where there is remaining surplus which does not amount to the provision of one whole affordable housing unit, this surplus amount should be used as a contribution for off-site affordable housing or to provide any further planning obligations that were required, but found to be unviable at application stage. The same applies in the case of Mid-Term Viability Reviews.
- 4.16. In the case of Viability Reviews prior to substantial implementation, the developer will receive a share of any surplus in line with typical profit requirements. The majority of sales and rental income will be received at a later date and so the developer will remain incentivised to maximise value after the review has taken place.
- 4.17. The Pre-Implementation Viability Review formula is set out below. This operates in two stages:

²³ The potential affordable housing units will be detailed in an Additional Affordable Housing Schedule. This will comprise a plan identifying the potential housing units together with a table stating their plot numbers, unit types and sizes.

²⁴ Typically sites of 150 or more residential units 10,000 sq. m or greater commercial schemes or mixed use schemes – however, to be assessed by the Council based on circumstances of individual schemes.

²⁵ A definition of substantial implementation will be used that will typically comprise demolition, excavation and foundations (if applicable). If substantial implementation is achieved within a 12 month period but the development then stalls for a further period of 12 months, a review will then be required.

- 1 Calculate the level of any surplus available for on-site affordable housing or other policy requirements (Formula A);
 - 2 Determine the level of additional affordable housing floorspace deliverable from any surplus (Formula B).
- 4.18. Any surplus will be used to determine those units identified in the Additional Affordable Housing Schedule that will be converted to affordable housing up to the affordable housing target cap. For other policy requirements which take the form of a contribution, only Formula A will apply.

Figure 1 - Pre-Implementation Viability Review Formula

Formula A: To calculate the 'policy surplus' available for on-site affordable housing (or other policy requirements) at Pre-implementation Review Stage

$$\text{'Policy Surplus'} = ((A - B) - (C - D)) \times \text{APA}$$

A = Updated Gross Development Value (GDV)^(A)

B = GDV determined as part of the assessment of viability at application stage

C = Updated Build Costs^(B)

D = Build Costs determined as part of the assessment of viability at application stage

Notes:

- (A - B) is the change in GDV at the point of review
- (C - D) is the change in Build Costs at the point of review, which is subtracted from the change in GDV to establish whether there is additional value generated as a result of increased values or reduced costs
- APA (i.e. 0.80) calculates the reduction in the additional value available for on-site affordable housing, accounting for the proportion of additional value to be retained by the applicant as an additional profit allowance (i.e. a 20% developer profit see 4.10)

Formula B: To determine the amount of additional on-site affordable housing floorspace

$$\text{'Additional Affordable or Social Rented Floorspace'} = E \div (G - H)$$

$$\text{'Additional Intermediate Floorspace'} = F \div (G - I)$$

E = 'Policy surplus' x 0.75 (proportion of surplus to be used for social or affordable rented homes)

F = 'Policy surplus' x 0.25 (proportion of surplus to be used for intermediate homes)

G = Average market housing values per sq. m^(A)

H = Average social or affordable rented housing values per sq. m^(B)

I = Average intermediate values per sq. m^(A)

Notes:

- Policy surplus is calculated from Formula A
- (G - H) is the cost of converting a market housing unit to social or affordable rented home
- (G - I) is the cost of converting a market housing unit to an intermediate home
- E is the proportion of surplus to be used for social or affordable rented homes
- F is the proportion of surplus to be used for intermediate homes
- E and F are divided by (G - H) and (G - I) respectively to establish the floorspace available for additional affordable housing
- The additional social or affordable rented and intermediate floorspace figures will be used to determine those units identified in the Additional Affordable Housing Schedule to be converted to affordable housing

A. Determined as part of the review

B. Determined as part of the review, or, where based on application stage BCIS build costs, and agreed by Council, linked to the Tender Price Index (TPI)

4.20. The above approach sets out a clear basis for calculating the level of any additional requirements that could viably be provided while recognising that in some instances adjustments to the calculations may be warranted according to the circumstances of

a specific proposal. For example, in circumstances where the conversion of different tenures would be appropriate, such as intermediate housing to social rented housing, the District Council may apply an alternative formula which takes into account the difference in values of the relevant tenures.

Mid-term Viability review

- 4.21. In the case of 'large phased developments', Mid-Term Viability Reviews will be required which take place prior to implementation of later phases of a development²⁶. These should deliver additional on-site affordable housing in later phases in accordance with an Additional Affordable Housing Schedule to be appended to the planning obligation.
- 4.22. Mid-Term (and Advanced Stage) Viability Reviews should assess the development as a whole, taking into account values, build costs and surplus that have been realised in the initial stages of the development as well as estimates for the subsequent phases. This is necessary to ensure that affordable housing provision is maximised and that other policy requirements that were not achievable at application stage, are met where viable. Where build costs were based on BCIS build costs in the application stage assessment, these will be index linked from the date of the previous review.
- 4.23. This review will operate in two stages:
- 1 Calculate any surplus based on the approach set out in Formula C (see Advanced Stage Viability Review below).
 - 2 Using the surplus to determine the level of additional affordable housing that can be provided on-site in accordance with an Additional Affordable Housing schedule to be appended to the planning application, based on Formula B (see section on pre-implementation reviews above).

Advanced Stage Viability Review

- 4.24 Advanced Stage Viability Reviews will be required on all residential / mixed use applications which do not meet the District Plan affordable housing target and or all policy requirements at grant of planning permission on the basis of an agreed Submission VA (and any subsequently provided information). For residential led schemes, Advanced Stage Viability Reviews should be undertaken on sale of 75% of market residential units, and for other schemes, within a three month period prior to practical completion. This enables the assessment to be based on up to date, accurate information, while also retaining the ability to secure the additional provision of policy requirements²⁷.
- 4.25 The outcome of this review will typically be a financial contribution towards off-site affordable housing provision or other policy requirements. In the event that a surplus is generated, any contribution payable will be capped according to the level of

²⁶ At a mid-point stage in the development (prior to implementation of the second half/ later phases of the development).

²⁷ This will normally be achieved through a restriction on occupation of market units and / or payment into a secure account.

contribution required by policy and associated guidance. For affordable housing contributions, this will be based on the level of surplus required to provide additional affordable housing to meet the overall affordable housing target. The contribution and cap will be calculated in accordance with the following formulae:

Figure 2 - Advanced Stage Review Contribution Formula

Formula C: To calculate the additional financial contribution payable to the Council at advanced review stage towards affordable housing or other policy requirements not viable at application stage

'Contribution' = ((A + B - C) - (D + E - F)) x APA

A = Gross Development Value (GDV) achieved on sale of 75% of residential units and GDV from other parts of the development sold/ let and other income receipts^(A)

B = Estimated GDV for parts of the development that are yet to be sold/ let and other income sources^(A)

C = GDV determined as part of the assessment of viability at application stage (or for phased schemes as determined in previous review)

D = Actual Build Costs incurred at point of review^(B)

E = Estimated Build Costs for remainder of the development^(B)

F = Total Build Costs determined as part of the assessment of viability at application stage (or for phased schemes as determined in previous review)

Notes:

- (A + B - C) is the change in GDV at the point of review
- (D + E - F) is the change in Build Costs at the point of review, which is subtracted from the change in GDV to establish whether additional value has been generated as a result of increased values or reduced costs
- APA (i.e. 0.60) calculates the reduction in the contribution required, accounting for the proportion of additional value to be retained by the applicant as an additional profit allowance (i.e.40%; see paragraph 4.10)

A. Determined as part of the review

B. Determined as part of the review, or, where based on application stage BCIS build costs and agreed by Council, linked to the Tender Price Index (TPI) (for phased schemes, linked to TPI from the date of the previous review).

Formula D: To calculate the 'advanced stage cap' which is the maximum additional affordable housing contribution payable at advanced review stage

$$\text{'Advanced Stage Affordable Housing Cap'} = ((G - H) \times (K - L)) + ((I - J) \times (K - M))$$

G = 30% of total residential floorspace x 0.75

H = Total social rented housing floorspace determined at application stage (or for phased schemes as determined in earlier reviews)

I = 30% of total residential floorspace x 0.25

J = Total intermediate housing floorspace determined at application stage (or for phased schemes as determined in earlier reviews)

K = Average market housing value per sq. m^(A)

L = Average social rented value per sq. m^(A)

M = Average intermediate value per sq. m^(A)

Notes:

- G is the proportion of affordable housing floorspace to be social rented based on policy tenure split
- I is the proportion of affordable housing floorspace to be intermediate based on policy tenure split
- (G – H) is the additional social or affordable rented housing floorspace cap based on overall 30% affordable housing provision
- (I – J) is the additional intermediate floorspace cap based on overall 30% affordable housing provision
- (K – L) is the cost of converting a market housing unit to social or affordable rented housing
- (K – M) is the cost of converting a market housing unit to intermediate housing
- (K – L) & (K – M) multiplied by (G – H) & (I – J) respectively to establish maximum additional contribution

C. Determined as part of the review

D. Determined as part of the review, or, where based on application stage BCIS build costs and agreed by Council, linked to the Tender Price Index (TPI) (for phased schemes, linked to TPI from the date of the previous review).

4.26 Again, in some instances adjustments to the calculations may be warranted according to the circumstances of a specific proposal. For example, where market and affordable housing values were clearly distinguished in the original appraisal calculation, it may be appropriate to allow for differential costs when determining the Advanced Stage Affordable Housing Cap.

Considering Changes in Values and Costs at Planning Application Stage

4.27 In line with NPPG²⁸, the District Council will normally consider development viability based on current costs and values at application stage. The NPPG envisages that for phased schemes it may be appropriate to consider projected changes in values or costs at planning application stage. This is distinct from viability review which considers changes in values and costs at the point of delivery.

²⁸ NPPG – Viability: Key principles in understanding viability in plan making and decision taking:
<https://www.gov.uk/guidance/viability>

- 4.28 If a VA assumes projected changes in development values and build costs, these should be fully justified, reasonable and consistent with long-term new build trends, current market conditions and market expectations.
- 4.29 Whether or not projected values and costs are applied, viability reviews will be necessary to assess actual changes in values/ costs.

Material Changes

- 4.30 Where material changes are proposed that would make the scheme less compliant with the Development Plan, this would require a new planning permission and could not be addressed through a VA review.
- 4.31 The information/ data set out in Table 2 should be provided on an open book basis for assessment as part of a review:

Table 2 – Information required for review mechanisms

	Information / data required	Notes
Gross Development Value ^A	Gross Development Values (GDV) - all gross receipts or revenue received) supported by evidence, including but not limited to: <ul style="list-style-type: none"> • Audited company accounts detailing all sold/ let transactions • Certified sales contracts or completion certificates detailing the purchase price for each sale • Land Registry records showing sale price information • Other receipts, such as income from hoardings. 	
Estimated GDV	Estimated GDV for the unsold/ unlet components of the development at the point of review using detailed comparable information taking into account: <ul style="list-style-type: none"> • Any sales/ lettings that have taken place on the development (see also Section 3) • Income from any other sources. 	
Average residential values per sq. m	Average residential values per sq. m for market and affordable housing across the scheme based on the information provided above.	
Actual build costs incurred	Payments made or agreed to be paid in the relevant building contract, including receipted invoices, or costs certified by the developer's quantity surveyor, costs consultant or employer's agent.	This is not required at application stage where build costs are based on relevant (index linked) BCIS figures
Estimated Build Costs	Estimated Build Costs to be incurred for the remainder of the development based on agreed building contracts or estimation provided by the developer's quantity surveyor or costs consultant (see Section 3).	This is not required at application stage where build costs are based on relevant (index linked) BCIS figures

6. UPDATE ON PREPARATION OF THE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT.

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Lois Partridge - Business Unit Leader for Planning Policy and Economy
Email: lois.partridge@midsussex.gov.uk Tel: 01444 477063
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Communities, Housing and Planning
Date of meeting: 4th July 2018

Purpose of Report

1. The purpose of this report is to update the Committee on work which has been undertaken since January 2018, to inform the preparation of the Site Allocations Development Plan Document (DPD).
2. The Committee is asked to note the proposed change to the timetable for the preparation of the Site Allocations DPD.
3. The report sets out further technical work which will need to be carried out by officers and appointed consultants to assess deliverability and to discuss opportunities and constraints on sites, to inform the preparation of the Site Allocations DPD.

Summary

4. This report:
 - a) Informs the Committee of a minor revision to the timetable for preparation of the Site Allocations DPD;
 - b) Provides an update on the preparation and publication of the Strategic Housing and Economic Land Availability Assessment (SHELAA) and the further assessment of housing and employment sites;
 - c) Identifies technical work which has recently been commissioned to support the preparation of the Site Allocations DPD;
 - d) Describes consultation which has taken place with other Local Planning Authorities under the Duty to Cooperate and briefings for parish and town councils; and
 - e) Explains the next steps officers will take to contact and liaise with developers and landowners to enable a full assessment of the deliverability of the sites to be carried out.

Recommendations

5. **That the Scrutiny Committee for Communities, Housing and Planning:**
 - i. **Notes the contents of this report; and**
 - ii. **Notes the extent of work required to assess sites and implications of this on the timeline originally proposed for the preparation of the Site Allocations DPD.**

Background

6. At the District Plan Examination, the Council committed to preparing a Site Allocations DPD, which will allocate sites to provide the residual housing requirement for approximately 2,500 homes, to meet the Council's full housing need over the Plan period to 2031.
7. The Strategic Housing and Economic Land Availability Assessment (SHELAA) and the Site Selection report will be used to inform the Council's consideration of the sites nominated for development.
8. In January 2018, this Scrutiny Committee considered the proposed process for assessing sites through the SHELAA, and the Site Selection Report. Appendix 1 sets out the process which was agreed by the Committee. A Member working group was set up to oversee this work. The working group has met on 6 occasions. The sections of the table shaded pale green reflect those tasks which have been completed to date.
9. This report also provides information on the work required to inform the preparation of the Site Allocations DPD.

Site Allocations DPD – update to timetable

10. The Council's Local Development Scheme (LDS) sets out the timetable for preparation of development plan documents. It also provides information on the timetable for preparation of other supporting documents. The LDS needs to be kept up to date. A Cabinet resolution on 16th October 2017 brought into effect the latest revision which covers the period from 2017 to 2020. It anticipates that a Regulation 18 Issues and Options consultation (the first round of formal public consultation) on the draft Site Allocations DPD will be published in Autumn 2018, and that a Regulation 19 consultation will take place between Autumn 2019, with adoption of the Plan anticipated in July 2020.
13. The reason there is a delay in carrying out the two consultations is because of the volume of work required to assess the sites and to consider the outcome of the consultation. There are a total of 238 housing sites providing 31,000 units of housing, and 82 employment sites in the SHELAA. All of these sites need to be assessed. This work will take time given the large number of sites.
14. Officers have recently commissioned consultants to prepare a transport model to support the preparation of the Site Allocations DPD. Due to the complexities of this piece of work and the availability of consultants, the appointment of consultants took a number of months longer than was originally anticipated. This has impacted on the timeline for the preparation of the DPD.
15. The outputs of the transport modelling work will be used to carry out air quality modelling, which will then inform the Habitats Regulations Assessment of the Site Allocations DPD. It has become clear that this series of assessments, which needs to take place sequentially, will take until the end of 2018 to complete.
16. The results of the Habitats Regulations Assessment will inform the selection of sites and the Issues and Options consultation document. Therefore it is recommended that the Issues and Options consultation is deferred until Summer 2019, to allow for further work on options if required, informed by the outcomes of the technical work.

17. As a consequence the Regulation 19 consultation is likely to be delayed, to early 2020, with submission of the Plan for Examination anticipated in Spring 2020. It is anticipated that the Plan will be adopted in late 2020, a slippage of five months from the date set out in the LDS 2017. This minor delay will not impact on the overall timeline agreed in the Examination for the District Plan. This timetable will be kept under review and if required, the need to review the LDS will be reconsidered in due course.

Strategic Housing and Economic Land Availability Assessment – Progress update

SHELAA - Stage 1

18. A Call for Sites was held between October 2017 and February 2018. The Council operates a 'rolling' Call for Sites, but in order to ensure that sites were included in the April 2018 SHELAA, nominations were received up to February 2018. AA.
19. A proforma has been prepared for each of the housing and employment sites, which include a map of the site, a high level assessment of the site's suitability, availability and achievability and an indicative timescale of delivery. The proforma also includes a review of the planning history of each site. Information in the proforma's is based on a desktop assessment and a visit to each site.
20. All sites nominated to the Council through the Call for Sites have been included in the SHELAA except those which do not meet the criteria because they are below the size threshold (minimum size 0.25ha or capacity of 5 units for housing sites; 500 sq m employment floorspace). Seven sites were excluded on this basis.

Publication of the SHELAA

21. The SHELAA was published on the Council's website in April 2018 (www.midsussex.gov.uk/SHELAA). It is important to note that the SHELAA is a 'palette of sites' which does not allocate land, or pre-empt or prejudice any decision the Council makes in future on any particular site or settlement. The sites do not have any planning status.
22. The published documents include the SHELAA methodology, a completed proforma and map for each housing and employment site, and maps showing the locations of the sites by settlement.

Evidence base and technical work

23. Three key pieces of technical work have been commissioned to support the preparation of the Site Allocations DPD. Consultants have been commissioned to build a transport model for the District, which will model the cumulative impact of all the planned growth in Mid Sussex and in neighbouring authorities. The model will test the implications on the highway network, and will predict the number and spatial distribution of trips which will be generated by planned growth.
24. Consultants have also recently been commissioned to carry out air quality modelling work to test the impact of planned growth on air quality, specifically in relation to the Air Quality Management Area at Stonepound Crossroads in Hassocks, and to the Ashdown Forest Special Area of Conservation. The results of the air quality assessment work will inform the Habitats Regulations Assessment work.

25. The Habitats Regulations Assessment consultants have also recently been appointed. A joint inception meeting has recently taken place, to ensure that the work carried out by all three consultants fits together to provide a cohesive picture.

Consultation

26. In accordance with the Duty to Cooperate, officers have met officers from Tandridge District Council to discuss their plans for a Garden Village, and to discuss cross boundary highway impacts associated with this development, and with other planned development in both Districts.
27. Meetings have also been held with officers from Reigate and Banstead District Council to discuss their proposed allocation of a large employment site near Gatwick Airport, and the implications on the highway network, employment patterns and environmental impacts.
28. Officers have also worked with the other local authorities affected by the Ashdown Forest to sign a Statement of Common Ground, and to continue to share good practice and to liaise with Natural England.
29. Parish and Town Councils have been briefed on the preparation of the Site Allocations DPD. Further meetings with the Town and Parish Councils are planned in the coming months.

Next Steps

30. Officers will work with service providers to ensure that infrastructure can be provided alongside sites identified as having development potential. Statements of Common Ground will be sought with all interested parties. Officers will continue to meet with neighbouring authorities, as required by the Duty to Cooperate.
31. National Planning Practice Guidance requires that a site's availability should be based on the best information available, confirmed by information from land owners. Where constraints are identified, the assessment should consider what action would be needed to remove them. The guidance also notes that the advice of developers and local agents will be important in assessing lead in times and build out rates.
32. In order to properly obtain and assess all of the above information, officers will contact and liaise with developers over the coming months..
33. Developers have also already begun to contact Ward Members and parish councils, lobbying them to consider sites for inclusion in the Site Allocations DPD. It is recommended that, if Members are contacted in this way, they refer the developer to the BUL for Planning Policy, who will liaise with the developers.
34. The SHELAA provides the long list of potential sites, which are then subject to the further work set out in Appendix 1, stage 2, such as consideration against the District Plan strategy and further assessment of constraints and opportunities of sites. The Member Working Group will consider the outcomes of this further work and will identify a shorter list of sites, which will then be subject to testing through the transport model and HRA ahead of the issues and options consultation.

Financial Implications

35. Commissioning of consultants to carry out transport modelling, air quality assessment and Habitats Regulations Assessment has financial implications and these have been budgeted for.

Risk Management Implications

36. If a robust and detailed assessment of the sites is not undertaken, the inclusion or exclusion of sites from the Sites Allocations DPD will be challenged at the DPD examination and risk it not being adopted in a timely manner. The Site Allocations DPD will identify housing and employment sites which will enable the Council to demonstrate a five year housing land supply; without this document in place, the Council will be vulnerable to speculative planning applications.

Equality and Customer Service Implications

37. It is important that the Council allocates sites for housing and employment to maximise accessibility for all to decent housing and employment opportunities. An Equality Impact Assessment will be prepared alongside the Site Allocations DPD to ensure opportunities to promote equality and/or barriers to service are considered and addressed.

Other Material Implications

38. There are no other material implications.

Appendix 1: Strategic Housing and Economic Land Availability Assessment – methodology
www.midsussex.gov.uk/shelaa

**Appendix 1 - Strategic Housing and Economic Land Availability Assessment
Phase I - SHELAA**

Site Survey stage			
	Task	Comment	Output
Stage 1	Undertake call for sites	Ended 30 th October 2017	
	Review existing sites in SHLAA	In particular sites which can accommodate 5 or more residential units, or employment sites which are 0.25 hectares or larger, or could accommodate 500sqm of employment floorspace.	
	Review other sources of site data	Review of planning history, previous SHLAA submissions, or pre-application discussions.	
	Update database to include new sites	Undertake site visits	
	Review sites and broad areas not promoted	NPPG requires LPA <i>'to actively identify sites through the desktop review and not simply rely on sites that have been informed about'</i> . The Council will also consider whether any broad areas which have not been nominated for development may be suitable.	
			Long list of sites – to be taken for further consideration
			Additional list which identifies sites too small for inclusion
Site Assessment			
Stage 2	Review BUA boundaries	Decisions to make on some sites, may show additional sites	
	Assess against absolute constraints	For housing and employment, sites wholly within SAC, SSSI, or a Scheduled monument. For housing sites, wholly within flood Zone 3b (the functional flood plain).	A short further list of rejected sites.
	Estimate density/site capacity	Using thresholds in Density topic paper and most up to date information on densities. Based on initial desk based study of developable area. Estimate of employment capacity.	
	Assess suitability based on key constraints	Consideration of types of development, guided by the development plan and market and industry requirements in the	

		housing market or functional economic area. Also consideration of physical limitations, potential impacts on landscape, nature and heritage conservation, likely market attractiveness and environmental/amenity impacts.	
	Assess availability based on key constraints	Evidence of promotion. Issues of multiple ownership, ransom strips or operational requirements of landowners.	
	Assess achievability	Council's initial desk top high level viability assessment, taking into account constraints. Requires a density assumption, based on the assessment set out above. The viability information will inform development potential of the site.	
	Timescale	Delivery (when site can come forward)	
	Maps of sites	Both included and rejected	Maps
			Production of SHELAA – includes a pro-forma for each site assessed.

Phase II - Site Selection Report

Confirming the Spatial Strategy			
	Review District Plan strategy, Neighbourhood Plan policies. For sites on the boundary of the District, a desk top study of relevant policies in neighbouring authorities will be undertaken.	Settlement Hierarchy Settlement patterns Residual number	
Detailed assessment of Constraints and Opportunities			
	Task	Comment	Output
	Further desk-top assessment of site opportunities and constraints, and mitigation measures.	Flooding Landscape Heritage Biodiversity Employment Accessibility Transport Pollution/contamination Relationship to built up area/adjacent settlements Impact on coalescence	

		Capacity to provide infrastructure AONB	
			SHELAA proformas with commentary
Detailed evidence testing, informal consultation of shortlisted sites			
	Early Engagement with Stakeholders (to identify potential opportunities and constraints)	Statutory consultees WSCC Public Transport NHS Police Utility and Service providers Other MSDC consultees	May identify a further constraint/ opportunity on site.
	Sustainability Appraisal	To inform site selection	May identify a further constraint/ opportunity on site.
	HRA		
	Transport Study		
	Landscape Capacity		
	Availability		
	Achievability/viability		
	SFRA		Site selection document will identify palette of potential sites for inclusion in the Issues and Options consultation paper

7. THE CONSERVATION AREA APPRAISALS PROGRAMME AND HURSTPIERPOINT CONSERVATION AREAS APPRAISAL AND BOUNDARY REVIEW.

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Emily Wade
Email: emily.wade@midsussex.gov.uk Tel: 01444 477385
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Community Housing and Planning
Date of meeting: 4th July 2018

Purpose of Report

1. The report outlines an ongoing programme for the development of appraisals for other Conservation Areas in the District as set out in Appendix 1.
2. In addition, this report asks members to consider the proposed revised Hurstpierpoint Conservation Areas Appraisal and Boundary Review following consultation and to recommend that the Cabinet Member for Housing and Planning approve the Appraisal document for use by the Council to inform planning policy and as a material consideration in the determination of planning applications.

Summary

3. This report:
 - a) Sets out the Council's legal obligations to prepare Conservation Area appraisals, and relevant Historic England guidance;
 - b) Describes the process of preparation of the Hurstpierpoint Conservation Areas Appraisal and the associated boundary review, including the recent public consultation and its outcome;
 - c) Considers the existing coverage of Conservation Area Appraisals across the District; and sets out a proposed programme for the preparation of further Conservation Area Appraisals.

Recommendations

4. **That the Scrutiny Committee:**
 - (i) **Notes the contents of this Report;**
 - (ii) **Agrees the proposed programme of Conservation Area Appraisals across the District;**
 - (iii) **Recommends the approval of the Hurstpierpoint Conservation Areas Appraisal as a material consideration in the determination of planning applications to the Cabinet Member for Housing and Planning; and**
 - (iv) **Recommends the approval of the proposed boundary changes to the Hurstpierpoint and Hurst Wickham Conservation Areas to the Cabinet Member for Housing and Planning.**
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Background

5. A conservation area is defined as an area of ‘special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.’ Conservation areas were originally introduced through the Civic Amenities Act in 1967. They are designated by local authorities under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act). Designation of a conservation area is in recognition that an area has a special character and identity that is worth preserving or enhancing.
6. Conservation area status is a material consideration in determination of planning applications. Development in a conservation area is required to conserve or enhance its special character, appearance, and the range of activities which contribute to it (District Plan 2018 Policy DP35). Development is also required to protect the setting of the conservation area and in particular views into and out of the area (Policy DP35).
7. In order to help inform planning decisions and to help in defending planning appeals it is important that the District Council holds up to date information on the special character of its Conservation Areas and the factors that contribute to this.
8. Under the Act local planning authorities have a duty from time to time to review the Conservation Areas within their districts. Although no legally binding time frame is given for the review process, it is considered good practice for an authority to review its Conservation Areas every five years. The review should consider whether the boundaries of existing Conservation Areas should be changed, and new areas identified. The Act also places a duty on local planning authorities to draw up and publish proposals for the preservation and enhancement of their Conservation Areas in the form of Management Plans.
9. It is good practice, as advocated by Historic England in their publication ‘*Conservation Area Designation, Appraisal and Management*’, for a local planning authority to prepare Conservation Area Appraisals to inform this process of periodic boundary review and the development of management plans. Historic England advises that these appraisals should clearly identify the qualities which make a Conservation Area special, and how these qualities can be preserved and enhanced.

The ongoing Conservation Area Appraisal Programme

10. Mid Sussex District has 32 Conservation Areas, only six of which (including the three areas now under consideration) are covered by an existing appraisal document in addition to the original designation document. This leaves 26 Conservation Areas without a character appraisal.
11. Three Conservation Areas (Hurstpierpoint, East Grinstead Town Centre and Lindfield) have already been agreed as a priority within the Council’s Economic Development Strategy (EDS) for the preparation of a character appraisal by 2019 because of the economic role and function of the settlements and the need to ensure viable and vibrant town centres which meet local needs.
12. In addition to the Council’s legal obligation to review its Conservation Areas and their boundaries, appraisals are also a useful tool within the planning process in terms of setting out the special character and qualities of Conservation Areas and their settings which it is desirable to preserve or enhance. It is therefore particularly useful to have an appraisal in place in areas where pressure for new development is high.

13. The table at Appendix 1 uses three criteria to help identify a prioritisation list for those remaining Conservation Areas which do not already have an appraisal and are not identified within the EDS. These are the date of the last review of the Conservation Area, the likely level of development pressure as determined by which category of settlement the area is located in and the indicated minimum residual level of growth for the settlement set out in the supporting text to Policy DP6 of the District Plan, and the level of local interest in helping or supporting the appraisal process.
14. These areas are identified as having High, Medium or Low Priority. It is proposed that areas identified as being of High Priority should undergo an appraisal and boundary review within the next 2-3 years, with areas of Medium Priority being considered within the next 3-4 years, Areas currently identified as being of Low Priority would be considered after this.
15. The priority given to each area may be subject to change if factors affecting it such as development pressures are altered.

The Hurstpierpoint Conservation Areas Appraisal and Boundary Review

16. As part of a programme of reviewing Conservation Area Appraisals across the District, and in line with the Mid Sussex Economic Development Strategy 2018-2031, officers have prepared the Hurstpierpoint Conservation Areas Appraisal, which covers the three Conservation Areas within the village (Hurstpierpoint, Langton Lane and Hurst Wickham Conservation Areas). This has been prepared in association with the Hurstpierpoint Society. The revised draft Hurstpierpoint Conservation Area Appraisal is at Appendix 2 to this report.
17. In 2009 the Hurstpierpoint Society started work on a draft Appraisal. It was agreed in 2017 to accelerate this work and the Hurstpierpoint Society has offered ongoing support to help achieve this.
18. The survey work for this appraisal was undertaken in partnership with the Hurstpierpoint Society and highlighted a number of instances where it is felt the boundaries of the Conservation Areas should be. In addition, there is one instance where it is considered the boundary should be altered to omit buildings which detract from the special interest of the Conservation Area concerned. These proposed changes are shown on maps on pages 67 and 68 of the Appraisal.
19. Once approved by the Council, this document will form a material consideration in the determination of planning applications, and will inform planning practice and policies for the area. It will also give the local community clear advice on what should be cared for and preserved within the Conservation Areas.

Public Consultation on the Hurstpierpoint Conservation Areas Appraisal and Boundary Review.

20. On 8th April 2018, the Cabinet Member for Housing and Planning approved the draft Hurstpierpoint Conservation Areas Appraisal for public consultation in line with government requirements
21. Consultation on the draft document was held from 16 April 2018 to 28 May 2018 (a period of 6 weeks). Hurstpierpoint Society and the Parish Council assisted with the consultation, which included an exhibition and public meeting. The Consultation was published on the Council's website and social media feeds.

22. Responses to the public consultation are set out in the table in Appendix 3, as are any amendments to the Conservation Areas Appraisal and Boundary Review which have been made in response to these.
23. Several comments have been received in relation to the accuracy of aspects of contents of the appraisal and its formatting. In general, these comments have been acted upon involving minor additions or changes to the text and reformatting of certain parts of the document.
24. Comments have also been received on the boundary changes to Hurst Wickham Conservation Area. Some of these support the changes and some oppose certain aspects of the proposed amendments or refer to the exact placement of the boundary. Having reviewed these responses no significant changes to the proposal are considered necessary, although the alignment of the boundary adjacent to Hurst Wickham Barn has been adjusted to better reflect property boundaries.
25. Two further additions to the Hurstpierpoint Conservation Area have also been suggested (the town allotments at the bottom of Pitt Lane, and Trinity Court and the Millennium Gardens adjacent to Brown Twins Road). Although it is not felt appropriate to include these areas within the Conservation Area at this time, the text of the Appraisal has been amended in order to better reflect the positive contribution that these areas make to the setting of the Conservation Area.
26. One objection has been received on the basis of withdrawal of permitted development rights from a property which it is proposed is included in the Hurstpierpoint Conservation Area.
27. Conservation Area designation would have an effect on the Permitted Development Rights pertaining to affected properties, such that certain rights would be withdrawn or amended, allowing control under the Planning system of some additional forms of development which could potentially affect the character and appearance of the area. The impact on the character and appearance of the Conservation Area would also become a material factor in the consideration of any planning application affecting properties now included in the Conservation Area, or its amended setting.
28. However, although Conservation Area designation will introduce the need for a planning application for certain works which would otherwise be permitted development, planning permission will be granted provided that the proposed works preserve or enhance the character or appearance of the area and meet other relevant planning requirements.

Financial Implications

29. It is important that the Council has a programme for its Conservation Area appraisals. These will help to properly address the determination of planning applications which affect Conservation Areas, and to make sound planning decisions which reduce the likelihood of appeal.
30. Setting out a programme of appraisals will enable the appropriate resources within the Planning and Economy Service to be committed to the preparation of the programme.
31. The programme will also enable the best use of the currently available assistance from local amenity groups and residents to help support the appraisal process.

Risk Management Implications

32. Without a properly planned programme for the preparation of Conservation Area Appraisals, the appraisals may not be prepared with the correct priority, leaving the Council without the necessary evidence base to ensure that development responds appropriately to its context.

Other Material Implications

33. There are no other material implications.

Appendix 1: Draft Programme for production of Conservation Area Appraisals across Mid Sussex District

Appendix 2: Hurstpierpoint Conservation Areas Appraisal and Boundary Review

Appendix 3: Table of responses to consultation on the Hurstpierpoint Conservation Areas Appraisal and Boundary Review

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Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
Completed				
Cuckfield	1969 (extended 1989)	2007	Category 2 settlement. DP6 residual minimum requirement: 200 units. There are a significant number of SHELAA sites on greenfield sites on all sides of Cuckfield, some of which are adjacent to the current conservation area boundary.	Cuckfield Parish Council; Cuckfield Society; Cuckfield Museum; Cuckfield Compendium (online local history resource).
The Heath (Haywards Heath)	1989	2007	Category 1 settlement. DP6 residual minimum requirement: 127. There are a significant number of SHELAA sites in greenfield sites on all sides of Haywards Heath, as well as a high number of brownfield sites throughout the town, only a few of which are close to the current conservation area boundary.	Haywards Heath Town Council; Haywards Heath Society; Haywards Heathens.com.
West Hoathly	1972	2009	Category 3 settlement. DP6 residual minimum requirement: 8. There are only a few SHELAA sites in West Hoathly, neither of which are very close to the current conservation area boundary.	West Hoathly Parish Council, West Hoathly Local History Group; West Hoathly Local History Archive; Hoathly Hub.

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
In Progress				
Hurstpierpoint	1972 (extended 1999)		Category 2 settlement. DP6 residual minimum requirement: N/A. There are a significant number of SHELAA sites on greenfield sites on all sides of Hurstpierpoint, one of which is fairly close to the current conservation area boundary. Identified in the Mid Sussex Economic Development Strategy for preparation 2018.	Hurstpierpoint and Sayers Common Parish Council (incorporating the Museums and Heritage Group); Hurstpierpoint Society; Hurstpierpoint Historical Society.
Hurst Wickham	1989		Category 2 settlement. DP6 residual minimum requirement: N/A. There are a significant number of SHELAA sites on greenfield sites on all sides of Hurstpierpoint, a few of which are fairly close to the current Hurst Wickham conservation area boundary. Identified in the Mid Sussex Economic Development Strategy for preparation 2018.	Hurstpierpoint and Sayers Common Parish Council (incorporating the Museums and Heritage Group); Hurstpierpoint Society; Hurstpierpoint Historical Society.
Langton Lane	1999		Category 2 settlement. DP6 residual minimum requirement: N/A. There are a significant number of SHELAA sites on greenfield sites on all sides of Hurstpierpoint, some of which are close to the current conservation area boundary. Identified in the Mid Sussex Economic Development Strategy for preparation 2018.	Hurstpierpoint and Sayers Common Parish Council (incorporating the Museums and Heritage Group); Hurstpierpoint Society; Hurstpierpoint Historical Society.

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
Identified in Mid Sussex Economic Development Strategy (EDS) (2018)				
East Grinstead	1971 (extended 1989)		Category 1 settlement. DP6 residual minimum requirement: 1,145. There are a high number of SHELAA sites on greenfield sites on all sides of East Grinstead, as well as a high number of brownfield sites throughout the town, many of which are close to the current conservation area boundary. Identified in the Mid Sussex Economic Development Strategy for preparation 2018-2019.	East Grinstead Town Council; East Grinstead Society; East Grinstead Museum; The History of East Grinstead (online book).
Lindfield	1969		Category 2 settlement. DP6 residual minimum requirement: 540 units. There are a significant number of SHELAA sites on greenfield sites on all sides of Lindfield, some of which are adjacent to the current conservation area boundary. Identified in the Mid Sussex Economic Development Strategy for preparation 2019-2020.	Lindfield Parish Council; Lindfield History Project Group; Lindfield Preservation Society; Lindfield Life (local print and online magazine).

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
High Priority (2-3 Years)				
Estcots and East Court College Lane (East Grinstead)	2003		Category 1 settlement. DP6 residual minimum requirement: 1,145. There are a high number of SHELAA sites on greenfield sites on all sides of East Grinstead, as well as a high number of brownfield sites throughout the town, a few of which are close to the current conservation area boundary. It is considered practical to consider this area at the same time as East Grinstead as the background historical research is likely to overlap. It is a small area which can easily be appended to the work on the town centre conservation area.	East Grinstead Town Council; East Grinstead Society; East Grinstead Museum; The History of East Grinstead (online book).
Horsted Keynes	1984		Category 3 settlement. DP6 residual minimum requirement: 53. There are a significant number of SHELAA sites in Horsted Keynes, some of which are close to the current conservation area boundary. A number of recent planning applications for development in the setting of the Conservation Area	Horsted Keynes Parish Council; Horsted Keynes Village website.

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
Muster Green (Haywards Heath)	1979		Category 1 settlement. DP6 residual minimum requirement: 127. There are a significant number of SHELAA sites in greenfield sites on all sides of Haywards Heath, as well as a high number of brownfield sites throughout the town, a few of which are very close to the current conservation area boundary. Development of a Haywards Heath Masterplan may also have implications on this conservation area. There have been recent planning applications for demolition and redevelopment of buildings within its setting. Furthermore, significant local interest has been expressed in an updated appraisal.	Haywards Heath Town Council; Haywards Heath Society; Haywards Heathens.com.
Medium Priority (3-4 years)				
Albourne	1989		Category 3 settlement. DP6 residual minimum requirement: 41. There are a few SHELAA sites in Albourne, none of which are very close to the current conservation area boundary.	Albourne Parish Council.
Ardingly	1984 (extended 1990)		Category 3 settlement. DP6 residual minimum requirement: 29. There are a small number of SHELAA sites in Ardingly, some of which are adjacent to the current conservation area boundary. Furthermore, significant local interest has been expressed for an updated appraisal.	Ardingly Parish Council; Ardingly History Society.
Balcombe	1984 (extended 1990)		Category 3 settlement. DP6 residual minimum requirement: 30. There are only a few SHELAA sites in Balcombe, some of which are close to the current conservation area boundary.	Balcombe Parish Council; Balcombe History Society; Balcombe Village website.

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
Whitemans Green (Cuckfield)	1989		Category 2 settlement. DP6 residual minimum requirement: 200 units. There are a significant number of SHELAA sites on greenfield sites on all sides of Cuckfield, many of which are near to and some of which are adjacent to the current conservation area boundary.	Cuckfield Parish Council; Cuckfield Society; Cuckfield Museum; Cuckfield Compendium (online local history resource).

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
For Future Consideration - Priority to be Determined				
Birchgrove	1990		DP6 residual minimum requirement: N/A. There are no SHELAA sites in Birchgrove.	Horsted Keynes Parish Council.
Bolney	1989		Category 3 settlement. DP6 residual minimum requirement: 49. There are a significant number of SHELAA sites in Bolney, most of which are very close to the current conservation area boundary.	Bolney Parish Council; Bolney Local History Society.
Fairfield (Burgess Hill)	1989		Category 1 settlement. DP6 residual minimum requirement: N/A. There are a significant number of SHELAA sites in greenfield sites on all sides of Burgess Hill, as well as a high number of brownfield sites throughout the town, one of which is close to the current conservation area boundary.	Burgess Hill Town Council; Burgess Hill Local History Society, Burgess Hill Museum; Burgess Hill Uncovered (community website).
Franklands Village (Haywards Heath)	1989		Category 1 settlement. DP6 residual minimum requirement: 127. There are a significant number of SHELAA sites in greenfield sites on all sides of Haywards Heath, as well as a high number of brownfield sites throughout the town, a few of which are very close and one is within the current conservation area boundary.	Haywards Heath Town Council; Haywards Heath Society; Haywards Heathens.com; Hardy Family History.com (the story of Franklands Village); Franklands Village Housing Association.
Handcross	1990		Category 3 settlement. DP6 residual minimum requirement: N/A. There are a small number of SHELAA sites in greenfield sites on all sides of Handcross, one of which is close to the current conservation area boundary.	Slaugham Parish Council; Slaugham Archives.org.
Highbrook	1990		DP6 residual minimum requirement: N/A. There are no SHELAA sites in Highbrook.	West Hoathly Parish Council, West Hoathly Local History Group; West Hoathly Local History Archive.

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
Keymer	1989		Category 2 settlement. DP6 residual minimum requirement: N/A. There are a significant number of SHELAA sites on greenfield sites on all sides of Hassocks, one of which is adjacent to the current Keymer conservation area boundary.	Hassocks Parish Council.
Lewes Road (Haywards Heath)	1989		Category 1 settlement. DP6 residual minimum requirement: 127. There are a significant number of SHELAA sites in greenfield sites on all sides of Haywards Heath, as well as a high number of brownfield sites throughout the town, many of which are close to the current conservation area boundary.	Haywards Heath Town Council; Haywards Heath Society; Haywards Heathens.com.
Lucastes (Haywards Heath)	1989		Category 1 settlement. DP6 residual minimum requirement: 127. There are a significant number of SHELAA sites in greenfield sites on all sides of Haywards Heath, as well as a high number of brownfield sites throughout the town, only a few of which are close to the current conservation area boundary.	Haywards Heath Town Council; Haywards Heath Society; Haywards Heathens.com
Mill Hill Close (Haywards Heath)	1999		Category 1 settlement. DP6 residual minimum requirement: 127. There are a significant number of SHELAA sites in greenfield sites on all sides of Haywards Heath, as well as a high number of brownfield sites throughout the town, none which are close to the current conservation area boundary.	Haywards Heath Town Council; Haywards Heath Society; Haywards Heathens.com.

Conservation Area	Date of Designation	Date of Last Appraisal (if further to designation document)	Other Factors in Prioritisation (including likely future development and local support for character appraisal)	Local Amenity Society and Other Resources
Silverdale Road/Birchwood Road/Grove Road (Burgess Hill)	1982		Category 1 settlement. DP6 residual minimum requirement: N/A. There are a significant number of SHELAA sites in greenfield sites on all sides of Burgess Hill, as well as a high number of brownfield sites throughout the town, one of which is close to the current conservation area boundary.	Burgess Hill Town Council; Burgess Hill Local History Society, Burgess Hill Museum; Burgess Hill Uncovered (community website).
Slaugham	1984		Category 4 settlement. DP6 residual minimum requirement: N/A. There are only a few SHELAA sites in Slaugham, one of which is fairly close, but not adjacent to the current conservation area boundary.	Slaugham Parish Council; Slaugham archives.org.
Staplefield	1984		Category 4 settlement. DP6 residual minimum requirement: N/A. There are only a few SHELAA sites in Staplefield, both of which are close to the current conservation area boundary.	Ansty and Staplefield Parish Council; Staplefield Village website including contact info for Staplefield Village Archive; Slaugham Archives.org.
St. Johns (Burgess Hill)	1989		Category 1 settlement. DP6 residual minimum requirement: N/A. There are a significant number of SHELAA sites in greenfield sites on all sides of Burgess Hill, as well as a high number of brownfield sites throughout the town, none of which are close to the current conservation area boundary.	Burgess Hill Town Council; Burgess Hill Local History Society, Burgess Hill Museum.
Turners Hill	1984		Category 3 settlement. DP6 residual minimum requirement: 71. There are a small number of SHELAA sites in Turners Hill, some of which are adjacent to the current conservation area boundary.	Turners Hill Parish Council.
Warninglid	1969		Category 4 settlement. DP6 residual minimum requirement: N/A. There are only a few SHELAA sites in Warninglid that are fairly close, but not adjacent to the current conservation area boundary.	Slaugham and Bolney Parish Councils; Slaugham Archives.org; Warninglid Village Page.

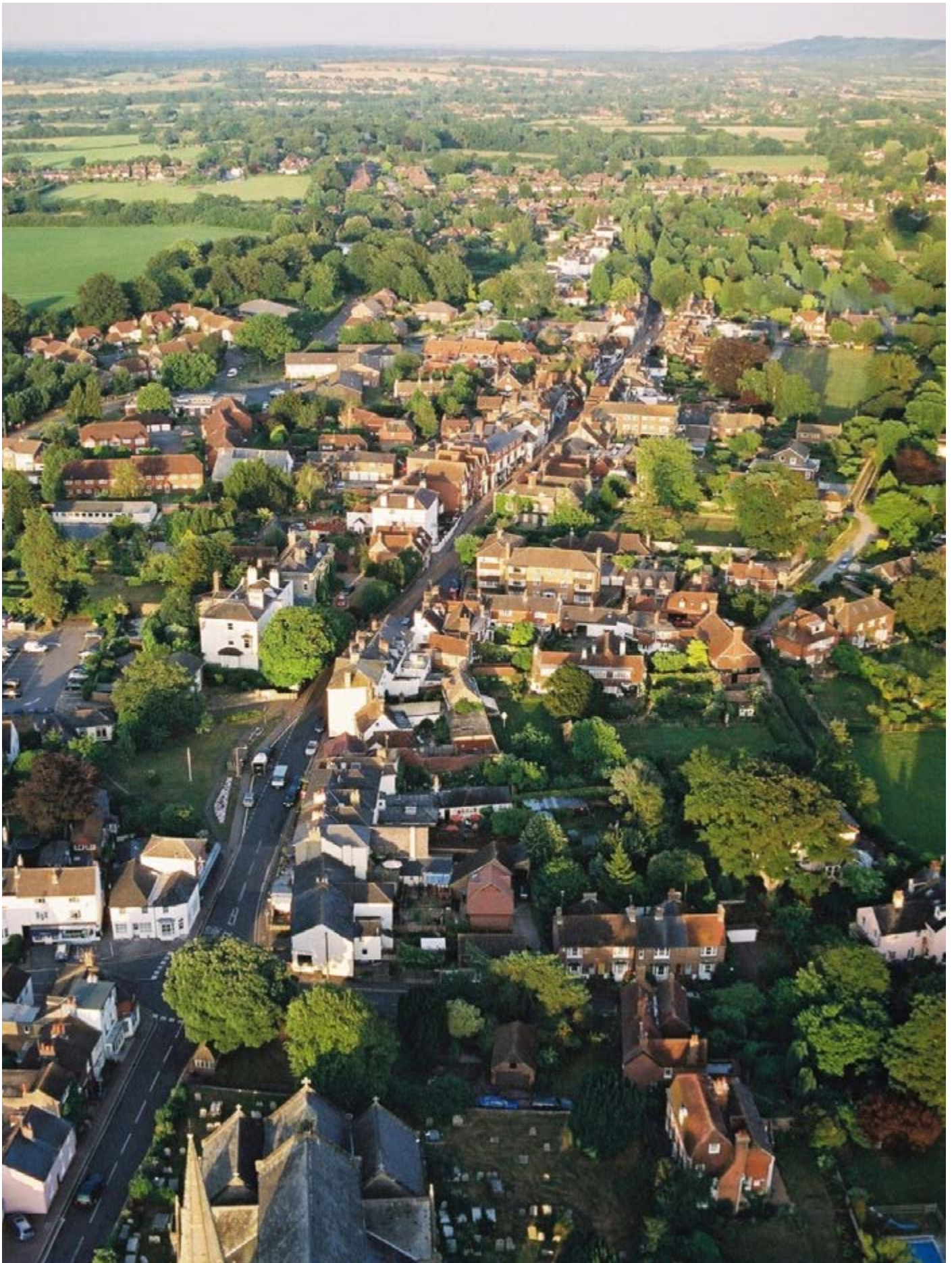
Hurstpierpoint Conservation Area Appraisal



2018



An appraisal of Hurstpierpoint's Conservation Areas





MID SUSSEX DISTRICT COUNCIL in association with The Hurstpierpoint Society

Dates of adoption and publication

Acknowledgements

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1. Introduction

A conservation area is defined as an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Mid Sussex District Council in association with the Hurstpierpoint Society has produced the Hurstpierpoint Conservation Areas Appraisal in order to clearly identify what qualities make the three separate Conservation Areas in the village special and how these qualities can be preserved and enhanced.

The three Conservation Areas within the village are Hurstpierpoint Conservation Area, which includes part of the main village and was designated in 1972 and extended in 1999, Langton Lane Conservation Area, situated to the west of the village centre and designated in 1999, and Hurst Wickham Conservation Area, located to the east of the centre and designated in 1989. This appraisal document considers all three areas in turn.

After establishing the Planning Policy context and the location and setting of the Conservation Areas the appraisal moves on to consider the elements that contribute to the special historic and architectural character of each of the Conservation Areas in turn, as well as those features that detract from them. Finally the appraisal details management proposals, comprising proposed changes to the boundaries of two of the conservation areas (Hurstpierpoint and Hurst Wickham Conservation Areas). Maps showing the proposed changes are on pages 67 and 68.

It is good practice, as advocated by Historic England in their publication "Conservation Area Designation, Appraisal and Management" for a local planning authority to periodically review the boundaries of its conservation areas with a view to establishing whether changes should be made. The survey work for this appraisal, undertaken in partnership with the Hurstpierpoint Society, has highlighted a small number of instances where it is felt the boundaries of the Conservation Areas could be usefully extended to include adjoining areas

which are considered to have sufficient special interest to merit designation, as well as one instance where it is considered the boundary could be altered to omit buildings which detract from the special interest of the Conservation Area concerned.

This document will be given material consideration and will inform planning practice and policies for the area, providing guidance for Development Management officers in assessing planning applications. It will also give the local community clear advice on what should be cared for and preserved within the conservation areas.

The three conservation areas make a positive contribution to the overall character of Hurstpierpoint, and make the village what it is – a desirable and vibrant place for residents and visitors alike.

2. Planning policy context

A conservation area is defined as an area of 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Conservation areas were originally introduced through the Civic Amenities Act in 1967. They are designated by local authorities under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990. Designation of a conservation area is in recognition that an area has a special character and identity that is worth preserving or enhancing.

Government policy relating to Conservation Areas is set out in the National Planning Policy Framework (NPPF) (2012) and the Planning Practice Guidance. The Planning Practice Guidance states that the 'conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits'.

The emerging Mid Sussex District Plan 2014-2031 includes a policy relating to conservation areas. The policy seeks to conserve and

enhance conservation areas by setting out requirements for development. The setting of a conservation area will also be protected. There are also policies in the emerging District Plan that relate to listed buildings and other heritage assets, and historic parks and gardens.

The Hurstpierpoint Conservation Areas Appraisal will include an assessment of the character of each of the three areas and will support the policies in the Mid Sussex District Plan by identifying the key characteristics of each of the conservation areas. The Conservation Areas Appraisal will consider what features make a positive or negative contribution to the significance of the conservation areas, thereby identifying opportunities for beneficial change or the need for planning protection. The Conservation Areas Appraisal will be a material consideration when determining planning applications.

3. Location and Setting of the three Conservation Areas

Hurstpierpoint sits on a fertile Greensand ridge, with the heavy clay of the Weald to the north and Gault clay and then the chalk South Downs rising in the south. The boundary of the South Downs National Park runs along the southern edge of the village, giving a setting of open fields and spectacular views, especially towards the distinctive feature of Wolstonbury Hill. Wolstonbury Hill and the South Downs can be seen from a number of locations around the village and are considered an integral part of the setting of Hurstpierpoint.

Photo 2: A view of Wolstonbury Hill from Hurstpierpoint



The village itself is centred on an ancient roadway running east-west, along the Greensand ridge and parallel with the South Downs. Where this route runs through the village centre (the Hurstpierpoint Conservation Area), it is known as the High Street, becoming Hassocks road as it runs eastwards out of the village. The hamlet of Hurst Wickham is located east of the village centre, on College Lane, which runs north from Hassocks Road at the edge of the village. To the west, the main route is known as Albourne Road - Langton Lane is a rural lane running north from Albourne Road a short distance outside the village centre. A cluster of buildings is located around the junction of the roads and extending north along Langton Lane into the countryside. Map 1 shows the location and boundaries of the three Conservation Areas at Hurstpierpoint, Hurst Wickham and Langton Lane.

Map of the three conservation areas (Map 1)

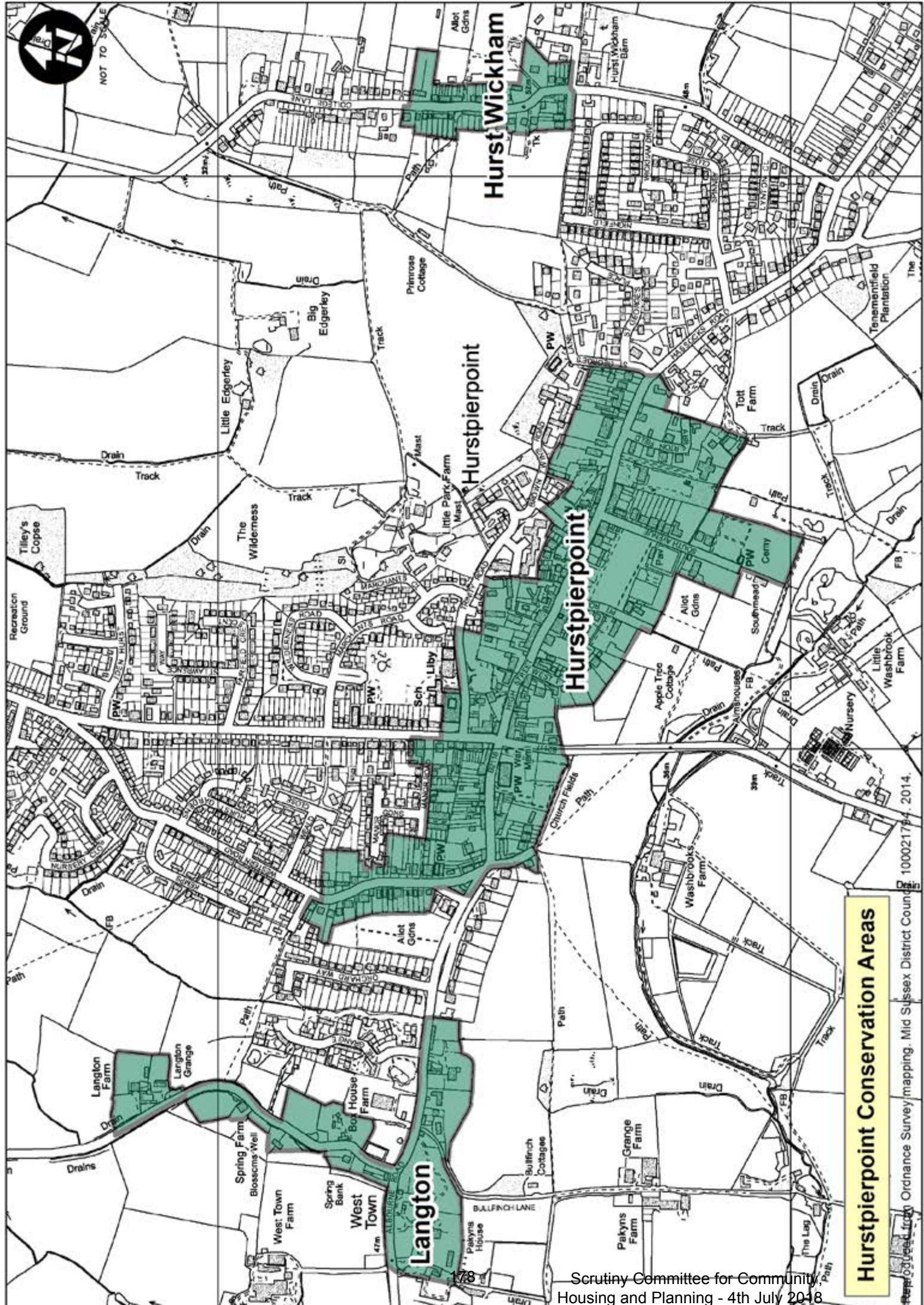
When Hurstpierpoint is viewed from the South Downs or the many footpaths in the surrounding countryside, the village almost disappears within trees, which provide a verdant backdrop to an ancient settlement. All woodlands within the parish have been classified in the Mid Sussex Ancient Woodland Survey 2005 as Ancient Semi Natural Woodlands, and although not within the Conservation Areas form an important part of their setting.

Photo 3: View of Hurstpierpoint from the South Downs





NOT TO SCALE



Hurstpierpoint Conservation Areas

100021794 2014. Ordnance Survey mapping. Mid Sussex District Council

Photo 4: View of the south downs from Tott Lane



From many parts of the village there are fine views to the Downs and across the fields to the north. Footpaths radiate from the centre of the village across the open countryside, linking up with many well-used rights of way, accessed through kissing gates and over wooden stiles. A path running along the southern edge of the village marks the edge of the open countryside beyond and provides attractive views of the village buildings in their countryside setting. This close relationship with the surrounding countryside is an important characteristic of the village. The rural setting also provides separation from other nearby settlements such as Hassocks, Albourne and Burgess Hill, emphasising the unique identity of Hurstpierpoint as an historic settlement.

(See Map 2)

4. The historic development of Hurstpierpoint and its surroundings

(See Maps 3 - 6)

Early origins

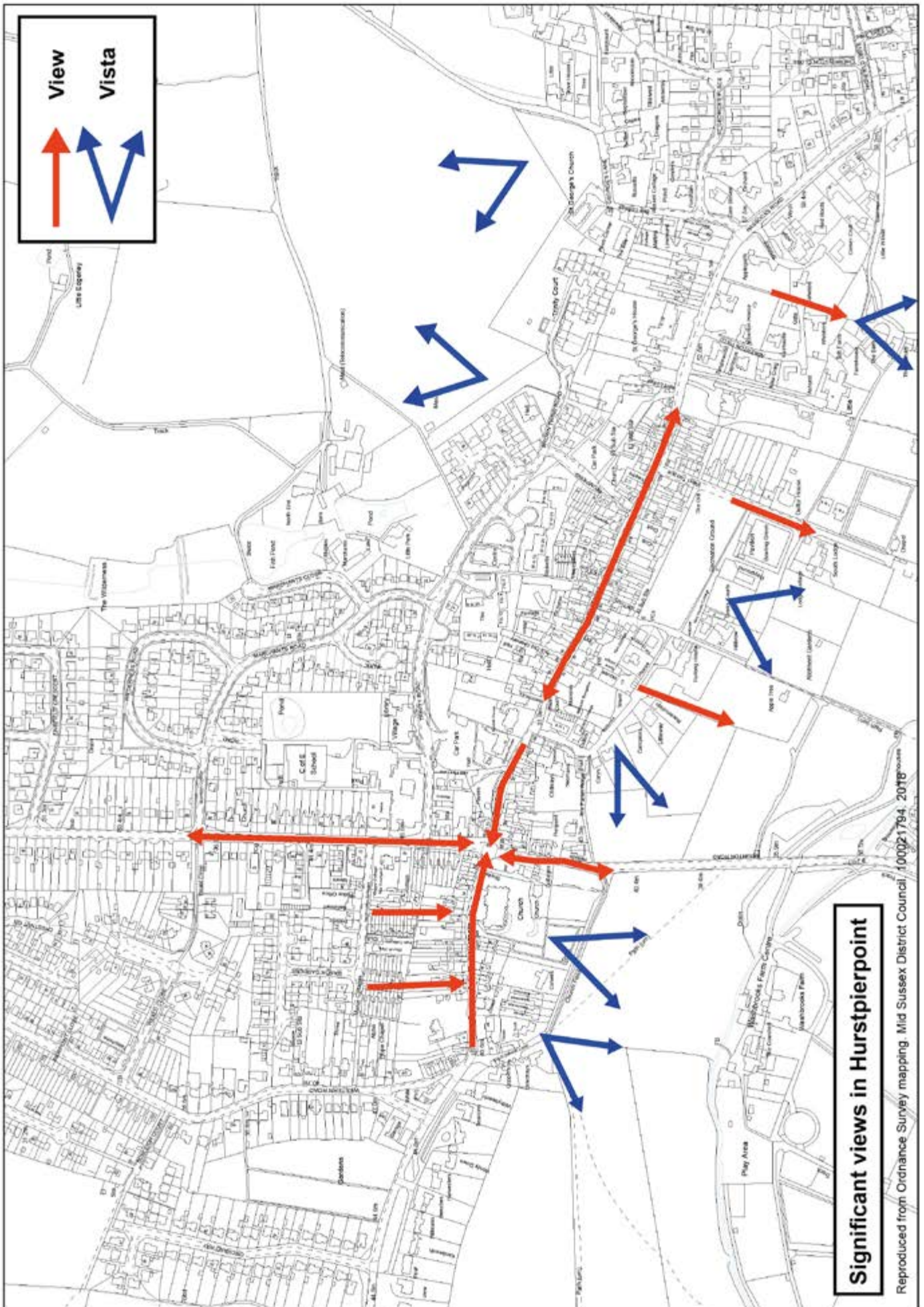
Hurstpierpoint is a typical Sussex ridge top settlement. The local topography and geology had a profound effect on the way in which the area was settled by early peoples: to the

south, the chalk downlands were lightly wooded and easy to clear and cultivate. This was a landscape of strip lychetts (narrow hillside fields) and later the small square fields of the Celtic people. Hurstpierpoint sits north of the Downs on a band of fertile greensand stretching east to west between Hassocks and Albourne. This also was lightly wooded and easily cleared for settlement and cultivation. In contrast, between the upper and lower greensand runs a strand of Gault Clay, which is hard to work and was heavily wooded. This part of the countryside was not unproductive however, having numerous watercourses which gave fish and lush meadows for livestock. To the north of the greensand ridge on which the village sits is heavy Wealden clay-this landscape was heavily wooded and was used by local people for timber and forage for animals.

Evidence of early occupation of the area has been uncovered, including the stone tools of Mesolithic and Neolithic peoples, as well as artefacts from the Bronze Age. Overlooking the village from the south (and a prominent feature in local views) is the Iron Age Celtic fort of Wolstonbury.

When the Romans conquered Britain in AD43 they began a process of assimilation with the local Celtic people. They made effective use of the natural resources of the area, forming bricks and tiles from the local clay, extracting iron from the ironstone of the High Weald, and cultivating corn in Downland pastures. Evidence of their presence and activity in the area around Hurstpierpoint survives in the remains of their transport system, with roads running through the Parish including the Sussex Greensand Way, which passed through the Parish en route from Barcome to Pulborough, and Bedlam Street, which ran from modern day Bedlam Street north across the fields of Danny Park, by Crossways Lane, and along towards Hassocks to the east, with a villa nearby. The Hurstpierpoint Society has marked the route of this ancient road with plaques mounted on oak posts. These Roman roads typically took advantage of the higher, drier ground of the sandstone ridges, such as that on which Hurstpierpoint sits.

Map 2. Significant Views



Map 3. 1846 - 1901

Title: Hppt 1:2500 Ep1 1846-1901
Comment:

MID SUSSEX DISTRICT COUNCIL



Printed: 5-7-2017

Map Centre (Easting:Northing): 528384:116860

Scale: 1:10500

Map 4. 1873 - 1875

Title: Hppt County Series 1873-1875
Comment:

MID SUSSEX DISTRICT COUNCIL



Printed: 5-7-2017

Map Centre (Easting:Northing): 528384:116860

Scale: 1:10500

Map 5. 1896

Title: Hppt County Series 1895,1896
Comment:

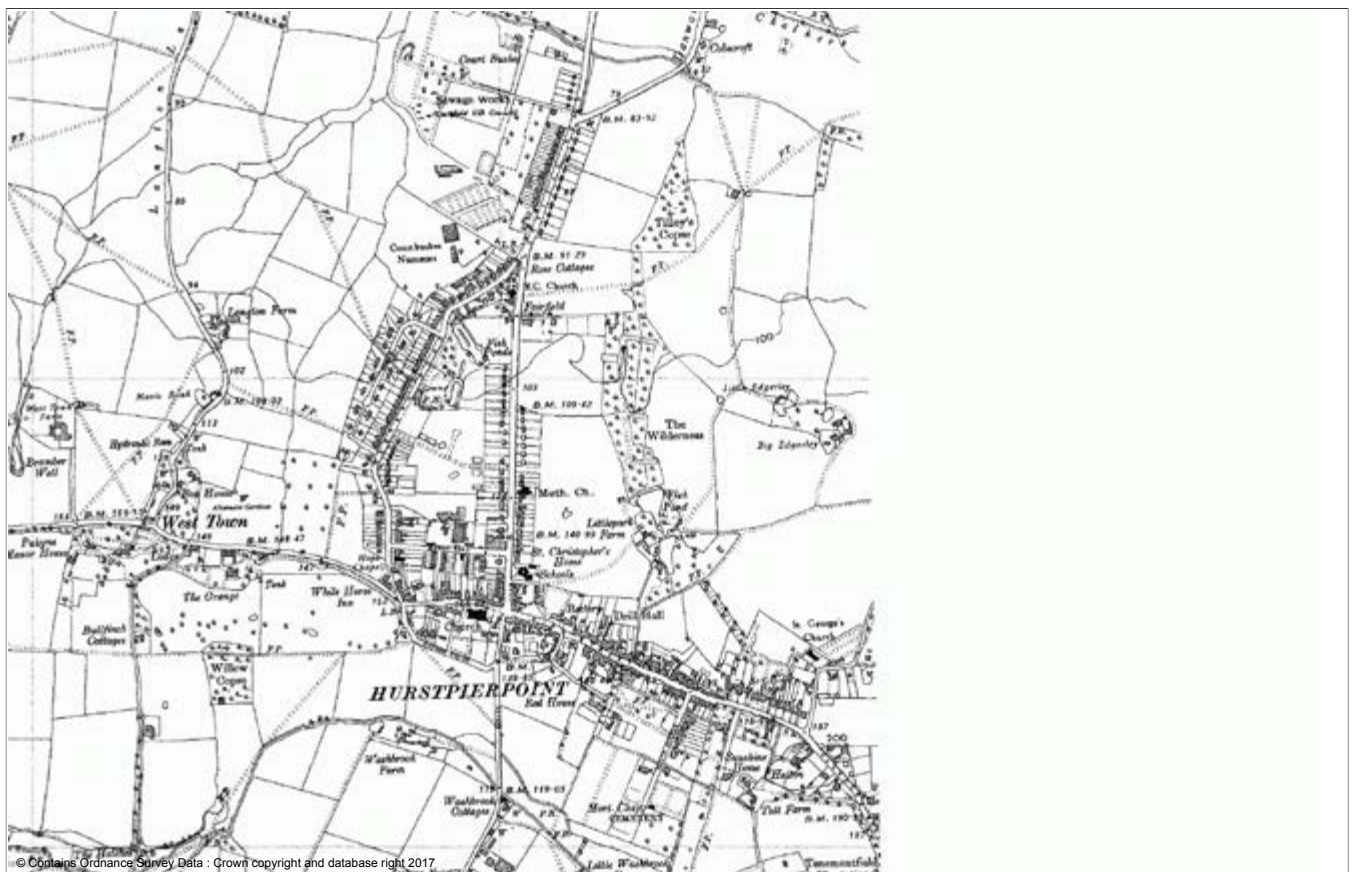
MID SUSSEX DISTRICT COUNCIL



Map 6. 1946 - 1947

Title: Hppt County Series 1946, 1947
Comment:

MID SUSSEX DISTRICT COUNCIL



Printed: 5-7-2017

Map Centre (Easting:Northing): 528384:116860

Scale: 1:10500

Photo 5: HPP Society post marking site of Bedlam Street



Roman coins and pottery fragments have been found in the churchyard at Hurstpierpoint, with some suggestions that this might have been the location of a Roman temple. Roman villas, farmsteads and burial grounds have also been discovered locally.

The origins of the village of Hurstpierpoint itself may be in the Anglo-Saxon period which followed the withdrawal of the Romans from Britain in AD 410. (Hurst is an Anglo-Saxon word meaning a wooded hill.) The Anglo Saxons left relatively little evidence of their occupation of the area, but cultivation of the land continued and a church was built, possibly on the site of a Roman temple or shrine.

The Norman Conquest and the Feudal Period

By the time of the Norman Conquest in 1066 much of the land locally belonged to Earl Godwin, father of Harold Godwinson, the King of England who died at Hastings. The Domesday book of 1086 records Hurstpierpoint in two parts, both (Hurst and Wickham) being given by the new King William to his ally William de Warenne. The manor of Hurst was given to Robert de Pierpoint, and his family name was added to that of the manor and the village at its centre.

1) Hurstpierpoint in the Domesday Book

The Domesday Book of 1086, William the Conqueror's great inventory of his newly conquered kingdom of England, stated that at that time the manor of Hurst had about 2000 acres in cultivation, with 80 acres of meadow and a large area of woodland for pigs. The population was 51 families, perhaps 200 persons. There was a church and three watermills. Wickham was separately listed as a small hamlet.

The Normans brought with them feudal tenure, which lasted until the accession of the Tudors. The Wealden manor of Hurstpierpoint was extensive, being at least two miles wide and nearly six miles long, and roughly coincided with the Parish boundaries. The manor house (now demolished) was located in the village in a position just to the north of the Church - beyond this, the village at this time consisted of a scattering of cottages on the ridge to the east.

There was a further settlement around the manor of Pakyns to the west, which was known as West Town. This area is now within the Langton Lane Conservation Area.

It is possible that during the feudal period the small Saxon fields around the village were made into large open fields, some being the demesne belonging directly to the Lord of the Manor, others cultivated in common by the villages, but the extent of these fields is unknown. The names East Field, North Field and Town Field are marked on early maps of Hurstpierpoint, but any such open fields were enclosed by the Tudor period.

Expansion of the cultivated area and the clearance of woodland for arable fields continued locally throughout the 11th, 12th and 13th centuries but would have been slowed by years of famine and were brought to a halt by the Black Death of 1348-9.

Tudor Hurstpierpoint

Better harvests during the 15th and 16th centuries contributed to a higher standard of living under the Tudors, and an increase in population and prosperity. Early farmhouses and buildings as with other houses, were of a very basic construction, with walls of wattle and daub or flint, unglazed windows and roofs of thatch. Such constructions did not have a long lifespan, and consequently very little survives in the village from this earlier period. The growing prosperity of the 15th and 16th centuries led the wealthier yeomen of the Parish to rebuild their houses with better quality timber framing, and several examples of buildings dating from this period do survive in Hurstpierpoint.

Photo 6: Pigwidgeon and Spotted Cow Cottages, Albourne Road- a surviving 15th century hall house, now divided into two.



Photo 7: Tott Farmhouse, Tott Lane- a 16th century three storey timber framed house, refronted with stucco and tile hung.



The Seventeenth Century

By 1660, feudalism had long been abolished. The open fields were enclosed to increase the productivity and profitability of the local farms, with surplus produce being sent to markets in the vicinity such as that at Lewes, or as far afield as London. Enfolding of livestock (cattle in particular) allowed improvement of their quality by measures such as selective breeding, and provided manure for the enrichment of the arable fields. Apart from wheat and oats, crops grown locally included barley for brewing, and from the late 16th century, hops. Vegetables were also grown in gardens. Sheep rearing on the Downs was important, both for wool and for their hides. Timber from the Weald, principally for shipbuilding, and iron, also contributed to the local economy.

The increasing prosperity of the local economy allowed the local gentry to follow the influence of London Court life, rebuilding or refacing their now unfashionable old timber houses in brick, with Dutch gables – Little Park and Randolphins are two local examples of houses with 17th century brick facades masking an earlier timber framed core.

2) Hurstpierpoint Mills

Wind and water mills in past times were a vital part of the rural economy - at or near Hurstpierpoint were several mills, some of which survive today. The Jack and Jill windmills which sit on the summit of the Downs to the south remain local landmarks. There was also a post mill on the Pakyns estate to the south of the Albourne Road. Water mills included Gibbs Mill at the north end of Langton Lane which was still grinding corn in to the 1960s and Ruckford Mill, sited further along this stream at Malthouse Lane, which was working from at least the 17th century to the 19th - both these buildings survive as houses.

Photo 8: Cobbs Mill



Georgian Hurstpierpoint

During the 18th century land ownership was increasingly concentrated into the hands of a few, wealthy local families- although the majority of the farms surrounding the village were small, the majority were tenanted rather than owned outright. Prominent local landowners included the Marchants of Little Park, the Campions of Danny and the Beards of Mansion House on the High Street. Later Sir John Dodson, a descendant of rectors of the Parish, became a major landowner.

Photo 9: Mansion House, the High Street. This 17th century or earlier timber framed building was refronted in the early 18th century.



Despite this gradual transfer of land, life on the 18th century farms which supported Hurstpierpoint would have continued much as before, although the influence of the Agricultural Revolution would have been felt here as elsewhere in the country. Greater mechanisation and improved methods of crop

production, soil improvement and improvement of livestock breeds all had a beneficial impact on agricultural productivity which would have raised the income of tenant farmers. The market was also stimulated by the growing demand for food from London. However, for the lower ranks of rural society, such as the agricultural labourers, conditions remained poor, leading to riots and discontent.

Photo 10: Church House, High Street. This house, located behind The Church of the Holy Trinity, has a fine 18th century façade- the building behind may be earlier.



3) Craftsmen and trades

The economy of Hurstpierpoint Parish was for centuries predominantly agricultural- workers within the farming community worked in crafts associated with the land: ploughing, sowing, reaping, hedging and ditching, hurdlemaking and thatching of hay ricks. Basketmaking used hazel and willow coppiced in the woods around the village. Milling by wind and water power was also important. Spinning, weaving and sewing were done in the home, and ale was brewed. Excess produce could be sold in a market off Lamb Platt (at the top of Cuckfield Road). Villagers also found employment in the large houses at Danny, Little Park and Pakyns.

Hurstpierpoint village supposed a number of craftsmen and trades servicing the needs of the local farming community. During the 18th century, for example, craftspeople working in the village included cordwainers and tailors, shoemaking, weaving, hairdressing, blacksmithing, plumbing and glazing.

4) Wool and cloth

The wool and cloth industry was an important part of the local economy. Sheep were reared on the Downs, the wool was then washed using lye produced at mills such as the one at Pond Lye or Leigh, before being carded, spun, dyed and woven into cloth. Carding and spinning took place in the home, weaving was done by village men. Fulling (scouring, cleansing and thickening of the cloth by beating it in water) was done at local watermills known as fulling mills, as is evidenced by diary entries from the 18th century.

In the 18th century flax was also grown locally for linen production – spinning flax was a common workhouse activity.

Mercers (traders in cloth) were present in Hurstpierpoint village from at least the late 17th century. By the 19th century records show the number of different trades operating in the village associated with the cloth and clothing industry, which included mercers, drapers, tailors and seamstresses, hosiers and shirtmakers, milliners, bonnet and straw hat makers, glovers, a furrier and feather-dresser and a commercial laundry.

5) Leather and tanning

Tanning was a significant local industry in and around Hurstpierpoint village. Hides from cattle and skins from sheep and goats were tanned in a mixture of oak bark and water at tanneries usually situated at the edge of or outside the village due to the smell- in Hurstpierpoint one tannery was located in Langton Lane, on the west side of the lane south of Knowles Tooth; another was situated just south of Tott Farm.

Tanning was carried on locally from at least the 16th century. The resulting leather was sold on by fellmongers, and used in a number of local crafts and trades, including glovers, saddlers, collar-makers, purse mongers and bottle makers, cordwainers and shoemakers.

6) Nonconformist Hurstpierpoint

The topography, natural resources and, prior to the 18th century, the occasional difficulty of traversing the local roads, led to the population of Hurstpierpoint and its surrounding countryside being more scattered, mobile and diverse than their more affluent Southdown neighbours, and less amenable to authority. In these conditions non-conformist religious movements such as Quakerism, Baptism and Methodism flourished. The significance of these churches in Hurstpierpoint's history is attested to by a number of surviving buildings such as the former Quaker chapel at Trumpkins on the High Street, which later became a National School and is now the Player's Theatre, the former Methodist Chapel on Manor Road, now a house, and the former Hope Baptist Chapel on Western Road, also now a house.

Photo: 11 The former Methodist Chapel on Manor Road



The 19th century

The population of Hurstpierpoint rose rapidly over the course of the first half of the 19th century, almost doubling from 1104 in 1801 to 2118 in 1841. As the population grew, the number of houses in the village increased accordingly, from 168 to 1811, and 245 in 1831, to 359 in 1841. Modest terraced cottages spread, for example those still present along Western Road; spacious Victorian villas along Hassocks Road and elsewhere provided accommodation for wealthier residents. Hurst Wickham developed as a hamlet to the east of the village during the 19th century. To cater for this growing population, the Church of the Holy Trinity was rebuilt and the current village school established- there were other schools elsewhere in the village, often in private houses. Shops and trades flourished along the High Street and in the buildings behind it.

Photo 12: Victorian and Edwardian terraces on Western Road



Photo 13: Spacious 19th Century villas on Hassocks Road



Agriculture remained vital to the local economy-

the larger farms prospered, and rents were high. A weekly corn market was held at the New Inn. Life was harder however for smaller farmers and for agricultural labourers, for whom life had changed little for centuries. A hint of what was to come was the introduction of a degree of mechanisation with the advent of steam traction engines and threshing machines.

A major impetus for the growth of Hurstpierpoint at this time was the improvements in travel and transportation which took place during the second half of the 18th century and the first half of the 19th. Before the late 18th century little traffic passed through the Parish and what there was was mainly relatively local, such as visitors to local farms or sheep drovers. Goods were transported mainly by packhorse. A significant reason for this was the terrible state of the local roads, particularly those running through the heavy Wealden clay, which would become all but impassable in winter.

From the middle of the 18th century turnpike trusts were created around the country to enable the improvement of the road network by allowing the charging of tolls for the use of certain routes. In 1777 the Henfield to Ditchling Turnpike was established, following the line of the existing main east-west route through Hurstpierpoint, which included the High Street. There were tollhouses to the east of the White Horse Public House (on the western edge of Hurstpierpoint village) and just before New Way Lane (to the east)

The Henfield-Ditchling turnpike became a cross-country coaching route, linked in time with the improved London-Brighton road (works carried out partly for the benefit of the then Prince Regent). This encouraged the expansion of Hurstpierpoint village and the establishment of several coaching inns such as the New Inn on the High Street, which was opened in 1816. The building was originally a four bay Wealden hall house, dating from c.1500 – timber framing can still be seen on the west wall, behind the 19th century façade. An 1830s drawing shows stables extending to the east- accommodation for the riding horse and carriage trade of the time. The New Inn remains a local landmark to this day.

Photo 14: The New Inn, on the High Street, a former coaching inn.



Later, in 1835, a further turnpike route was created between Ansty Cross to the north of Hurstpierpoint and Brighton to the south. The line of this road followed modern day Cuckfield Road/Brighton Road, the two 'lodges' at its southern end surviving now as shops. This led to the expansion of the village northwards along the turnpike.

7) Horse and Carriage

Transportation by packhorse, horse and carriage or wagon was for centuries the principal method of moving people and goods in bulk through the Parish.

In 1841 the village supported two blacksmiths, one was based in Church Lane (the row of buildings to the west of the church), and the other to the east of the New Inn in what is now Pit Road- here there was a house, yard and blacksmith shop. There were five wheelwrights in the village, including a premises at Trumplings at the east end of the High Street. There were also horse-keepers with animals to hire, harness, collar and saddle makers, ostlers (stablemen at the local inns), stable lads and grooms, and coachmen to the gentry.

After the London-Brighton railway opened in 1841 a horse drawn omnibus travelled back and forth between Hurstpierpoint and Hassocks Gate Station. The first motor bus ran in 1925.

Much greater growth was to follow the opening of the Hassocks Railway Station on the London, Brighton and South Coast Railway in 1841, a short distance to the east. The village expanded rapidly, as can be seen from a comparison of maps 3, 4 and 5, as the first commuters were attracted to live in Hurstpierpoint, travelling to work in Brighton or further afield.

8) Brickmaking

The rapid expansion of house building during the 19th century was served by local brick and tile yards, fed by the clays of Sussex. Weald clay can be used for pottery, facing bricks and tiles as well as ordinary bricks. The earliest evidence of its use locally dates to Roman times, and the tile kiln in Danny Park, however with the end of the Roman occupation the use of tile and brick in construction ceased until the 14th century and was not of importance for at least another century after this.

By the 19th century there were three brickmaking sites in the Parish, at Reeds Lane, Sayers Common, at Little Park Farm, and by the Sportsman pub at Goddards Green.

9) The Chinese Gardens

The Chinese Gardens were opened in 1843, the creation of local entrepreneur Adam Adams. Based on the success of the Swiss Gardens in Shoreham, despite their name the Gardens had no special oriental theme but instead were called after the road that they were located on, Chinese Road, which in turn was named for the Chinese Uprising. Chinese Road was later renamed Western Road. The gardens had a rowing lake, donkey rides, bowls, croquet, and tennis courts set in extensive grounds which also featured bars, a coffee room and a dining room seating 300. The Gardens were a popular destination for group outings and for holiday makers on their way to the bright lights of Brighton. The Gardens survived for more than a century, only closing for redevelopment in the 1950s. Their location is now within the setting of the Hurstpierpoint Conservation Area.

10) The Church of the Holy Trinity

Photo 15: The Church of the Holy Trinity



Although there has been a church in Hurstpierpoint since Anglo-Saxon times, the current Church of the Holy Trinity dates only from the 1840s. Built to a design by Charles Barry (architect of the Houses of Parliament), it replaced the 15th century Church of St Lawrence on the same site. Its building was instigated, against some local opposition, by the Reverend Carey Hampton Borrer, a reforming High Church rector, who was also active in numerous other aspects of village life during the 57 years he was vicar of Hurstpierpoint, including the running of the local schools and the establishment of the Parish Rooms (Photo 96).

20th Century Hurstpierpoint

Hurstpierpoint continued to grow during the 20th century, taking in fields to the north, east and west of the village. At Hurst Wickham, houses spread northwards along both sides of College Lane into the countryside. Infill development also occurred in all the Conservation Areas as the grounds of larger houses such as Pakyns and the Mansion House were split off and sold for development. To the north of the village the

Chinese Gardens closed and the area was built up as a housing estate.

The early 20th century saw farming continue as vital to the local economy. Around 1900 dairy farming in the area was reinvigorated by an influx of dairy farmers from the West Country, drawn to the area by the access which the railway gave to the milk markets of the South Coast and London. This period also saw a growth in market gardening in the fields around Hurstpierpoint. Corn continued to be milled locally at Gibb's Mill.

Employment could also be found in one of the many local trades, or in service in the larger houses such as Danny. A training school for domestics was established at Chichester House on the High Street.

11) Hurstpierpoint at war

The service of Hurstpierpoint men and women during World War I and World War II is commemorated by the village War Memorial on the green by Holy Trinity Church. The Memorial was unveiled on St George's Day, April 23rd, 1922 by Colonel Campion. It records the names of 77 men who died in the Great War. To this was added the 17 men and one woman who lost their lives in the Second World War. There are also memorial tablets within Holy Trinity Church, as well as a number of registered Commonwealth War Graves Commission graves in both the Hurstpierpoint Old Cemetery, which is adjacent to Holy Trinity, and the Hurstpierpoint (South Avenue) Cemetery, in addition to private family memorials. At Hurstpierpoint College, to the north of the village, a War Record is kept of those former pupils who fought and who died in the Great War. The school chapel houses a Memorial Tablet.

Danny, a large Elizabethan house to the south east of Hurstpierpoint which has close links to the village, played a role in the conclusion of the First World War. Prime Minister David Lloyd George was renting the house at the time, and it was here that the war cabinet met to draw up the outline terms of the Armistice.

Photo 16: The Hurstpierpoint war memorial



During World War II the Local Defence Volunteers (Home Guard) had three defence points at Lock's Manor, College Lane and near the fire station. There were regular anti-aircraft units in the parish, an air raid warden and a siren. In fact there was only one casualty of direct enemy action. In 1943 a bomb exploded near the home in Cuckfield Road of the Reverend Lamb of the Evangelical Free Church, tragically killing his four year old daughter.

Land girls were drafted in to help on local farms, and were accommodated in the village alongside Canadian troops, Commandos (who underwent training exercises in the grounds of Danny) and evacuees. An air raid shelter was established in the cellars of the brewery and the adjacent Sussex Arms Hotel.

World Wars I and II provided a great impetus towards the intensification of farming. However greater productivity through mechanisation and the use of chemical fertilisers, coupled with the gradual splitting up of many of the larger local estates, meant that as the century progressed fewer and fewer local people have been employed in agriculture. Although sheep and beef farming do continue, alongside

'horseculture', the local economy is now, for the first time in centuries, not based principally around farming and the land. Hurstpierpoint does, however, maintain a thriving local economy with village-based retail and commercial businesses of various sorts existing alongside a large population of commuters to London, Brighton and other local centres.

The many centuries of Hurstpierpoint's growth and development and its fascinating social history are reflected in its built form- in the layout of its streets, lanes and twittens, and in the buildings and open spaces that line them. The village's long association with the countryside which surrounds it is still evident in the paths that lead out into the surrounding fields and in the fine country views that exist from many points in the Conservation Area.

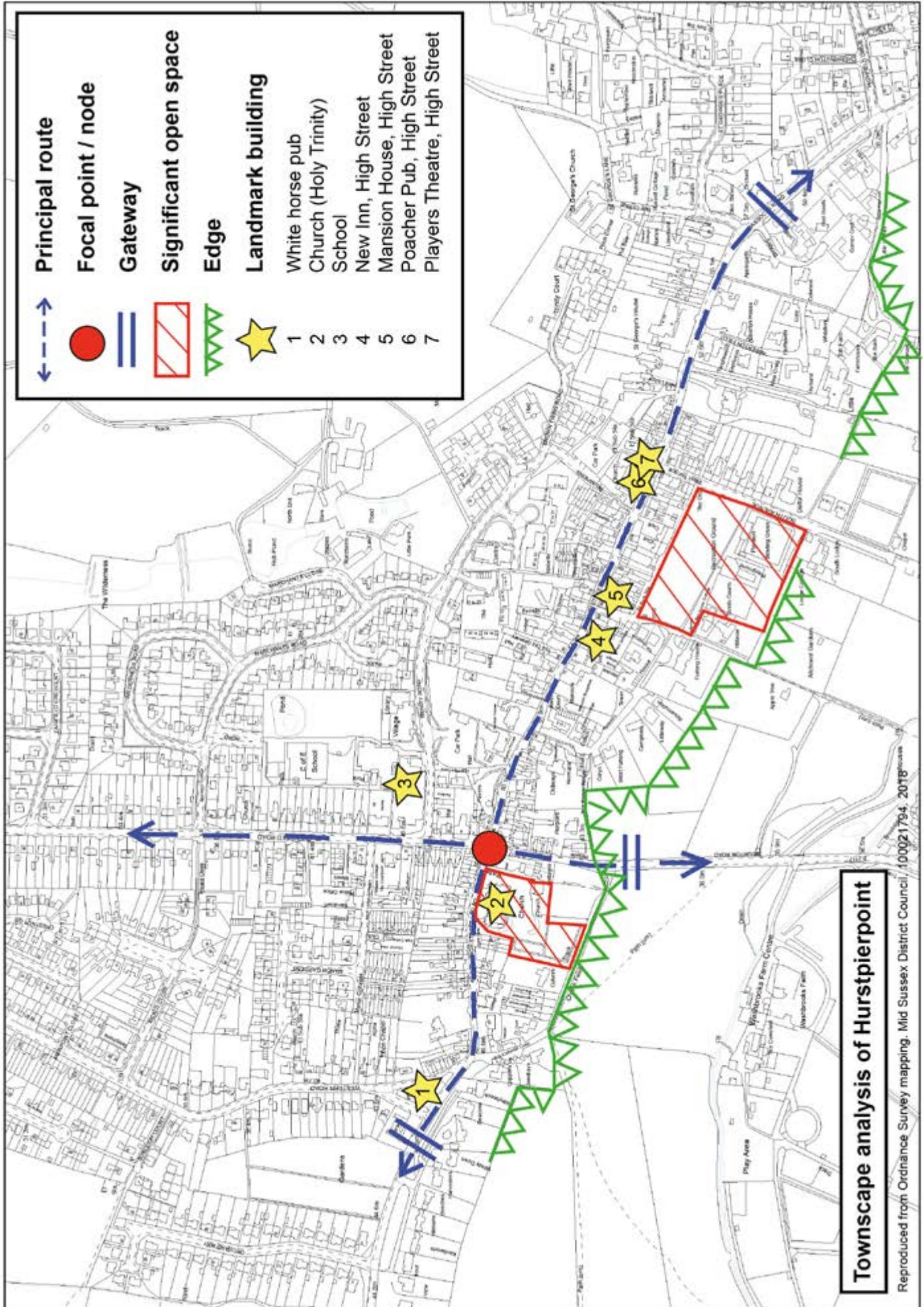
5: Listed and unlisted buildings of interest.

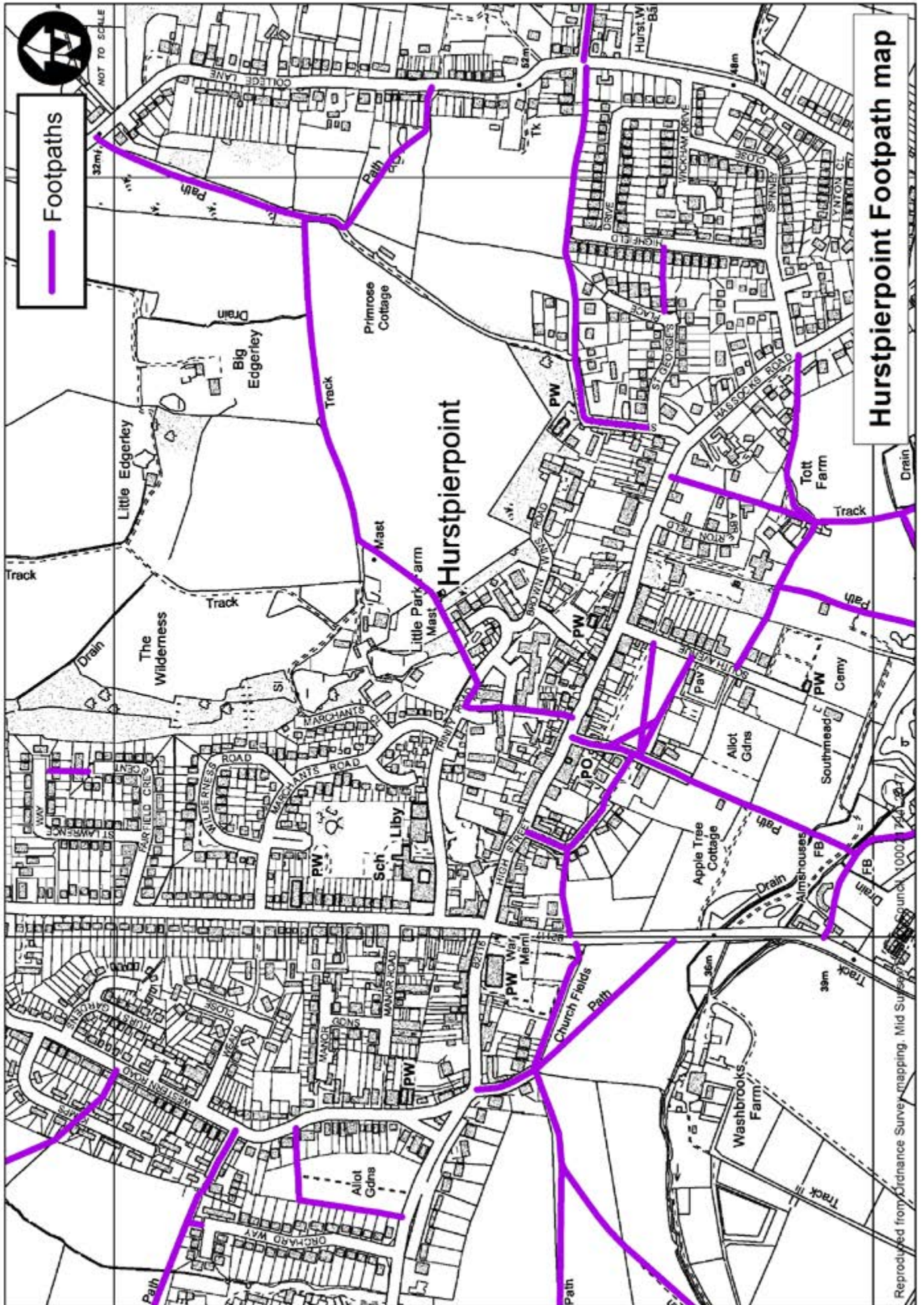
There are a large number of statutory listed buildings within Hurstpierpoint village and several at Langton Lane, which are shown on Map 7. There are also a significant number of unlisted buildings which are considered to be of special local architectural and historic interest - these are identified on Map 8. The dates of their construction are illustrative of the long period over which Hurstpierpoint and its surrounding hamlets have evolved. These layers of history are also evident in the morphology, in the texture and grain of the settlement and in the physical form and materials employed on the buildings- these are considered in more detail below. The eclectic mix of architectural eras makes Hurstpierpoint and its surroundings a fascinating and historic place for residents and visitors alike.

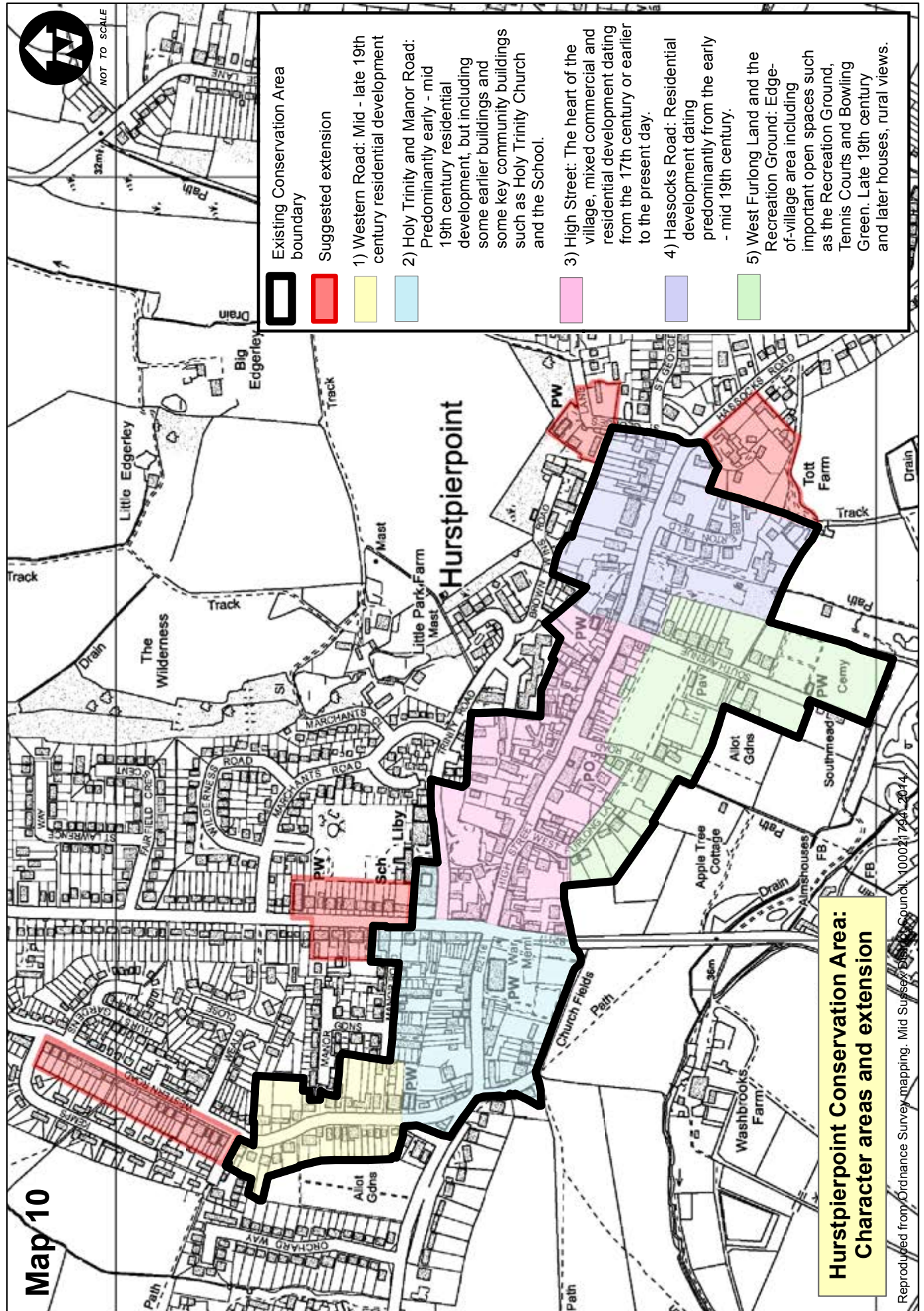
Map 7: Listed buildings in Hurstpierpoint and Langton Lane Conservation Areas

Map 8: Unlisted buildings of local architectural and historical interest in the three Conservation Areas









6: Hurstpierpoint Conservation Area

Character and plan form

The village plan of Hurstpierpoint village is still based on the original medieval street pattern and comprises a main central street running in a fairly straight line east to west. The long and narrow shape derives from the spread of housing along the turnpike road from Henfield to Ditchling, established in 1777 and used by cross country coaches. Communications to the north and south were by narrow twisting lanes, which are still reflected in the modern layout of the village centre, where retail and commercial businesses fronting onto the High Street hide former workshops and outbuildings lining the lanes and twittens to either side, many now converted for residential use.

Photo 17: Hurstpierpoint High Street



Expansion to the north along the Cuckfield Road followed the establishment of the Ansty Cross-Brighton Turnpike in 1835, which resulted in the upgrading of this road, and even more significant growth occurred to the east of the village and elsewhere following the opening of Hassocks Railway Station in 1841. The long history and gradual growth of the village is reflected not only in its plan form but also in the diversity of periods and architectural styles of its buildings, from medieval timber framed houses to 20th and 21st century developments. It is considered that there are a number of different character areas within the village, reflecting its pattern of growth and historic building uses.

These are described in more detail below.

Photo 18: The diversity of ages and architectural styles of houses on the High Street



There are a number of significant open spaces in the village, principally to the south of the High Street (the Recreation Ground, tennis courts and cemetery, as well as the churchyard to Holy Trinity Church), but also to the north at the Village Green. These open spaces, as well as landmark buildings, key routes and gateways, and views and vistas within and from the Hurstpierpoint Conservation Area are identified on Map 9. Private gardens and the trees within them also make a significant contribution to the character of parts of the Conservation Area.

Map 9: Townscape analysis

The character of the village depends partly on many everyday features that tend to go unnoticed, but which are important components of the historic street scene. This appraisal places particular emphasis on these commonplace features as key elements that contribute to the overall quality of the conservation areas in Hurstpierpoint.

The range of building materials used in buildings and boundary walls within the village reflects those available historically in the area, and contributes to a varied and characterful street scene. The principal building materials evident in Hurstpierpoint are: timber framing (often hidden behind later facades or cladding of various types); local orange/red brick used in variety of patterns ; handmade orange and red clay plain tiles used for roofs and vertical hanging; coursed flint and brick; coursed cobble; 'bungeroosh' (an irregular mix of

brick, chalk and flint set in hydraulic lime which was used between the mid 18th and late 19th centuries almost exclusively in the area around Brighton and Hove, and was often rendered to give a more 'polite' external appearance); local sandstone primarily used for walling; weatherboarding; and lime render sometimes marked out to imitate stone .

Photo 19: Local sandstone



Photo 20: Red brick



Photo 21: Bungeroosh



Character Areas

It is considered that the Hurstpierpoint Conservation Area can be divided into a number of different Character Areas, as shown on Map 10:

- 1: Holy Trinity Church and surrounds
- 2: Western Road,
- 3: The village centre
- 4: Hassocks Road, and
- 5: South of the High Street: West Furlong Lane, Pit Lane, the recreation ground and South Avenue

Area of special character: Holy Trinity Church and surrounds.

Historical and architectural character:

This area is characterised predominantly by 19th century development, centred on the High Street and its junction with Cuckfield Road.

Holy Trinity church, with its prominent spire, is the landmark building here. It is located to the south of the High Street at its junction with Brighton Road. The early church of St Lawrence was re-built 1843-5 to the design of Sir Charles Parry, architect of the Houses

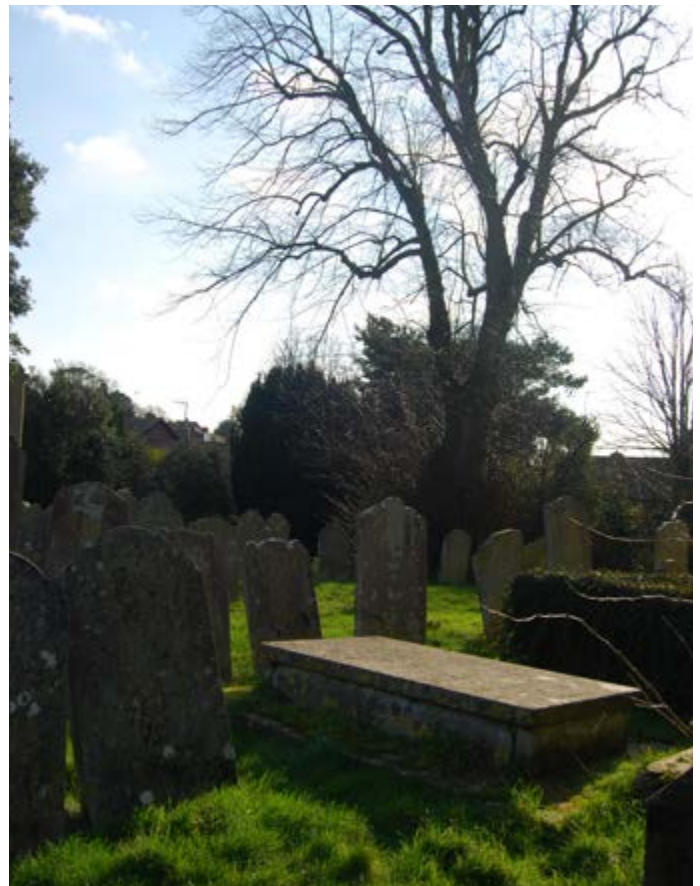
of Parliament and re-dedicated to the Holy Trinity. Chapels were added in 1854 and 1874. (See Feature Box 10) Just to the east of the churchyard is the Hurstpierpoint war memorial, set on a grass lawn, with trees and yew bushes around. Tucked away to the south-east of the church is Church House which was built in the late 17th century on the foundations of a former farmhouse. It was built for the Reverend Jeremiah Dodson and remained the rectory until 1808. It is now listed Grade II. The adjacent Church Green Cottages, which date from the early 19th century, are also Grade II listed.

Photo 22: Holy Trinity Church is prominent in views looking east along the High Street



The churchyard and the green space around the war memorial form one of the most important open spaces in this area, and have a number of fine trees as well as attractive views from the southern part of the churchyard across the fields towards the South Downs.

Photo 23: The churchyard of Holy Trinity Church



Archaeological evidence suggests that opposite the church was the early medieval manor house (known as Hurst Park), possibly occupied by the Pierpoints. It was allowed to fall into ruin and only a small building with a chimney was left by 1581.

Period properties now line both sides of this western part of the High Street, with the imposing church always in view. The tightly packed cottages have pastel painted rendered or timber clad facades, with typically timber sash windows and gabled slate or tiled roofs, with the ridge running parallel to street, sometimes hidden behind a parapet upstand. The flank and rear elevations of the buildings are often not rendered but of exposed brick or brick and flint.

Photo 24: Tightly packed cottages line this part of the High Street



On the south side of the High Street the terrace of cottages dates originally from the 16th and 17th centuries. On the north side are two adjacent early 19th century Grade II listed terraces which vary in height, with some two and some three storied buildings. They include carriage entrances, leading to former barns and other buildings behind the street frontage There were two inns here formerly (The Red Lion and The Oak), with old shop fronts surviving also, although the area is now residential. Several of the buildings have fire insurance plaques on them.

Photo 25: Surviving shopfronts illustrate past commercial uses



To the west end of the High Street, opposite the entrance to Policeman's Lane is Clifford Lodge, an imposing early 19th century house which is Grade II listed. The pair of houses attached to this building (1 and 3 High Street) are considered to be of local interest, as is Howard Lodge just to the east, which is said to have been built in 1728.

Photo 26: Grade II listed Clifford Lodge dates from the early 19th century



Gardens, particularly front gardens, are important to the character of this part of the High Street- shallow to the north of the street, and deeper to the south. Some of the gardens have been given over to off street car parking, which detracts from the street scene. The presence of the gardens reduces the sense of enclosure on this part of the High Street, giving it a relatively open feel, as well as adding colour and softening greenery.

To the west end of the High Street, on the corner of Policeman's Lane is Treeps a late 17th century house, named for John Treep, a locksmith who lived here in the early 18th century. Prior to this it may have been one building in three occupations. A green plaque set into the boundary wall commemorates

the association of the house with Alfred Russell Wallace O.M, a naturalist who wrote the influential evolutionary study 'The Malay Archipelago' while staying there between 1867 and 1868.

Policeman's Lane itself was until the turnpiking of 1777 the continuation of the High Road from Albourne, the line of which turned east at the end of the lane, to West Furlong Road and thence north again to the line of the present day High Street. The 1777 turnpike rerouted the main road through the village to the north of the Church.

Also on Policeman's Lane is Cowdrays (Grade II listed), a timber framed building with brick infill which dates in part from c.1600, although it has been much extended. This house was named for early inhabitants the Cowdrys.

The pair of large Edwardian houses (Haven and Greenways, and Limemead and Banchory) located to the south of Policeman's Lane are considered of local interest and have fine views towards the South Downs. These houses turn their backs on the lane, with their main facades, with tiled roofs, brick and hung tile elevations, and projecting canted bay windows addressing instead the footpath which runs between the southern edge of the village and Church Fields.

Photo 27: Edwardian houses on Policeman's Lane face over Church Fields on the edge of the village



Houses on Policeman's Lane tend to have larger gardens than those on the High Street, with more trees. This, together with different road surfacing and numerous views southwards across the countryside towards Wolstonbury Hill, gives Policeman's Lane a more rural

character.

Photo 28: Policeman's Lane has a rural character



To the west of the junction with Policeman's Lane, at the western edge of the Conservation Area, the White Horse Inn (unlisted) on the corner of Albourne Road and Western Road allegedly dates back to the 16th century, although it has been much altered. It has been registered as a Community Asset by CAMRA. The Inn is an important gateway feature at the western entrance to the Conservation Area. It is considered to be a building of local architectural and historic interest.

Photo 29: The White Horse Inn is a gateway feature at the western end of the Conservation Area



The Conservation Area includes the southern part of Cuckfield Road and the area behind the High Street south of Manor Road, in the angle of the junction of the High Street and Cuckfield Road. Map evidence shows that this area was under development by 1874, as the village expanded following the coming of the railway. A mix of uses was present, including a brewery, now sympathetically adapted for residential use. The former brewery building and associated terraces of houses form an attractive and prominent grouping.

The neo-classical 19th century Sussex Arms pub on the corner of Cuckfield Road and Manor Road, now adapted for residence, is a building of local historical interest, and retains a characterful painted sign to its southern elevation. The adjoining building at 25 Cuckfield Road, which forms the street frontage of the Brewery Mews, is in the late 19th century Queen Anne style and has a prominent Dutch gable addressing the street and attractive terracotta detailing to its brick façade. It retains multi-coloured stained glass fanlights to the windows, although the main casements below have been unsympathetically replaced. This building is also considered to be of local interest, as are the original mews buildings behind.

Photo 30 The Former Sussex Arms Pub



Photo 31 Brewery Mews



Manor Road, presumably named for its proximity to the original site of the now demolished manor house, runs off Cuckfield Road parallel to and to the north of the High Street. Part way along is the former Methodist Chapel, now a house, which is considered to be of local interest. The building has a rendered façade with a central pedimented door with flanking pilasters, and two blind windows to either side, also with pediments (see Photo 11). To the east of the chapel are a pair of attractive nineteenth century cottages built hard up to the back of the pavement, to the west are Manor Cottages, twin rows of terraced two storey brick built nineteenth century cottages running perpendicular to the street and separated by an open garden area and footpath. The cottages are highly characterful and are considered to be of local interest.

Photo 32 Manor Cottages are considered to be of local architectural and historic interest



Manor Road has quite an open character due to the wide spacing between the buildings and

there are attractive views across the gardens of the properties on it to the spire of Holy Trinity Church.

Photo 33: Views of Holy Trinity Church from Manor Road



Further north along Cuckfield Road is the present Rectory with its “in and out” carriage drive, hipped roof with prominent chimneys (the roof covering appears to be non-original) and Roman cement façade with projecting porch in the neo-classical style suggesting a 19th century date of construction. This building is also considered of local interest. Adjacent to this is Greenock House which dates from the early 19th century and is Grade II listed.

Photo 34: Hurstpierpoint Rectory



On the east side of the southern end of Cuckfield Road lies bow-windowed Lamb House with stables behind (all listed Grade II), built in the early 19th century as the Lamb Inn in the expectation that stagecoaches would travel down a turnpike from the north. However, even after the 1835 turnpike, stage coaches continued on the north-south turnpike by Stonepound crossroads and Clayton. St Christopher’s was built in 1898 as a home for the aged, with a terrace of houses to the north. Trinity Road was until 1972 just a lane to Little Park Farmhouse to the east (outside of the conservation area); early 19th century Rectory Cottage (listed) stands beside it, with the primary school on the opposite corner of the road.

Cuckfield Road has quite an open character with a loose sense of enclosure, due to the width of the road and the depth of the front gardens to the majority of properties along it. There are attractive views looking north along the long, straight road towards the open countryside, woods and hills beyond.

Photo 35: The view looking north along Cuckfield Road



North of the Conservation Area along Cuckfield Road the houses date from the 1920s and 1930s, with some modern in-fill.

Paving surfaces

Paving surfaces in the area reflect the hierarchy and character of spaces, with hard surfaced roads and formal tarmacked or brick paviour pavements with granite kerbs along the High Street, Cuckfield Road and Manor Road, and less formal gravelled surfaced roads with grass verges to Policeman's Lane and the paths leading from it, which have a more rural character.

Brick and stone pathways add to the character of the churchyard.

Street furniture and lighting

Within the garden area around the War Memorial is a traditional style timber fingerpost sign post, with fingers pointing to all four roads meeting at the adjacent crossroads. Traditional wall mounted metal street signs survive in places, including at the northern end of Brighton Road, and the southern end of Cuckfield Road, as well as on the wall just across the road from the White Horse public house (reading 'West Town') and on the garden wall of Treeps ('High Street'). Where it survives this traditional signage contributes positively to the character of the street scene.

Photo 36: The fingerpost adjacent to the War Memorial



On the corner of the High Street and Western Road a Victorian post box sits within the wall. An attractive feature in its own right, the post box is also tangible evidence of development in the area during the 19th century.

Photo 37: A Victorian post box on the corner of High Street and Western Road



Street lighting to the High Street is of traditional style metal lamp posts; to Cuckfield road more modern light poles are present which are less sympathetic to the character of the area.

Walls and fences

Brick and flint walls, such as that fronting the Churchyard, are characteristic of this part of the High Street. On Policeman's lane the frontage is softer with hedging etc. On Cuckfield Road the terrace of houses between the High Street and Manor Road have low brick front walls with in some cases metal railings above. The frontage onto Manor Road is characterised by walls of brick or occasionally flint construction and varying heights.

Local sandstone walls are also present, such as the substantial wall to the east of the driveway to Rectory Cottage.

Photo 38: Brick and flint walls along the High Street



Photo 39: Sandstone walling



Shop fronts and signage

Although the area is now predominantly residential, there are a small group of shops around the junction of the High Street, Cuckfield Road and Brighton Road, including a fish and chip shop, cookware shop, butcher and interiors shop. There are also surviving shop fronts or shop windows to a small number of properties further west along the High Street which have now been converted for residential use. Although the quality of the shopfronts and associated signage is mixed, they are on the whole sympathetic in design and materials to the buildings in which they are located. One of

the retained shopfronts to the western end of the High Street (17 High Street, Grade II listed) has fine stained glass to the fanlights, depicting birds and foliage.

Photo 40: The shopfront at 17 High Street



Open space and trees

The churchyard to Holy Trinity Church is the most significant public open space in the area, which is typically quite densely developed. The churchyard and the substantial, mature trees within in are a prominent feature at the cross roads which mark the entrance to the centre of the village to the east. The churchyard contains a large number of tombs and gravestones of varying ages, as well as holly, yew and pine trees, which all contribute to the characterful and verdant nature of the space. Fine views can be obtained from the churchyard towards the open field and Downs to the south.

Photo 41: The churchyard to Holy Trinity Church is a prominent feature of this character area.



Adjacent to the churchyard is a smaller open grassed area around the War Memorial. This area contains a mature Holm Oak tree which is a prominent feature in views along the High Street, as well as a number of other smaller trees

Front and rear gardens do however make a significant contribution to the character of the area, from the front gardens creating a setback between the buildings on the High Street and Cuckfield Road and the pavement, to the larger gardens of the buildings on the more rural Policeman's Lane, to the unenclosed garden areas between the twin terraces of Manor Cottages.

Photo 42: Front gardens on the High Street



The area contains a number of fine trees- for example the Holm Oak at the corner of the War Memorial gardens mentioned above. Other mature trees include a loose grouping to the western end of the High Street near to the junction with Policeman's Lane, which mark the transition from the village to the increasingly rural character of Albourne Road to the west.

Area of special character: Western Road

Historically this was one of the main lanes running to the north of Hurstpierpoint, linking with Chalkers Lane and Danworth Lane, until the 1835 turnpike was built along New Road (now Cuckfield Road) just to the east. It was known first as White Horse Lane, and then Chinese Lane.

In 1841 there were very few houses along this lane. (Map 3) At the south end, four detached houses and one pair on the east side had been built by 1874 (Map 4). By 1900 four further houses and the Baptist Chapel (now converted to a residence) had been built.

Photo 43: The former Baptist Chapel on Western Road



The east and west sides of Western Road have different but complimentary characters, reflecting the period of their development.

To the east of the road, houses tend to be more substantial, of 2 to 2 ½ storeys, and date from the late 19th or early 20 centuries. These large houses are a mix of typical late 19th century Neo-Classical and turn of the century Arts and Crafts influenced styles.

The Neo-Classical houses are typified by brick or rendered facades framed by quoins, hipped or gabled slate roofs, and canted bay windows with timber sashes and plaster surrounds.

Photo 44: A typical neo-classical villa on Western Road



The Arts and Crafts influenced properties typically have brick, pebbledash or tile hung façades, often with applied mock timbering, and sometimes with hipped or gabled tiled roofs, often with decorative ridge tiles and finials, prominent chimneys, casement windows

(sometimes leaded) or Queen Anne style sashes, decorative timber bargeboards or balcony rails, recessed porches and angled buttresses. Particularly interesting are numbers 115 and 117.

Photo 45: Arts and Crafts influenced architecture on Western Road



Most of the development to the west side of the road which dates from the 1920s and 1930s, is in the 'Tudorbethan' style popular during that period. These houses tend to be of modest scale (1 ½- 2 storeys). Nos. 168-172 are early 20th century chalet bungalows. The houses are typically brick built or faced with render or hung clay tile, with tiled roofs often with prominent mock timbered gables. One or two storey bay windows with multipane timber casement windows are another common feature.

Photo 46: Early 20th century 'Tudorbethan' houses to the west side of Western Road



To the northern end of the west side of the road, just inside the current conservation area boundary, are a semidetached pair of brick built early 20th century cottages, which are the first in groups of similar properties running north

from here. These houses are of some character and it is suggested that the group could be included within the Conservation Area (see Boundary Alterations, below)

Paving surfaces

To the west side of the road the houses and front gardens are set back behind a grass verge, which creates a greater sense of openness. On the east side the front garden boundaries are hard up against the rear of the tarmacked pavement.

Photo 47: Grass verges and front gardens on Western Road



Street furniture and lighting

There is no street furniture of note within this character area. Street lighting is by low key modern light fittings often mounted on existing telegraph poles.

Walls and fences

The majority of properties along Western Road have low brick or brick and flint front garden walls, sometimes topped by railings or hedging. Some properties have a hedge boundary. Where the front boundary treatment has been largely or entirely removed to facilitate off street parking this has been to the detriment of the street scene.

Photo 48: Front garden parking detracts from the character of the area



Open space and trees

Open space within this character area is provided by the front and rear gardens of the houses to either side of the road. Front gardens are particularly important to the street scene, and are typically quite deep, creating a loose sense of enclosure along the street. To the west side of the street at its southern end the front gardens are set back behind grassed verges, adding to the sense of spaciousness.

There is an abundance of hedging and vegetation within the gardens, as well as a number of trees including some more mature specimens within the front gardens of the houses to the west side of the road. The resulting verdant nature of the street is a key component of the character of this part of the Conservation Area.

Where front gardens have been largely or entirely lost to off street parking this has been harmful to the street scene.

Area of special character: the village centre

This part of the Hurstpierpoint Conservation Area is the retail and commercial hub of the village. Hurstpierpoint is well served by a wide variety of goods and services. Parking for visitors is provided by two well signposted car parks linked to the High Street by twittens.

Photo 49: Hurstpierpoint High Street, the commercial centre of the village



The long narrow road is lined with shops, restaurants, hairdressers, and the dental surgery meeting local daily needs, as well as many specialist suppliers. There are also a number of commercial businesses providing a diverse variety of goods and services. Hurstpierpoint also retains a bank and a post office.

The High Street itself is tightly enclosed by buildings of various ages and architectural styles, with a mix of residential and commercial usage. There is a wide variety of both listed and unlisted buildings dating from the 15th Century onwards, with ample evidence of changes made during Georgian times with brick facing hiding the original timber framed elevations. There are also many Victorian built shops with living accommodation above. This results in a richness of streetscape which defines Hurstpierpoint as a village of character and charm.

Photo 50: The variety of ages and architectural styles of the buildings on the High Street adds character to the street scene.



Twittens run beside some of the properties on the north side, one giving access to Ribbetts Cottages, a terrace built for agricultural workers in the early 19th century. Others are just about wide enough for vehicles, giving access to old outbuildings, many formerly used for commercial or light industrial purposes, now converted to residential use. The continued presence of these secondary buildings behind the High Street frontage is tangible evidence of the wide variety of businesses and light industries formerly operating in the village, and is important to the character of the area.

Photo 51: A twitten gives access to the 19th century Ribbetts Cottages



At the western end of the High Street, by the Brighton Road roundabout, there is a terrace of small two storied cottages on the south side, three of which are converted to offices in an unsympathetic style. There is then a larger Victorian terrace (nos. 36-42). These buildings have large sash windows, balconies with wrought iron railings and full height pilasters. The small front gardens have been partly removed for car parking. Two are single fronted, the first of which has a shop front protruding to the pavement. The next is double fronted and appears to have been a significant residence, with a carriage way through to the rear, where at one time tea gardens were offered. The property at the east end is a later addition, slightly lower with only two storeys. It has a very over-grown front garden; sitting on top of its bay window is a small statue of a unicorn.

Photo 52: A Victorian terrace at the west end of the High Street



After the modern newsagent, there is a small Grade II listed cottage at 48 High Street which has enormous chimney stacks, far grander than the building justifies. It dates possibly from the 17th century. A barn behind has been converted as a holiday let. Forty years ago it acted as a petrol station.

Photo 53: 48 High Street, a Grade II listed building dating possibly from the 17th century.



On the north side of the street lies the Village Garden, a small grass area which contrasts with the narrow street running to the east. The area contains a public sculpture installed in 2013 to commemorate the 700th anniversary of the St Lawrence Fair charter. The Village Garden was created in the 1960s, having been previously the kitchen garden of Chantry House. The wall at the east side is presumably the original wall of Chantry House's garden. Chantry House is now converted into flats. It is not listed but is a building of historic significance, and was the Rectory from 1808-97. Large sycamore and horse chestnut trees emphasise the more rural atmosphere of this section of the street.

Photo 54: The Village Garden



The terrace opposite the Village Garden was re-built after a disastrous fire in January 1882: gunpowder had been stored there. The carriage entrance once led to a butcher's slaughter house.

Photo 55: 50-58 High Street, with a carriage entrance.



Moving east, as the street widens there is on the south side a group of three stuccoed houses built in early 19th century (Grade II listed). The ground floor windows have moulded dripstones above them. Chichester House has a porch with two columns.

At the entrance to West Furlong Lane the large block of 20th century flats sits incongruously in the street scene.

Photo 56: Late 19th century Norfolk House, the home and surgery of three generations of Hurstpierpoint doctors.



Norfolk House on the north side is again not listed, but of local historical importance. It was for a while the Rectory, but its main claim to fame is as the home and surgery of three generations of doctors. In 1778 Richard Weekes practised there, later joined by his son Hampton Weekes. In turn Dr George Weekes practised there and rebuilt the house in the 1870s. It was he who placed the Weekes coat of arms above the door in the Georgian style frontage. The wall to the street has been repaired recently, preserving the arch shaped bricks, suggesting that perhaps a water trough existed there originally.

The north side of the street continues with three more individual properties, all Grade II listed. These are Down House, Norton House and Wickham House. The first, built in the 18th century, was by 1808 the Swan Inn. The latter two have cellars with windows to the front. Their front garden walls emphasise their status as large residences.

Photo 57: Down House, formerly the Swan Inn



Opposite these is the listed garden wall of the Mansion House. The Mansion House is one of the oldest surviving properties in the village, with records of its construction in about 1575. Since the reinstatement of a footpath on that side of the street recently, the steps to the front door are better protected and more noteworthy.

Photo 58: The Mansion House



The New Inn, a former coaching inn built as a dwelling, is one of the oldest buildings in the village. The west wall can be seen, showing the timber framing, brick infill and the small windows of a Wealden hall house of about 1500. Richard Weekes' diary recounts a dinner held there in 1814 to celebrate Napoleon's abdication.

Photo 59: The New Inn



To the east of this, terraces of shops, with living accommodation above, run the length of the street. The shops have predominantly Victorian or Edwardian facades, although in some cases these mask older buildings behind. Their height seems to emphasise the narrowness of the street and creates a strong sense of enclosure. The buildings show a variety of interesting features typical of the Victorian and Edwardian periods, such as elaborate doorways, large sash windows on the first floor, oriel windows, cornicing and ornate timber barge boards. These features, together with traditional materials, contribute to the character of the street scene. Shop fronts are considered in more detail below.

Photos 60, 61 and 62: Architectural features of shop terraces on the High Street



At present the building housing the Great Wall Chinese restaurant harms the appearance of the street, being dilapidated and poorly maintained, with rotting woodwork.

Photo 63: The Great Wall Chinese restaurant



An older (possibly early 19th century) two storied terrace continues to the east, with two first floors windows blocked, facing the elaborate terrace known as Cards Place. This terrace, replacing older buildings, was erected in 1900, with Philip Card living where the green-grocer shop on the corner is now. At first floor level concave plastered soffits to the overhanging attic storey are decorated, between projecting leaded oriel windows, with painted floral designs, with a Latin motto in the central section. At ground floor some of the original shopfronts survive, as do the attractive multi-panelled front doors. Gibsons the greengrocers has attractive stained glass fanlights to its shop front.

Photos 64 and 65: The elaborately detailed terrace at Cards Place



The projecting building on the north side which suddenly reduces the width of the street (123 High Street, Grade II listed) is the oldest documented building in the street, although it has been much altered. In 1450 it belonged to Trumpkins Farm, which gives its name now to the twitten running down to a row of modern houses and a car park. The building has elaborate wall-hung tiling, similar tiles on the roof and a decorated ridge. The tall chimney with decorated brickwork is prominent. The later 18th century brick house to which it is attached,

with cellars, narrows the street even further (125 High Street, Grade II listed).

Photo 66: 123 and 125 High Street, both Grade II listed, illustrate the variety of ages and architectural styles present along the High Street.



Opposite is the 19th century Hamilton House, now with shops to the ground floor. This was previously a school, where Aubrey Beardsley was a pupil.

Photo 67: Hamilton House



Further east, set back from the road behind 127 High Street the old fire station, now a private residence, still retains the bell outside the engine house.

Photo 68: The old Fire Station



Photo 69: The twin gabled house at 131 High Street



Photo 70: The Poacher Pub



Photo 71: Grapevine Cottage dates from the 18th century



At this point, as the road moves out of the centre of the village larger individual houses of a variety of dates and architectural styles appear interspersed with commercial properties. 131 High Street is an interesting 18th century building with twin gables and stone quoins to the red brick façade. The Poacher pub (once the Queen's Head) has a single storey extension obscuring the much older tile-hung house behind. Next door is 18th century Grapevine Cottage (Grade II listed), with the addition of a shop front, its window including lead and coloured glass images of birds. The original brick and tile-hung cottage retains a wicket fence guarding its front garden.

The Players Theatre has undergone a variety of uses. It was a chapel and then the first site of St Lawrence school. The frontage is ornate with a tiled floor to the entrance, and triangles of tile-hanging above with a stepped middle gable which still holds the metal support for a sign.

Photo 72: The Players Theatre OD



The next three buildings demonstrate the variety of properties in Hurstpierpoint, from listed Georgian three storied stucco, to half-timbered with balconies, to Art Deco style with long rectangular windows and triangular oriel windows.

Architectural features

The buildings on Hurstpierpoint High Street are of widely varied age and architectural style- many have been refronted or altered. This juxtaposition of periods, each with different characteristic materials and features, creates a streetscape which is characterful, animated and visually interesting. Original features such as timber windows, doors, decorative iron or plasterwork, tiling, chimney pots and bargeboards, and original materials such as timber and plaster, brickwork, flintwork, hung clay tiling, lime render, stucco and clay or slate roof tiles, all make a very significant contribution to the character of the area and should be retained wherever possible.

Photos 73 and 74: Features which add animation and interest to the facades include decorative ironwork, bull's eye windows and painted render.



Photo 75: The majority of the rooftops along the High Street and throughout the village retain clusters of chimney pots which are an important feature of the skyline.



Photos 76, 77 and 78: Unusual windows and doors add interest to elevations.



Paving surfaces

The hard surfaces used within the Conservation Area, particularly those of the High Street pavements, make a strong contribution to its character. The pavements along the High Street are predominantly concrete blocks or brick, laid in herringbone pattern, with granite kerbstones. These are narrow at times, constrained by the frontages of ancient buildings or attractive old walls.

At times the pavements widen to take in shop forecourts. These wider areas are often a level above the actual pavement, where the raised step is edged by a row of old round nose bricks, a feature repeated along the frontages of several shops.

Photo 79: An area of raised pavement outside shops to the north of the High Street



Drain covers

Several interesting examples of old drain covers can be seen in the pavements throughout the village, and particularly at the entrance to The Glebe. The manufacturers' names include Bleeco of Brighton, Trojan, Brickhouse Dudley, and Thitfish.

In the granite kerb near Upper Trumpkins is the remaining original Stanton Ductile drain outlet in

the village. An attractively ornate cast iron coal hole cover made by Broads of London is sited in the paving outside No.101 High Street. In the back garden of 101 High Street is an iron drain cover cast in Hurstpierpoint.

These features, although not usually prominent in the street scene, are important to the historical character of the area.

Photo 80: The cast iron coal hole cover outside 101 High Street



Street furniture and lighting

The older style black and white traffic bollards up and down the High Street have been replaced with plastic replicas that resemble cast iron bollards. This sympathetic style of street furniture blends in well with the mix of period properties. Uniform design, colour and finish to signage and street furniture add dignity and character to the village street scene.

The quality of street lighting in the conservation area is generally high, and an integral part of the area's character. Original swan neck lamp posts are widely used throughout the High Street, echoing the style of the first oil-lit lamps erected in 1812. In co-operation with the Parish Council and the Hurstpierpoint Society, West Sussex County Council has replaced these with a modern version in a heritage style

An old mileage post survives on the High Street by the Mansion House garden wall.

Photo 81: The mileage post by the Mansion House wall



Walls and fences

Old walls of various heights built using the locally prevalent materials of brick, flint, sandstone blocks or rendered masonry are a characteristic feature of the High Street, in particular the residential properties along it, and running back along the twittens to either side. These walls can be very high, and sometimes offer a glimpse of gardens.

Photo 82: The front garden wall to the Mansion House dates from the 18th century and is Grade II listed



The soft sandstone blocks which form part of a building in Ribbetts Twitten are scrawled with historic graffiti “AW 1895” and “WH 1900”.

Photo 83: Historic graffiti along Ribbetts Twitten.



Occasional picket fencing or iron railings add variety.

In some places unsympathetic repairs have been made using modern materials which do not blend in with the old bricks and rendering.

Shop fronts and signage

Careful planning control in encouraging the retention of retail premises has resulted in a wide range of shops and restaurants that contribute to the liveliness of the village. Where they survive the original shopfronts to these buildings boast a variety of fascias, flanking pilasters, doors and glazing patterns. These historic features add character and decorative value to the streetscape and should not be removed or obscured.

Several shop fronts have large glass windows with fanlights with detailed tracery and thin glazing bars which have been carefully preserved. A good example is the Café Murano at 99 High Street which has also retained the original projecting shop blind mechanism.

Photo 84: The shop front of Café Murano



Painted timber fascia signage and traditional hanging signs on metal brackets are used fairly extensively along the High Street and add to its character.

Photo 85: Traditional hanging sign



Alterations to shopfronts and signage should be undertaken with care and using appropriate materials, in sympathy with the period of the building and with the character of Hurstpierpoint High Street. Where shopfronts or signage have

been unsympathetically altered, or this offers an opportunity for enhancement when undertaking renovation.

Open spaces and trees

The principal open space within the High Street Character Area is the Village Gardens, to its western end. Elsewhere, except at the very centre of the village, front gardens to the residential properties provide a softening element to the street scene. Where these gardens have been lost to create off street parking this has been to the detriment of the character of the Conservation Area.

Photo 86: Front gardens to properties on the High Street provide a softening element to the street scene.



Area of special character: Hassocks Road

To the east end of the High Street, and moving into Hassocks Road residential properties predominate, some converted from former shops. To the north side of the High Street is an early 19th century terrace of cottages in the Gothic style, faced with Roman cement with slate roofs, Gothic casement windows and decorative painted timber bargeboards. (159- 175 High Street listed Grade II, built about 1830) On the western end wall of the terrace the traces of an old painted advertisement can be seen. The first house in the row has an old shop window, as does the property two along from this. Continuing the theme of secondary uses located behind the street frontage found further west along the High Street, at the centre

of the row is an alley which led to the communal wash house and lavatories located to the rear of the buildings. The next access beyond the terrace leads to the old village laundry, now two residences.

Photo 87: Grade II listed 159-175 High Street date from about 1830



On the south side of the High Street at this point is an Edwardian red brick terrace with small front gardens, bay windows and porches to recessed front doors. The pair at the east end are later additions, with imitative features, but relate reasonably successfully to the original terrace.

Further east the north side of Hassocks Road is lined with early to mid-Victorian villas, a number of which are statutorily listed. These are set well back from the pavement behind deep front gardens. The villas include St George's House, now with its stables and coach house converted to flats, but bought in the 1840's by Charles Hannington, the owner of a major department store in Brighton. There is a plaque by the porch erected by the Hurstpierpoint Society, in memory of his son James who was speared to death in Africa, where he was the Bishop of Eastern Equatorial Arica.

Photo 88: St George's House



These houses, several of which are listed, are predominantly in the neo-classical style, with low pitched slate roofs, rendered elevations and sliding timber sash windows. Some have decorative ironwork verandas or porches. Number 23, at the centre of the row, is an attractive Gothic style building with a rendered façade, roof hidden behind a crenelated parapet, and multi-pane sash windows which have pointed arches at the ground floor.

Photo 89: 23 Hassocks Road, an early 19th century villa pair, now one house, in the Gothic style is Grade II listed.



To the south side of the road are substantial houses with large gardens backing onto fields with views to Wolstonbury Hill. Hampton Lodge, a Grade II listed stuccoed house, was built for the wedding of Dr Richard Weekes in about 1830. The northern range of Grade II listed. Abberton House is 18th century and sits gable on to the road edge, its tiled roof and brick and tile hung elevations forming part of views along Hassocks Road. The southern range dates from the 19th century and is less prominent. The

formerly extensive grounds are now occupied by a development of several modern houses. Both of these houses are partially screened from the road by trees and bushes on the street frontage, rising above walls of brick or brick and flint.

Photo 90: View looking west along Hassocks Road, with the gable of Abberton House visible to the south of the road.



To the south of Abberton, set facing onto Tott Lane, the Conservation Area includes Tott Farm, a substantial Grade II listed timber framed farmhouse dating from the 16th century. Adjacent to this is Tott Farm Barn, now converted to a dwelling, which is also Grade II listed and dates from the 18th century. The grouping also includes a former granary. This semi-rural part of the conservation area, on the southern edge of the village, has important long views across the open countryside to the south and towards the Downs beyond, which help place Hurstpierpoint within the surrounding landscape. A footpath running from Hassocks Road along the eastern boundary of the grounds of Abberton House south past Tott Farm further links this part of the village with the countryside beyond.

Photo 91: Tott Farm



Paving surfaces

The formal tarmac surfacing of the High Street and Hassocks Road, and their adjoining pavements, which have red block pavements with granite kerbs, contrast with the less formal finish to Tott Lane and its grass verges. Footpaths within the area running south to Tott Lane from Tott Farm and along the southern edge of the village are unfinished. These different surfaces reflect the transition from the more urban village centre to the semi-rural village edge and the countryside beyond.

Street furniture and lighting

Street lighting, which lines the High Street and Hassocks Road, is in a traditional style.

Walls and fences

The majority of houses fronting onto the High Street and Hassocks Road are set back behind gardens, which are enclosed by walls

in either brick, flint or rendered masonry. To the south side of Hassocks Road, the grounds of Hampton Lodge and Abberton are heavily treed, lending a soft verdant character to the road edge. Hedges and timber fences line Tott Lane and the pathways leading from it. These boundary treatments make a significant contribution to the character of this part of the Conservation Area.

Photo 92: Tott Lane



Shop fronts and signage

A small number of commercial properties can be found to the western end of the area on the High Street, at and opposite to the junction with South Avenue. These properties generally have shopfronts in the traditional style, although some of the fascias have been replaced with PVC signage, which detracts from their appearance.

Photo 93: Unsympathetic signage to a prominent shopfront on the corner of Hassocks Road and South Avenue



Open space and trees

Private gardens and the trees within them are important to the character of this part of the Conservation Area including in particular the front gardens to the properties to the north of Hassocks Road, which provide the setting for this fine row of houses, and the gardens to Abberton and Hamilton Lodge to the south, which lend a verdant character to this entrance point to the Conservation Area.

South again the semi-rural setting of Tott Farmhouse and Barn is enhanced by their immediate garden settings and beyond this the hedges and verges of Tott Lane and the fields beyond.

Views looking southwards from Tott Lane and the adjacent footpaths towards the open countryside and the Downs beyond are very important to the character of this part of the Conservation Area.

Photo 94: View looking from the footpath above Tott Lane towards the South Downs



Area of special character: West Furlong Lane to South Avenue

This character area runs along the southern

edge of the Conservation Area, and includes the principal open spaces within it. It has an open, partly semi-rural character, to which views between buildings and along roads and path to the countryside to the south of the Conservation Area make a strong contribution.

West Furlong Lane runs west to east to the south of and parallel to the High Street. This is a private road with an informal, countrified character.

At the western end of the lane, Oldways, with its wooden carriage entrance lies tucked away behind what were previously barns, in themselves located behind the High Street frontage. John Denman who lived there in the late 19th century renovated a number of properties in the village in the Arts and Crafts style. Opposite was a print works, with the yard behind now containing a modern house built in a style sympathetic to its surroundings.

Photo 95: The former printworks at the western end of West Furlong Lane.



The Parish Rooms, built in 1890, are now a private residence. Alongside is the entrance to the path leading to Policeman's Lane, thought to have been the original lane into the village before the 1777 turnpike. This path runs along the southern edge of the village and allows lovely views across the surrounding open countryside towards the Downs beyond.

Photo 96: The former Parish Rooms, built in 1890



From here the lane, under different private ownership, is gravelled, reflecting the edge-of-village, semi-rural character of the area. In the 20th century houses have been erected to the south of the lane to take advantage of the location on the ridge and the excellent views of the Downs. These views can continue to be seen between the houses, and are very important to the character of the lane.

On the north side of the lane, and continuing alongside the path which runs from its eastern end towards the recreation ground, stands the listed flint and brick wall with crenelated top which was formerly the southern boundary of the grounds to Mansion House. Within the wall stands the Grade II listed Tower Lodge. The legend is that the wall and tower, built about 1800, were to deter any advance on the village by French invaders, seeing it from the Downs. Or it may have been just a folly. At the side of the gateway is the listed Apple Store, wooden frame with brick infill. This is now a small residence.

Photo 97: Tower Lodge



The listed brick wall, neatly complemented by the new brick wall of Furlong House to the south, which was built as Red House and the new rectory in about 1897, leads along the twitten to Pit Lane and the recreation field. It is regrettable that the original flint and brick wall is obscured at the corner by a wooden fence and overgrown bushes and brambles.

Photo 98: The Old Forge, Pit Lane



Pit Lane, running north towards the High Street, is flanked by mainly modern properties, with the notable exception of the old Forge. To the south the Lane leads to the edge of the Conservation Area, with Apple Tree Cottage and its gardens and the village allotments forming the

immediate setting of the Conservation Area, divided by the footpath which continues along the line of Pit Lane into the fields around the village.

To the east of Pit Lane the Recreation Ground lies behind the parade of shops and dwellings on the south side of the High Street, and opposite the imposing row of Victorian and Edwardian houses in South Avenue. As late as 1900 the space was called Town Fields, where cattle grazed. It now provides a large open space in the middle of the village, with attractive mature trees and well used playground and sports facilities. There are distant views to Wolstonbury Hill. Footpaths lead south from each side of the area into the fields towards the South Downs. Apart from occasions such as the St Lawrence Fair (granted a charter in 1313) and the annual Arts Festival, the open grass space is a peaceful environment, emphasising how close the village is to but separate from the South Downs.

Photo 99: The Recreation Ground



St Lawrence Fair. This fair was granted a royal charter in 1313 and is still an important event in the life of the village. The fair now takes place on the first Saturday in July and begins with a procession of floats through the High Street. A traditional fun fair and stalls are set out on the Recreation Ground.

Photo 100: St Lawrence Fair



The late 19th or early 20th century houses lining the east side of South Avenue, opposite the recreation ground, are typically of 2 – 2 ½ storeys, of red brick and hung clay tile, with tiled or slated pitched roofs (some with unsympathetic new covering), and sliding timber sash windows. Many of the properties have double height bays and recessed entrance porches. The houses are set back from the road to a consistent building line, behind front gardens defined by low walls or hedges. Several of the houses have been extended to the side, not always sympathetically. Where front garden walls have been removed to allow off street parking this has also detracted from the character of the row.

Photo 101: Turn of the century houses on South Avenue, opposite the Recreation Ground



To the east side of the southern end of South Avenue is the cemetery, including the cemetery chapel. To the west side is a substantial late 19th century property (South Lodge). Long views along on the road towards the Downs, framed by the street trees lining South Avenue, are a characteristic of this part of the Conservation Area.

Photo 102: Long views along South Avenue



Paving surfaces

The contrast between the formal tarmacked surfacing of the western end of West Furlong Lane and of South Avenue, and the more informal surfacing of the eastern end of West Furlong Lane, the twitten running beyond it, and tracks and paths running south into the countryside beyond the village contribute to the transitional edge-of-village, semi-rural nature of this part of the Conservation Area.

Street furniture and lighting

Street lighting to South Avenue is modern and functional, but unobtrusive.

Walls and fences

The substantial brick and flint boundary wall to Mansion House at West Furlong Lane is a prominent feature of this part of the Conservation Area. The continuation of this wall, and the newer wall to Furlong House opposite, flank the twitten running on to Pit Lane giving a strong sense of enclosure to the path and framing views along it.

On South Avenue, low brick front boundary

walls provide a consistent line to the back of the pavement and define the front gardens to the properties. Where these walls have been lost to front garden parking this is to the detriment of the character of the area.

Photo 103: Front garden walls on South Avenue



Open space and trees

This character area has a notably open and semi-rural character to which both the public open space at the Recreation Ground and the private gardens to properties along West Furlong Lane and South Avenue make a strong contribution.

Trees are a prominent feature of the area, both within private gardens (notably at Furlong House), and around the Recreation Ground. The street trees along South Avenue provide an attractive frame for views along it.

Photo 104: Street trees on South Avenue



7. The Setting of Hurstpierpoint Conservation Area

The village allotments, to the south of the recreation ground and tennis courts offer a more positive contribution to the areas setting. The setting of the Conservation Area is very important to its character. In particular, the village of Hurstpierpoint has a long and close relationship with the countryside which surrounds it- this is reflected not just in the rural trades and industries which formerly supported the village economy, but in the building materials used to construct the village itself.

A continuing appreciation of the close relationship of the settlement with its rural context is very important to an understanding of what it is that makes Hurstpierpoint special. Views looking out of the Conservation Area towards the surrounding countryside and the distant Downs are very important to its character and should be protected. The most significant of these are looking towards the south of the village, where the boundary of the Conservation Area is directly adjacent to open fields. Long views to the north across the more modern development to the countryside beyond are also important (Map 2), as are views into the Conservation Area across the surrounding fields which also contribute to the manner in which its special interest is appreciated.

Photo 105: Hurstpierpoint Conservation Area from the south



On the north side of the High Street, behind the shops, there is a mixture of closely packed buildings, some formerly stores, barns or

workshops, which have been converted to dwellings. The fields that lay immediately beyond this outside the boundary of the Conservation Area are now covered with housing, the Health Centre and some small commercial businesses, with car parks. Little Park Farm (Grade II* listed) was the home of Thomas Marchant whose journal from 1714 is an important source of the village's history, and although outside the Conservation Area the house has played a significant role in the development of the village. Its former land is largely now modern housing estates. Some of the former gardens of St George's House on Hassocks Road have become Trinity Court and the village's Millennium Gardens. Trinity Court is a high quality modern housing development in landscaped gardens which make a positive contribution to the setting of the Conservation area. The Millenium Gardens is an attractive and well-used public space from which there are long views across the neighbouring countryside. The Gardens make a strong positive contribution to the setting of the Conservation area and of George's Church (Grade II listed). From this northern part of the village there are good views towards Hurstpierpoint College and the surrounding country side. It is an area of tranquillity, with views of fields beyond showing the relative isolation of the village from the north.

Photo 106: Little Park Farm dates from the 17th century



Approaching the Conservation Area from the west the transition from the more open, semi-rural character of Albourne Road to the village centre is apparent. The White Horse is an important landmark building at this gateway

into the Conservation Area. From the east, the approach to the village centre and the Conservation Area boundary is marked by the trees and grassy banks flanking Hassocks Road before the junction with St George's Lane. Again, there is a sense of arriving from a more open, less developed part of the village, at the more historic, densely built up centre of Hurstpierpoint.

Development in the setting of the conservation area

The setting of the Conservation Area is very important to its character, and to the way in which its special interest as a historic Sussex village which has grown and changed over many centuries within its rural context is appreciated. New development within the setting of the Conservation Area, where this is acceptable, should be respectful of this and should in particular preserve important views into and out of the Conservation Area.

8. Hurstpierpoint Conservation Area: Negative features

In general the quality of the streetscape within Hurstpierpoint is high, and new development has been respectful of the character and appearance of the Conservation Area. However certain works, often carried out under permitted development rights, can be harmful to the Conservation Area and should be discouraged or reversed where possible. These include:

- The loss of front garden walls or other boundary treatments, and of front gardens, to create off street parking.
- The loss of original timber sash or casement windows in favour of unsympathetic uPVC replacements
- The loss of original tile or slate roof coverings in favour of concrete tiles.
- The loss of original features or materials from shopfronts to the High Street.

- Unsympathetic modern signage to some shopfronts within the High Street.

There are a small number of poor quality modern infill developments within the Conservation Area which offer an opportunity for more sympathetic replacement buildings.

Traffic management / parking

Traffic volume and on street parking can be detrimental to the character and appearance of the Conservation Area. The narrow High Street presents a considerable problem for traffic. Recent work by West Sussex County Council and the Parish Council has led to a number of chicanes, but there still remains the problem of drivers not adhering to the signs and exceeding the 20 mph speed limit. Local traders wish to have on-street parking for customers, which narrows the street further. The sizeable car parks on Trinity Road can be reached only from the west end, leading to further congestion with vehicles from Hassocks having to pass through the High Street and then back out again. The small amount of off-road parking available means that Trinity Road is continually full of parked vehicles.

9. Hurst Wickham Conservation Area

Hurst Wickham lies on College Lane, one of the ancient lanes running north from Hassocks Road which took its name after the establishment of St John's College (now Hurstpierpoint College) on its present site in 1853. Among the earliest buildings in the hamlet are Wickham Farm (of which Hurst Wickham Barn now survives- see 'Boundary extensions' below), Wickham Cottage (now 59 College Lane) and 36 College Lane, which was formerly known as Goose House and which reputedly dates from the early 1700s. The hamlet began to develop following the opening of the railway station at nearby Hassocks in 1843. By the time of the 1873 Ordnance Survey map the first of the terraces along College Lane which now characterize the northern part of

the Conservation Area had been built (Layton Terrace and Alice Terrace), and the row of semidetached villas at 22-32 College Lane, addressing a track running perpendicular to College Lane at the southern end of the hamlet was under construction. Other brick terraces followed around the turn of the 20th century, as the hamlet developed, and Hurst Wickham continued expand, particularly to the north along College Lane.

The hamlet had a sub post office and shop, now closed. The expansion of Hurstpierpoint has long since linked it to the village, but it retains its own distinct character and semi-rural appearance. It remains a very narrow winding lane, partly lined with terraced cottages.

Photo 107: College Lane



To the southern part of the area, the winding lane has a more spacious character, with 19th and 20th century houses set back from the road behind deep front gardens. The earlier houses are characterised by render or polychrome brickwork, hipped roofs and sash windows. Two pairs of early 20th century semi-detached cottages to the east of the road at nos. 47 – 53 have pebbledash and hung tile elevations with elevations enlivened by prominent gables or projecting bay windows.

Photo 108: 47-53 College Lane



To the northern part of the area terraced or semi-detached houses are set well above road level with brick retaining walls supporting attractive iron railings, giving a pleasing continuity which is enhanced by the consistent building line. The height of the buildings above street level and the shallowness of the front gardens creates a strong sense of enclosure, although this is partially softened by glimpsed rural views between the houses and along the occasional tracks providing access to the rear of the buildings.

Photo 109: The houses on College Lane are raised above street level, giving a greater sense of enclosure



Photo 110: Views between the houses on College Lane towards the open countryside beyond



Many terraces have their original lead name plaques, such as Francis, Victoria, Pretoria, Hothye and Rose Villas. These are important as they are part of the social history of the village. The houses themselves are consistently of two storeys, brick built (some with polychrome brick work) or rendered, and originally pitched slate roofs. Where slate has been replaced with concrete tiles this detracts from the appearance of the buildings. The consistent roofline is enlivened by regularly spaced chimney stacks. Windows were originally timber sashes, some tri-partite, of which many remain. Where replacement uPVC windows have been installed this is to the detriment of the character of the area. Some houses have projecting bay windows, some recessed porches with arched heads, which add movement and interest to the elevations. The early six cottages that form Alice Terrace have decorative brickwork over doorways and windows, some with later porch additions which again detract from the appearance of the buildings.

Photo 111: Tripartite sash windows to houses on College Lane



Photo 112: Porch additions detract from the appearance of the terraced cottages



Paving surfaces

College Lane itself is a tarmacked road, with no footways. To the north of the area less formal gravelled tracks lead off the road between the houses, giving access to the rear of the adjoining buildings and providing views of the countryside beyond.

Street furniture and lighting

Hurst Wickham had its own sub post office in the front room of No.73 and the original red George R (1910-1936) post box embedded in the garden wall is still there today.

Photo 113: The George R post box set into the wall below no. 73 College Lane



Street lighting is limited and utilitarian in nature and is fixed to the timber pylons lining College Lane.

Walls and fences

To the south of the area front garden boundaries which are straight onto the back of the road are typically stone or brick walls, or hedges.

Photo 114: Boundary treatments to the south of the Conservation Area



To the north of the area, the houses on either side of College lane are set above road level behind brick or brick and flint retaining walls, some of which are topped by iron railings.

Photo 115: Decorative iron railings topping boundary walls to the north of the Area



These boundary treatments are important to the character of the street scene within the two distinct parts of the Conservation Area. Where they have been lost to front garden parking or to create accesses to more modern infill development this is detrimental to the character and appearance of the Conservation Area.

Open space and trees

To the south of the area there are a number of mature trees, which together with the hedges and other vegetation to the deep front and rear gardens here create a soft and verdant character, which complements the spacious nature of this part of the Conservation Area, creating a gentle transition between the centre of the hamlet and the open fields to the south.

To the north of the area front gardens are more shallow, and are set above the road behind brick retaining walls. However their presence softens the strong sense of enclosure to this part of the Conservation Area, and the vegetation within them enlivens the street scene. Glimpsed views between the buildings of the rear gardens and open fields beyond create a semi-rural character and place the hamlet within the broader countryside setting.

Photo 116: Lush vegetation to the front gardens of properties along the northern part of College Lane enlivens the street scene



10. The setting Hurst Wickham the Conservation Area

Despite the spread of development from Hurstpierpoint to the south west, Hurst Wickham remains largely surrounded by open fields. This open, rural setting is very important to the character of the area as a small hamlet. Countryside views between the properties lining College Lane and from their rear gardens help to place the settlement in its rural context, as does the approach to the hamlet along College lane with fields to one or both sides of the road. The open fields to the south of Hurst Wickham to the east of College Lane are particularly important in retaining a feeling of separation from Hurstpierpoint and Hassocks.

Photo 117: The open fields to the south of the Conservation Area are particularly important to its setting and retain a sense of separation from Hurstpierpoint to the south and west



Development within the setting of the Conservation Area

The setting of the Conservation Area is very important to the manner in which its special interest as a rural hamlet close to, but separate from, the larger villages of Hurstpierpoint and Hassocks is appreciated. Development within the setting of the Conservation Area, where this is acceptable, should be respectful of this, and in particular should preserve important views into and out of the Conservation Area, the character of the approaches to it, and the sense of separation from adjacent settlements.

11. Negative features of Hurst Wickham Conservation Area

Features detracting from the character of the area include unsympathetic alterations to the original buildings such as replacement uPVC windows and rendering of brickwork. Car parking along College Lane, which is in parts very narrow, and traffic congestion can also detract from the semi-rural nature of the hamlet. The loss of front garden boundaries to allow off street parking or to create new accesses is detrimental to the character of the street scene.

Photo 118: uPVC windows detract from the character and appearance of buildings within the Conservation Area.



12. Langton Lane Conservation Area

Langton Lane Conservation Area is located to the west of Hurstpierpoint Village beyond the area known as West Town. It is centred on Langton Lane, a rural lane running north from Albourne Road, opposite the most significant building in the area, Pakyns Manor.

This Grade II listed L shaped 16th century timber framed building is set back from the south side of Albourne Road and well screened by trees along the road frontage. There has been a manor house in this location since the 12th century, when it was occupied by Paganus, Sheriff of Sussex - William Pakyns became Lord of the Manor in 1216, and was followed until the 16th century by a succession of his descendants. The manorial land was originally extensive, including parts of Langton Lane. The current, more restricted but still substantial grounds were divided for sale as smaller lots in 1953, since which a number of other houses have been built in the setting of the Manor House, as well as former ancillary buildings converted for residential use. Nonetheless, the verdant nature of the setting of the Manor House is important to both the special interest of the listed building and the character and appearance of this part of the Conservation Area.

More prominent from the road than the Manor itself is Pakyns Lodge, a small but charming early 19th century Gothic style red brick building with gabled and half hipped stone slab roofs with deep eaves and carved timber bargeboards, prominent brick chimneys, a projecting brick porch with Gothic arched doorway and carved bargeboards under a gabled roof, and elongated timber casement windows under rubbed brick drip moulds.

Photo 119: Gothic style Pakyns Lodge



Bullfinch Lane runs south from Albourne Road along the eastern boundary of the grounds to Pakyns Manor. It is thought that its original route, linking directly to Langton Lane, may have been diverted away from Pakyns Manor to enlarge its grounds.

To the east of Bullfinch Lane the Conservation Area takes in a group of buildings lined along the south side of the Albourne Road. The most substantial of these is Ladymead, now a residential care home, but built in the late 19th century as a private house known as Hurstpierpoint Grange. This large building is of brick and hung clay tile, with clay tile roofs and features typical of popular late 19th century architecture such as projecting oriel windows and Queen Anne style sashes. It is set back from the road behind its contemporaneous half-timbered lodge house which appears to have been formed by extending an earlier brick cottage.

Photo 120: Ladymead, formerly Hurstpierpoint Grange



To the north east of Ladymead, and forming the eastern boundary of the Conservation Area, is a pair of attached buildings known as Littlemead and Paddock Cottage, now two separate dwellings but in the late 19th century both forming part of Grange Farm. Prior to this, and to the erection of Hurstpierpoint Grange (now Ladymead), this site was known as Paddock Dairy. Paddock Cottage appears to be the earlier of the two buildings, with Littlemead appearing to date from the mid- late 19th century. Paddock Cottage is a characterful building which turns its back on the road. It is partly painted brick and partly tile hung, with hipped tile roofs, sash windows and a prominent chimney stack to the north side. Littlemead is a larger building with brick and patterned hung clay tile elevations, tiled half hipped roof and a timber and lead cupola to the ridge line. Although converted to residential use both buildings retain clues to their former use.

Photo 121: Littlemead and Paddock Cottage, formerly part of Grange Farm, turn their backs on the road.



From the rear of all of the buildings to the south of Albourne Road there are extensive and lovely views looking south over the surrounding countryside towards the distant Downs. Glimpsed views can also be obtained from some points along the road itself, looking between the buildings.

Photo 122: The view from the rear of Paddock Cottage



To the north of Albourne Road, adjacent to the entrance to Langton Lane, is one of the oldest buildings in Hurstpierpoint. This 15th century timber framed Wealden hall house, extended in the 17th and 18th centuries, is now split into two dwellings (Pigwidgeon and Spotted Cow Cottages). It is Grade II listed.

Photo 123: Pigwidgeon and Spotted Cow Cottages, one of the oldest buildings in Hurstpierpoint

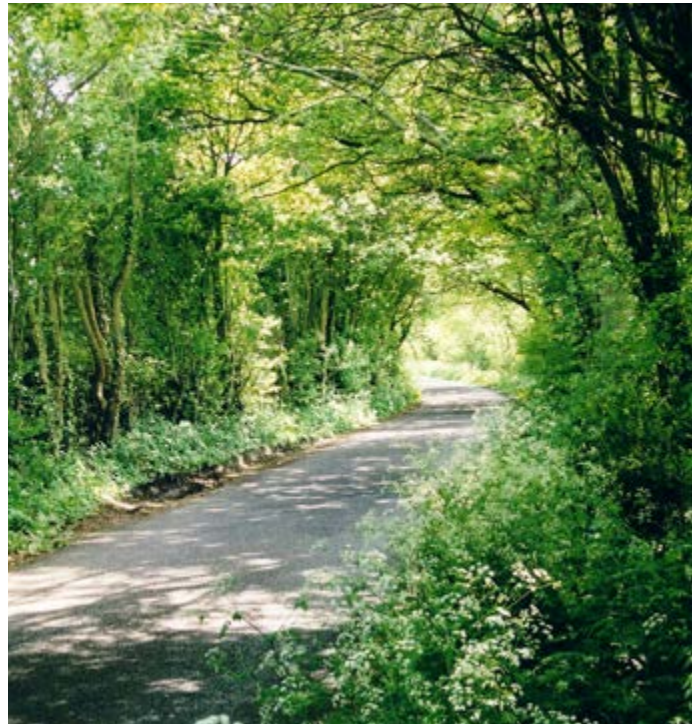


The Conservation Area runs north along Langton Lane, starting to drop in height from the ridge on which Hurstpierpoint is built, first to 17th century or earlier timber framed Box House Farm (Grade II listed), by the site of the former Little Langton farm, to Langton Farm and 17th century Langton Grange (Grade II listed). There are a number of modest but attractive cottages dotted among these older buildings, including 1 & 2 Spring Bank and 1 & 2 Blossoms Well. The narrow lane is framed by trees and high hedges, and by the side of it are streams, ponds and reed beds. It has a very rural character, which is distinct from other parts of Hurstpierpoint.

Photo 124: Langton Grange, with one of the several ponds that line Langton Lane



Photo 125: Langton Lane has a distinctly rural character



Paving surfaces

Paving surfaces within the Conservation Area do not tend to be of particular note. Albourne Road and Langton Lane have a standard tarmac finish, as do the pavements running alongside Albourne Road. The lack of footways to either side of Langton Lane emphasises its rural character. Bullfinch Lane has less formal surfacing, befitting its character.

Street furniture and lighting

The majority of the Conservation Area, being of a rural or semi-rural character, does not have street lights. There is a traditional wooden fingerpost sign at the junction of Langton Lane and Albourne Road which is in keeping with the character of the area (see Photo 123).

Walls and fences

Along Albourne Road there are a number of historic stone or brick, flint and stone walls which add character to the area and complement the buildings behind. These include the walls to the front of Pakyns Manor, Pakyns Lodge, Ladymead, Ladymead Lodge, Littlemead and Paddock Cottage. Trees and hedges topping or overhanging these walls

soften the street scene and complement the semi-rural character of the road.

Photo 126: The stone and flint wall with overhanging trees along the frontage to Pakyns Manor



Langton Lane has a more rural, natural character, with banks, trees and hedges lining the lane. In places post and rail fences are present, which are sympathetic to the character of the Lane. The height of the banks and vegetation flanking the road creates a strong sense of enclosure.

Photo 127: Roadside banks and vegetation along Langton Lane



Open space and trees

The private gardens to the properties along Albourne Road and the trees and vegetation within them soften the street scene and add to the semi-rural character of this part of the Conservation Area. There are a number of mature trees to the road frontage of properties such as Paddock Cottage and Pakyns Manor which are particularly prominent in the street scene.

Photo 128: Mature trees within the grounds to Pakyns Manor



The substantial former grounds of Pakyns Manor, despite the development which has gone on since they were split by sale in the 1950s, remain predominantly open and verdant, making a positive contribution to the setting of this listed building and to the character of this part of the Conservation Area.

Along Langton Lane the majority of the road is lined with trees and vegetation. This lush vegetation is very important to the rural character of the Lane. The private gardens to the scattered properties along the lane complement this character.

13. The setting of Langton Lane Conservation Area

The rural setting of Langton Lane Conservation Area makes a strong contribution to its special interest as a hamlet of ancient origin (Pakyns Manor dates from the 13th century) set in the countryside outside, and separate from, Hurstpierpoint village.

Although in recent years development has infilled some of the open space between Hurstpierpoint and Langton Lane, notably along the northern side of Albourne Road, as at The Grange, the hamlet retains a sense of rurality and a distinct character which sets it apart from Hurstpierpoint village. The open fields which form the setting of the Conservation Area to the south, west and north, and between Langton Lane and the edge of Hurstpierpoint village, are very important to this key part of the character of the Conservation Area.

Rural views looking south from and between properties along Albourne Road, including the grounds of Pakyns Manor, are important in placing the Conservation Area in its rural setting. Views along Albourne Road to and from the open countryside to the west are also significant in this respect. Langton Lane is flanked on both sides by open fields, with public footpaths running across them. Although the lane itself is quite enclosed to its southern end by the height of the roadside banks and vegetation, glimpsed views of this countryside are very significant in placing the Conservation Area in context- views from the properties alongside and above this part of the lane will also be significant in this respect. Towards the northern end of the Conservation Area, near Langton Lane, the topography changes and more open views are possible from the Lane itself.

Photo 129: Views across open fields from the northern part of the Conservation Area



Footpaths run across the fields in all directions from the Conservation Area and allow further views looking back into it across the fields in which it is set.

Development within the setting of the Conservation Area

The rural nature of the setting of the Conservation Area, and the sense of separation it allows between Langton Lane and Hurstpierpoint village are very significant to the special interest of the Conservation Area and the way in which this is appreciated. Development within the setting of the Conservation Area, where this acceptable, should be mindful of this and should preserve key views into and out of the Conservation Area.

14: Negative features of Langton Lane Conservation Area

Where off street parking has been created along Langton Lane (such as at Blossoms Well cottages, where graveled forecourts with brick retaining walls have been inserted into the roadside bank) this can detract from the character of the lane. Care must be taken that such development is carried out in a manner which in keeping with the rural character of the Lane.

Photo 130: Off street parking on Langton Lane



The unsympathetic replacement of traditional timber windows with uPVC has harmed the appearance of some of the buildings along Albourne Road.

15. Boundary reviews

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a duty to periodically review its Conservation Areas and their boundaries. In carrying out this appraisal the Council has, with the assistance of the Hurstpierpoint Society, identified a number of areas where it considers that the boundaries of the Hurstpierpoint and Hurst Wickham Conservation Areas should be adjusted. These are considered in detail here.

Hurstpierpoint Conservation Area

North boundary (Western Road) to be extended to include:

The rows of small terraced Edwardian cottages and the Victorian semi-detached cottages on the west side of the road, stretching from the existing boundary to Cromwell Cottages nos. 32 & 34, adjacent to Nursery Close.

Photos 131, 132 and 133: Victorian and Edwardian terraces on Western Road



Reasons: These terraces are some of the oldest in Western Road and retain much of their original appearance. Attractive and of architectural interest they also contribute to the historical narrative of the village and the Conservation Area as good examples of the

great expansion of the village that occurred in the late 19th and early 20th centuries. They complement and lead logically on from the earlier development further north on Western Road. This part of Western Road therefore merits protection through Conservation Area status.

North boundary (Cuckfield Road) to be extended to include:

St Christopher's, all houses on east side of the road finishing with the Methodist church after no.40 Cuckfield Road.

The Old Bakery no.35a & Old Bakehouse no.35c on the west side of the road.

Reasons: St Christopher's house is dated 1898 and has four spectacular stacks of ornate brick chimneypots as well as decorative hopper heads to the downpipes. This is followed by several attractive Victorian and Edwardian houses with strong architecture, then the Methodist church. The Victorian and Edwardian houses retain many original features such as Palladian window surrounds.

Photo 134 and 135: St Christopher's on Cuckfield Road



Photo 136: The Methodist Chapel



The boundary of the Conservation Area on Cuckfield Road at present excludes this historic cluster of buildings including the old bakery and Methodist Chapel, as well as a mix of Victorian and Edwardian properties including St Christopher's which are of architectural interest, and retain many original features. Most front gardens are planted with hedges and trees which soften the street scene.

The long straight road is the main northern approach to Hurstpierpoint, and looking south allows glimpses of the landmark church steeple in the distance. It is a key gateway into the village centre, and is lined by attractive and characterful buildings. A boundary adjustment would help safeguard the special character of this part of the village.

North east boundary (St George's Lane, Trinity Court and the Millenium Gardens) to be extended to include:

St George's Church and surrounding walls, Bee Cottage and Russell's Farmhouse on St George's Lane, Trinity Court on Brown Twins Road and the Millenium Gardens.

Reasons: The present boundary excludes St George's Church which is historically linked with Bishop Hannington's family and was built as Little Park Chapel in 1852. The grade II listed church is set in its original churchyard surrounded by old flint walls. It is now deconsecrated and is a private residence.

Photo 137: St George's Church



Russell's Farmhouse is a characterful building which forms a group with the Church at this corner of St George's Lane. Although relatively modern Bee Cottage incorporates attractive flint walling to the street elevation, which relates well to the walls surrounding the church yard, and adds to the semi-rural nature of this part of the Lane.

Trinity Court is an attractive development of retirement housing dating from 1999 and built within part of the former grounds of St. George's House on Hassocks Road. It is a good example of a modern development which fits well with the existing character of the village and complements the more historic housing to the south. It is set in attractive mature landscaping which relates well to the more open and semi-rural character of this northern edge of the village.

The Millenium Gardens are a very attractive and well used public open space which wrap around Trinity Court and St George's Church, also occupying part of the former grounds of St. George's House. There are lovely views from the gardens across the fields to the north of the village which anchor it within its rural setting.

The 19th century and earlier buildings and the

semi-rural character of this part of St George's Lane and the Millenium Gardens complement the character of the existing Conservation Area just to the south, and provide a link between the Conservation Area and its rural setting. The Gardens provide very attractive views across the open fields to the north of the village. Trinity Court, although more modern, sits well in this context, and provides a good example of contemporary development sympathetic to the character of the village.

East boundary (Hassocks Road) to be extended to include:

Wych House, Halton Shaws, & no.14 Withiel - down to Tott Lane.

Reasons:

The present boundary excludes several Victorian and Edwardian buildings of architectural merit. It is suggested that the conservation area boundary is amended to include Wych House, Halton Shaws and no.14 Withiel and the line extended south along the garden wall of 14 Hassocks Road down to meet Tott Lane.

This would widen the conservation area to embrace an attractive rural lane with the listed Tott Farm (already within the Conservation Area) as a focal point, Victorian and Edwardian houses as a backdrop and an open aspect across the fields to Wolstonbury Hill. Tott Lane is a small, unique part of the village with stunning countryside views only a few steps from Hassocks Road.

Halton was a large house built by 1897 with a prominent stable and coach house. The stables remain as one large residential property (Wych House), with the grounds sold off for four houses in the 1950s-60s and the original house converted to flats. Withiel was built in about 1910 in a similar style with ornate tile-hanging.

Photos 138 and 139: Halton Shaws



Photos 140 and 141: Arts and Crafts terrace at 16-20 College Lane



Hurst Wickham Conservation Area

South boundary (College Lane) to be extended to include Nos. 16, 18 and 20 College Lane and Hurst Wickham barn.

Reasons:

16-10 College Lane are an unusual terrace of three houses built in a symmetrical U-shaped plan. The brick built houses have Arts and Crafts influences including leaded light windows set in dark oak frames. An original stepped path of well-worn bricks leads to a trio of front entrances. The houses mark the entrance to the hamlet of Hurst Wickham.

Hurst Wickham Barn, opposite, marks the site of the original Wickham farm and predates the growth of the hamlet to the north. While the building has been renovated into a private residence, its surviving character and prominent position contribute significantly to the southern entrance to the Conservation Area.

Photo 142: Hurst Wickham Barn



The inclusion of these buildings in the Conservation Area will contribute to the preservation of their particular characters and will also help to protect this key entrance into the Hurst Wickham Conservation Area.

North boundary (College Lane) to be adjusted to exclude No. 82 "Treetops" on the west side of the lane and No. 109 on the east side

Reasons: No. 82 has been so altered and extended over the years that it looks too modern to be part of historic Hurst Wickham. No. 109 has no architectural merit to justify its inclusion in the conservation area. Nos. 105 and 107, the pair of brick cottages, very clearly mark the end of the row of historic houses that gives the lane its picturesque quality.

Photo 143: 82 College Lane



Photo 144: 109 College Lane



16. Development within the Conservation Areas.

The need for planning permission for alterations to buildings.

It is recommended to seek advice from the District Council before proceeding with alterations to dwellings in conservation areas as planning permission and/or consent under the Building Regulations may be necessary. Planning permission may also be necessary for the demolition of buildings and structures within Conservation Areas, including in some cases

boundary walls and railings.

Where it is required, planning permission will only be granted for proposals which preserve or enhance the character or appearance of the conservation area (Policy B12, B13 and B15 of the Mid Sussex Local Plan (2004) and Policy DP33 of the emerging District Plan).

Listed building consent may be required for alterations or extensions to the interior or exterior of listed buildings within the Conservation Area. Consent will only be granted for works which preserve or enhance the special interest of the building. (Local Plan (2004) Policy B10 and emerging District Plan Policy DP32).

Proposals affecting undesignated buildings of merit (buildings of local architectural or historic interest) will be assessed according to the requirements of Local Plan (2004) Policy B11 and emerging District Plan Policy DP32.

Paragraphs 128 – 138 of the National Planning Policy Framework (NPPF) will also be relevant to the consideration of proposals affecting the Conservation Area or its setting, any of its Listed Buildings or their settings, or any undesignated buildings of merit.

Information and guidance on the planning process, including how to make a planning or listed building consent application, or seek pre-application advice, can be found on the District Council's website, www.midsussex.gov.uk

A Parish Design Statement has been produced by Hurstpierpoint & Sayers Common Parish Council, which offers advice on building styles and materials appropriate to the village. It recommends the use of traditional materials that enhance and harmonise with the character of the street scene.

New buildings and extensions.

New buildings and extensions within the Conservation Areas and their settings, both in broad form and detailing and in their relationship with other buildings and spaces between the buildings, should be sensitively designed to reflect the characteristics of the

area in terms of scale, density, colour and materials.

Where permission is to be granted to carry out alterations and/or extensions, appropriate traditional materials should be used.

Other alterations to buildings in the Conservation Areas

Chimneys

Alterations to chimneys to buildings within the Conservation Areas may require planning permission. Chimneys are very important to the character of buildings and of the street scene and their unsympathetic alteration or loss will be resisted.

UPVC windows and doors

Timber sash or casement windows and panelled timber doors are important to the character of many of the buildings within the Conservation Areas. UPVC windows and doors are not a suitable replacement and will detract from the appearance of period buildings. The replacement/installation of UPVC windows and doors will therefore be strongly resisted wherever possible.

Photo 145: UPVC windows damage the character of historic buildings.



UPVC windows

The replacement/installation of UPVC windows will be strongly resisted.

Satellite Dishes

Planning permission may be required for the erection of satellite dishes within the Conservation Areas. Unsightly located dishes can harm the appearance of period buildings and will be resisted.

Photo 146: Prominently located satellite dishes can harm the character of the Conservation Area



17. Trees in the Conservation Areas

In most cases the District Council must be given six weeks notice of any works to trees in a conservation area.

18. Repairs to buildings in the Conservation Areas

Repairs and renovations within the Conservation Areas should be carried out in a sympathetic manner and using traditional materials, to ensure that the special character and appearance of the areas is preserved. Period details should be retained.

Roofs

Roofs lend character to buildings and

extensions and repairs should always match the original materials where possible, as should the restoration of bargeboards and fascias. There are a variety of roofing materials evident within the Conservation Areas, including local Horsham stone tiles and tiles from Keymer clay-tile works at Burgess Hill. Slate roofs are a common feature of Victorian buildings within the Conservation Areas.

Photo 147: Roofing materials and detailing such as bargeboards are very important to the character of buildings in the Conservation Area



Windows & Doors

Original sash and casement windows make a strong contribution to the character and appearance of buildings within the Conservation Areas and their repair or sympathetic like for like replacement is advised wherever possible.

Photos 148 and 149: Original windows and doors are very important to the character of buildings within the Conservation Areas



Guidance and best practice on the maintenance, repair and thermal upgrading of traditional windows can be found on the Historic England website, here:

<https://www.historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/>

Advice should be sought from the District Council regarding the construction of dormer windows or sky lights on the roof slopes of buildings within the Conservation Areas as planning permission may be required.

Original front doors and their furniture should be conserved as they make a strong contribution to the character of period houses.

Boundary walls and fences

Conservation area protection includes old walls,

gateways and iron railings which often mark the boundaries of properties. There are many fine examples of brick, knapped flint, sandstone and rendered walls around the village, which make a strong contribution to its character and appearance.

In the Hurst Wickham conservation area, several terraced cottages have their pretty front gardens set off by a row of original iron railings which add to their charm.

The repair and maintenance of these walls and railings should be carried out in a manner which is sympathetic to their character, and using original materials and techniques.

Planning permission will be required for the demolition of any wall or fence over one metre which adjoins a road or open space within the conservation area, or over two metres high elsewhere.

Photo 150: Boundary walls such as the listed wall to Mansion House are very important to the character of the area



19. References

Hurstpierpoint –kind and charitable. Edited Ian Nelson Ditchling Press Ltd 2001

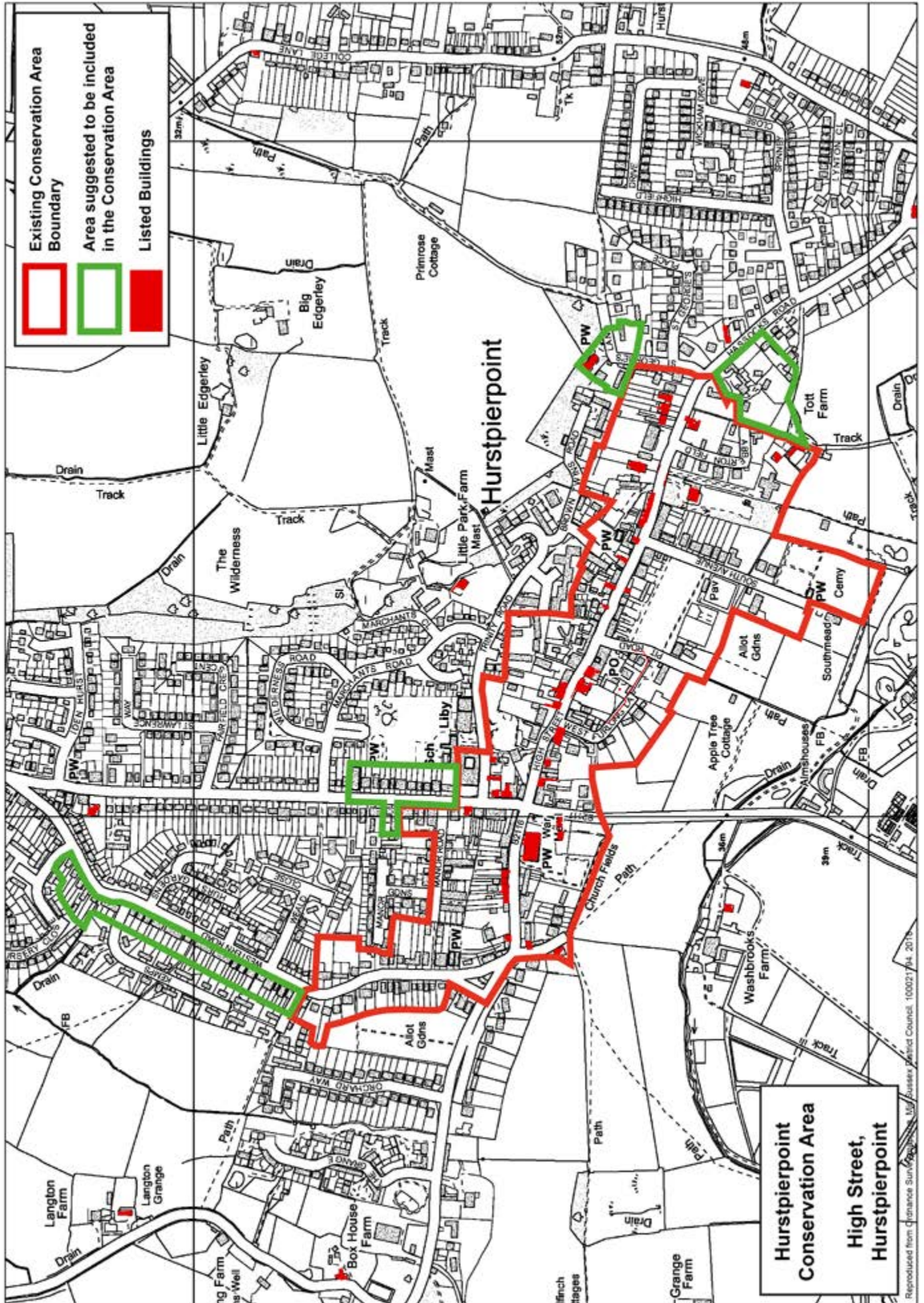
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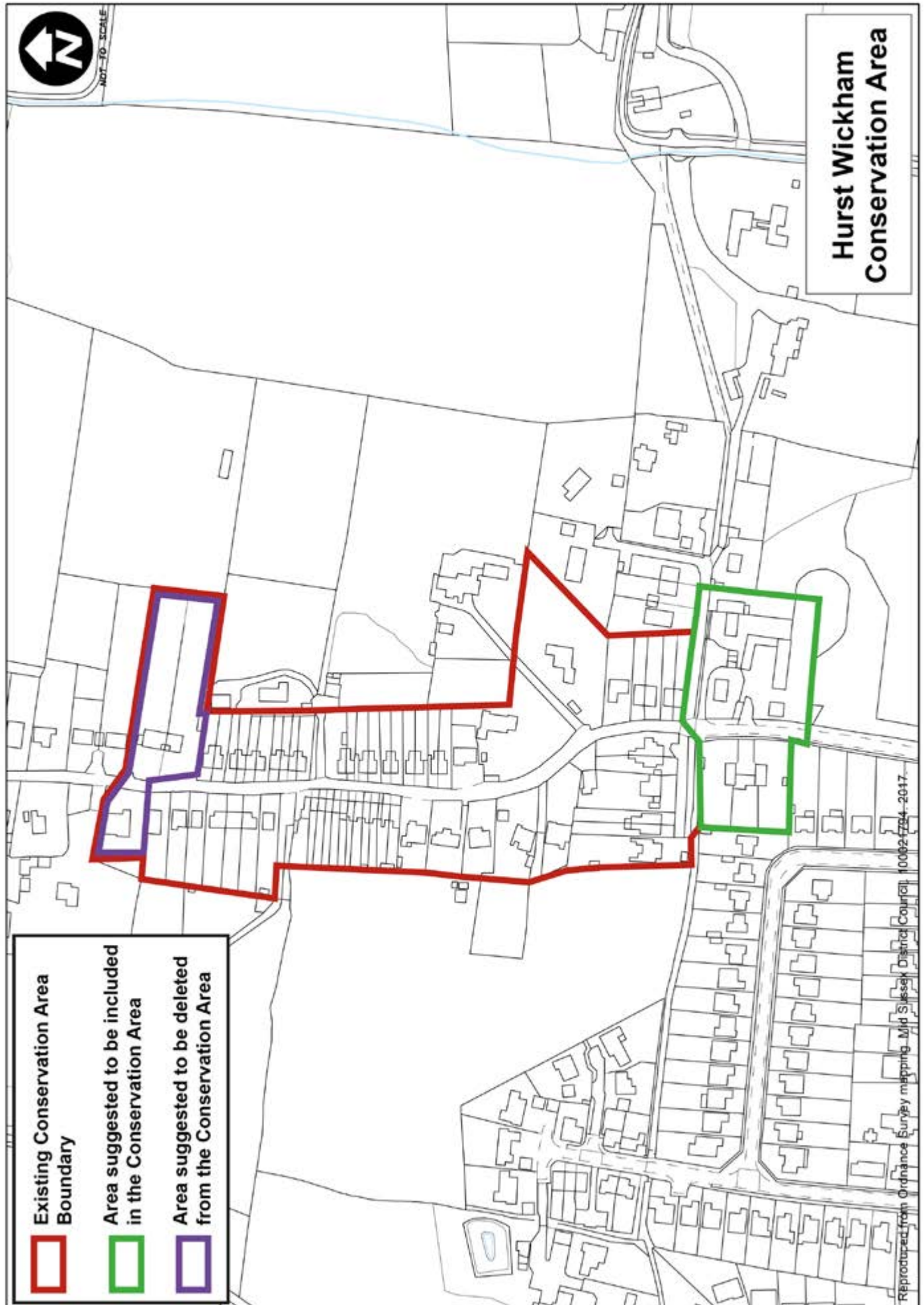
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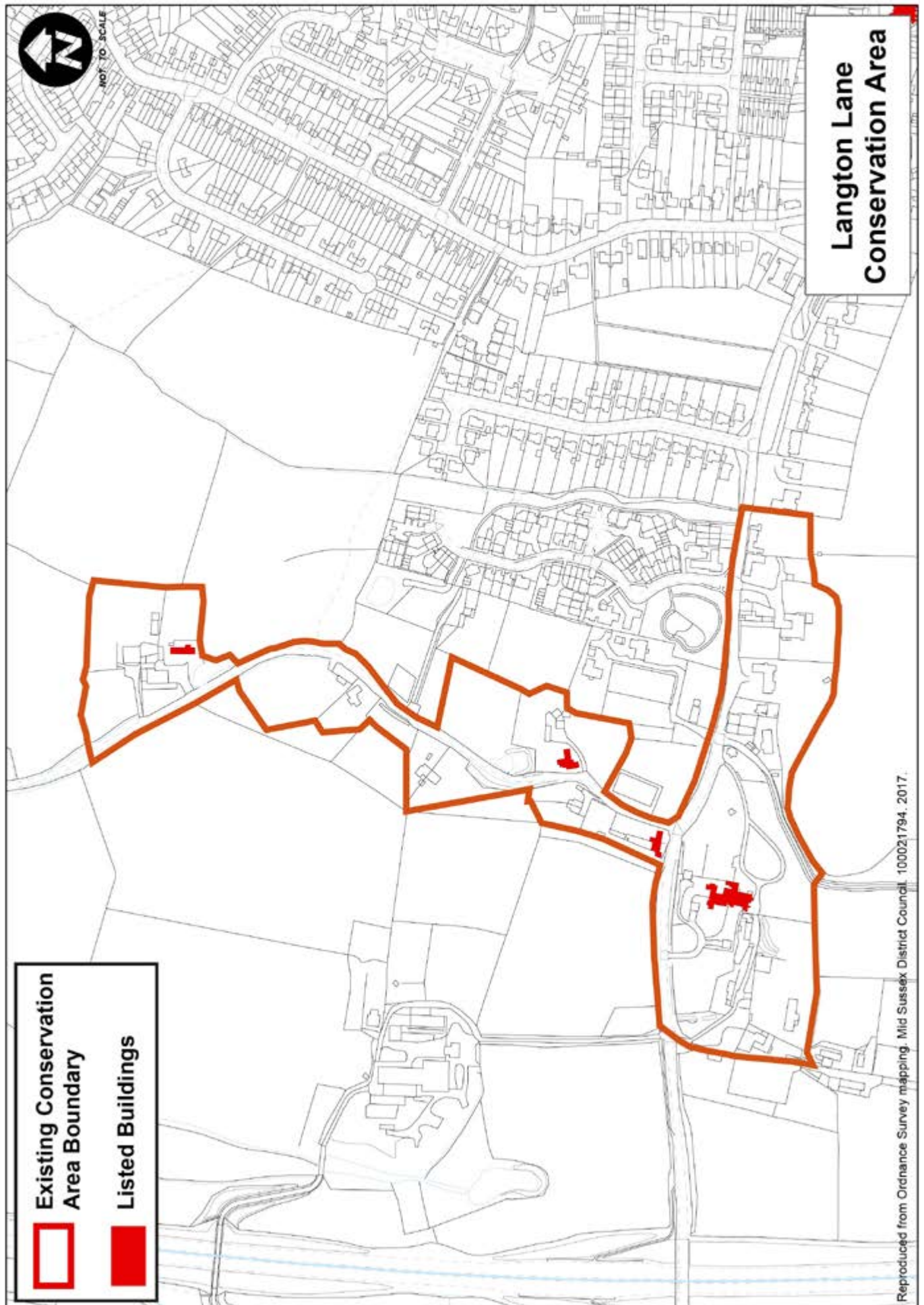
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The Pleasure Grounds of Sussex M Dudeney and E Hallett Mid Sussex Books 2001

Oral information from historical walking tour of Hurstpierpoint with Ian Nelson







Web: www.midsussex.gov.uk

Email: planningpolicy@midsussex.gov.uk

Tel: 01444 458166



**Hurstpierpoint Conservation Area Appraisal
Consultation Responses**

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
1	Historic England	4. The historic development of Hurstpierpoint and its surroundings	We feel the box features are particularly engaging in drawing out areas of historic interest that are part of the area's special interest, to make the document more accessible to decision makers it might be helpful to number these and include them as a separate list of time on the contents page. We recommend using a list of bullet points or a short overarching statement at the start of this section to draw out the particular special historic interests of the conservation areas, to which the subsequent analysis provides depth and exposition.	Agree - change proposed. Box features numbered and an index added to the contents page, as suggested. A summary page listing key characteristic of each Conservation Area added towards the beginning of the document.
		15. Boundary Reviews	We have reviewed the proposed boundary changes, which we are happy to confirm we see as appropriate to the special historic or architectural interest of each area and the character or appearance that is desirable to preserve or enhance. Nevertheless we recommend reviewing this element of the document to ensure the that the areas are clearly identified as either sharing the special historic or architectural interest of the main conservation area or adding additional special historic or architectural interest that merits their inclusion.	Noted – no change proposed. It is considered that the text already adequately describes the justification for the various proposed boundary extensions in these terms.
		Page 61	It would be helpful for example to	Agree – change proposed.

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
			replace phrases such as "characterful buildings" with "buildings with architectural interest" on page 61 and elsewhere, for example, to make it very clear that these features contribute to the reasons for the area's extension.	Wording amended as appropriate.
2	Natural England	-	Natural England does not have any specific comments on this draft Conservation Area Appraisal and Boundary Review.	<i>Noted – no change proposed.</i>
3	Iceni	15. Boundary Review	<p>It is our general view that the barn does not retain significant historical interest for inclusion, and that the character of the former agricultural building has been eroded through development to such a degree that it is no longer a sufficient candidate for inclusion in the proposed extension.</p> <p>Given that the barn has been converted and is now in residential use, there is a degradation in both its character and setting, which has shifted from an agricultural building with a maintained agricultural use (most recently as part of a riding school), to private residential accommodation. This limited interest is demonstrated by the omission of the barn as part of the initial designation, as well as the subsequent review of the</p>	<p><i>Disagree – no change proposed.</i></p> <p>Hurst Wickham Barn is one of the earliest buildings in the hamlet, marking the site of the original Wickham Farm and predating the substantial growth of the hamlet to the north.</p> <p>It is an attractive and characterful building which is prominent in views from College Lane.</p> <p>While the building has been converted into a private residence, it retains its agricultural character and features of interest including brickwork in a rat trap bond.</p> <p>This surviving character together with its prominent position contribute significantly to the southern entrance to the Conservation Area. The Barn is a key gateway feature at the transition between the more open land to the</p>

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
			Conservation Area boundary in 2010. The barn, at present, makes a limited contribution to the character and appearance of the Conservation Area, which is instead characterised by dense, residential development of a domestic scale, within a semi-rural setting.	south and the hamlet of Hurst Wickham. Its inclusion will add to the special interest of the Conservation Area in including within it one of the earliest buildings in the hamlet, which has narrative value in terms of the development of Hurst Wickham, as well as being an attractive, characterful and prominent building in a key gateway position.
4	Highways England	-	We do not wish to make any comments on this consultation document, however please continue to notify us of future consultations.	<i>Noted – no change proposed.</i>
5	Southern Water	-	I can confirm that we have reviewed the document, and that we have no comments to make at this stage.	<i>Noted – no change proposed.</i>
6	Mr G. Jeffcott	9. Hurst Wickham Conservation Area	By 1873 Hurst Wickham was a much larger affair than stated above, which should have included: At least 22 dwellings [<i>listed by respondent</i>]. Most surprising of all is that The Goose House, also known as Goose Lease – Layton Villa – Two Trees & 36 College Lane, which was built in the early 1700s and plays possibly the largest part in the history of Hurst Wickham gets no mention at all.	<i>Agree – change proposed.</i> Having consulted the relevant historic maps the text of the appraisal has been amended in respect of the historical development of Hurst Wickham.
		15. Boundary Review	On the subject of changing the Hurst	<i>Disagree – no change proposed.</i>

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
			<p>Wickham boundaries, I most strongly protest to the inclusion of 16 -18 - 20 College Lane. Including these buildings into the conservation area would effectively make Hurst Wickham contiguous with Hurstpierpoint, this was a ploy used by a developer quite recently in an attempt to try and build next to the conservation area. I also object to the removal of number 82 from the conservation area. Removing the conservation protection would open up the chance of further development in the field behind.</p>	<p>16, 18 and 20 College Lane as a group address College Lane, and read as part of the hamlet of Hurst Wickham - like Hurst Wickham Barn opposite they mark the entrance into the hamlet. The development immediately to the south is of a different character and turns its back on College Lane, facing instead onto Highfield Drive- trees and hedges mask this development from view from College Lane, so that with their more open frontage 16,18 and 20 appear as the first buildings in the settlement at Hurst Wickham. This in conjunction with their architectural character (as noted in the appraisal), mean that they merit inclusion in the Conservation Area and represent a logical extension to the boundary.</p> <p>A conservation area boundary would not affect the contiguous relationship between Hurst Wickham and Hurstpierpoint in planning terms as both reside within the same built up area boundary.</p> <p>Removing 82 College Lane from the conservation area would have no effect on the chances of development in the field behind this house. The Conservation Area Appraisal is only a material consideration to planning applications.</p>

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
7	Ms J. Bonny	9. Hurst Wickham Conservation Area	The historic dates and facts contained in the CAA summary for Hurst Wickham are inaccurate and incomplete. By 1873 the Hamlet of Hurst Wickham was far more developed than the appraisal indicates.	Agree – change proposed. Having consulted the relevant historic maps the text of the appraisal has been amended in respect of the historical development of Hurst Wickham.
		15. Boundary Review	Regarding the boundary changes for Hurst Wickham, I believe Hurst Wickham Barn should be included as this clearly played an important role in the history of the Hamlet. However, I do not think 16-20 College Lane should be included as they extend beyond the twitten that 'marks' the start of Hurst Wickham on the West side and have no connection with the history of Hurst Wickham. This tiny gap still plays an integral part in separating Hurst Wickham from Hurstpierpoint.	Disagree – no change proposed. 16, 18 and 20 College Lane as a group address College Lane, and read as part of the hamlet of Hurst Wickham - like Hurst Wickham Barn opposite they mark the entrance into the hamlet. The development immediately to the south is of a different character and turns its back on College Lane, facing instead onto Highfield Drive- trees and hedges mask this development from view from College Lane, so that with their more open frontage 16,18 and 20 appear as the first buildings in the settlement at Hurst Wickham. This in conjunction with their architectural character (as noted in the appraisal), mean that they merit inclusion in the Conservation Area and represent a logical extension to the boundary. A conservation area boundary would not affect the contiguous relationship between Hurst Wickham and Hurstpierpoint in planning terms as

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
				both reside within the same built up area boundary. Removing 82 College Lane from the conservation area would have no effect on the chances of development in the field behind this house. The Conservation Area Appraisal is only a material consideration to planning applications.
8	Mr M.D. Shute	15. Boundary Review	I particularly agree that the proposed amendments to the Hurst Wickham Conservation Area.	<i>Noted – no change proposed.</i>
9	Mr J.K. Birtles	15. Boundary Review	Yes I do agree with the boundary alterations to Hurst Wickham. However you should be aware that you have drawn a boundary for Hurst Wickham Barn which includes No.1 Hurst Wickham Close and the garages of Nos 1 and 2 Hurst Wickham Close. You have not clarified that point in the text. Both the Barn and its stable buildings should be included in the Conservation area. My house (2 Hurst Wickham Close) shares a boundary with the eastern block of stables. This is an original wall mainly constructed in flint interspersed with some courses of brick.	<i>Noted – change proposed.</i> Boundary amended to more accurately follow residential curtilages.
10	Mrs C.A. Birtles	15. Boundary Review	You should explain why No.1 Hurst Wickham Close has been included. It may be necessary in order to draw	<i>Noted – change proposed.</i> Boundary amended to more

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
			<p>an inclusive boundary. In any event the whole curtilage of Hurst Wickham Barn including the stables needs to be included. (As you have done in the plan). These are historic farm buildings date back to the early Victorian era and display some fine Sussex brickwork (Rat trap bond) and a long section of flint work on the other side of the east stable wall.</p>	<p>accurately follow residential curtilages. The boundary is proposed to include nos. 1 and 2 Hurst Wickham Close to create a more consistent and logical boundary to the area, and to more closely reflect the historic extent of the farmyard to Hurst Wickham Farm, as well as including what may be a historic flint and brick boundary wall around the former farmyard. Including 1 Hurst Wickham Close also means that all of the street frontage onto College Lane north of Hurst Wickham Barn leading up into the hamlet would now be within the Conservation Area.</p>
		-	<p>Tighter regulation of building control to ensure that the repairs and improvements are in sympathy with the period features. The design of Street lighting columns and lights should be appropriate for the location. There should be better road signage and markings to warn motorists of the narrow section ahead in Hurst Wickham. Perhaps there should be more parking restrictions in the immediate vicinity of Hurst Wickham. This would prevent some of the jams occurring.</p>	<p><i>Noted – no change proposed.</i> These are not matters which can be addressed by the Conservation area Appraisal. No change required.</p>

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
11	Ms J. Hill	15. Boundary Review	<p>I would like consideration be given to extending the boundary south of the village to include the Allotments at the end of Pitt Lane as part of the Hurstpierpoint Conservation Area. The allotments are a village amenity and have been in existence for many, many years. They were originally part of the Danny Estate, until it was sold during the 1980's.</p> <p>I think that it would be beneficial to the village in the future if these allotments were also included in the Significant Open Space area. It is vital that the southern aspect of the village be protected as there is a truly stunning view up on to Wolstonbury Hill.</p>	<p><i>Disagree – no change proposed.</i></p> <p>These allotments, which are located to the south of the recreation ground beyond Hillbrow Bungalow and the tennis courts, were in use by 1900. While they are an attractive feature of the setting of the Hurstpierpoint Conservation Area and contribute positively to views along the public footpath leading up onto Pitt Lane, they share only one boundary with the existing Conservation Area and would create a protrusion from the existing fairly consistent boundary line. For the most part due to the presence of Hillbrow Bungalow they are not contiguous with the public open space of the recreation ground. They contain no buildings which it would be desirable to preserve. It is therefore considered that conservation area designation is not merited in this case, although it is suggested that the text of the appraisal relating to the setting of the Hurstpierpoint Conservation Area is amended to better reflect the contribution that the allotments make to its setting. Any development proposals affecting the allotments would be considered in light of the impact on the setting of the Conservation Area.</p>

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
12	Natural England	-	Natural England does not consider that this Conservation Area Appraisal and Boundary Review poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.	<i>Noted – no change proposed.</i>
13	Gatwick Airport	-	I can confirm that we have no comments with regard to the above mentioned document from an aerodrome safeguarding perspective.	<i>Noted – no change proposed.</i>
14	Ms D. Greer-Perry	-	We were astonished and not a little dismayed to find our property named in the consultation paper as potentially to be included in an extended conservation area without any contact with ourselves. Is this normal practice? At present we are not sure what we feel but that any implied restrictions on future alterations to our home are of concern.	<i>Noted – no change proposed.</i> Email response sent 08/05/2018. There is no legal requirement on the Council to notify individual property owners if their property is under consideration for inclusion within a Conservation Area, although if the designation is agreed a formal notification would be sent. Although certain permitted development rights will be removed by Conservation Area status, necessitating a planning application (and fee payment), that is not to say that permission will not be granted for the development provided that the proposal preserves the character and appearance of the area and meets other relevant planning requirements. Please see also the body of the report where this issue is addressed in more

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
				detail.

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
15	Mrs H. Arlidge	-	<p>The then council (2000-2002) aided the designer and builder of Trinity Court to make it a very special enclave. Everyone who comes here remarks on the design and layout and say how extremely attractive it is. Although it is still quite 'new-build' Trinity Court ought to be considered for conservation for those reasons and because the design won a prize. I hope you will add Trinity Court, Brown Twins to your conservation list. It is also adjacent to our beautiful Millennium Garden.</p>	<p><i>Partly agree – change proposed.</i></p> <p>Trinity Court was built in 1999 as a retirement complex by the developer Hillreed. It is an attractive development set in good quality mature landscaping and contributes positively to the setting of the Hurstpierpoint Conservation Area. The Millennium Gardens, which wrap around Trinity Court and St George's Church to the west, north and east, are a very attractive and well used public open space, offering extensive views across the countryside to the north of Hurstpierpoint towards the College. Both Trinity Court and the Gardens occupy part of the former grounds of St George's House on Hassocks Road.</p> <p>However, although these areas are considered to contribute positively to the setting of the Conservation Area, they are not considered to merit designation at this time.</p> <p>The Appraisal has been amended to emphasise the contribution that Trinity Court and the Millennium Gardens make to the setting of the Conservation Area. Development within that setting would be considered in light of the impact on the Conservation Area.</p>

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
16	Mrs N. Boruch	-	No comment [respondent is satisfied with the document, as indicated throughout the tick boxes of the consultation response form].	Noted – no change proposed.
Other Comments Received				
17	Hurstpierpoint Parish Council	Page 5, Map 2 - Significant Views	Can I suggest that the blue vista markings which point North off St Georges Lane be moved further north to the junction in the hedgerow between St Georges Green and The Millenium Garden as that is where the view exists, and not from behind the wall in St Georges Lane.	Agree – change proposed. This map amended due to the suggested alterations to the boundary extension- see 15 above.
		Page 11	The significant houses on Hassocks Road on the North side up to and including Eastern House, and Hampton Lodge on the south side were started and probably completed in the period 1826 to 1837. So we should I believe acknowledge them as Georgian with further Victorian villas as well on Hassocks Road e.g. Photo 13 has one of each period. Many, obviously, also had further significant changes during the Victorian period and later.	Agree – change proposed. The annotation to Photo 13 amended.
		Page 16	Gothic House is correctly shown in Hurstpierpoint Conservation Area: Listed Buildings map as a listed building, but then it is also marked in the map titled "Non-listed buildings	Agree – change proposed. The relevant map amended.

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
			with local architectural and historic interest". Either the title of the latter needs to be amended or Gothic House should be greyed.	
		Page 18 - Hurstpierpoint Footpath Map	The purpose of this map is not immediately clear as it is not a map of all the significant footpaths that exist in Hurstpierpoint. I suspect it is there to show the routes into the National Park on foot. If that is its purpose then it should be retitled as such.	Agree – change proposed. The map amended to show all footpaths within the village.
		Page 24	Duplicate sentence: 'Adjacent to this is Greenock House which dates from the early 19th century and is Grade II listed.'	Agree – change proposed. Duplicate sentence removed.
		Page 43	Number 23-25 (no 25 is currently silent) was built as 2 houses around 1830 and not as one villa. We have found no evidence to date the facade was ever "Roman Cement". Whilst it is currently faced on the south and east elevations in cement of various eras and mixes, with ashlar block markings of differing quality, there is evidence to suggest that it was initially finished in lime render.	Agree – change proposed. The relevant text amended.
18	Hurstpierpoint Society	3. Location and Setting of the three Conservation Areas	The right hand column seems to lack some words before "Greensand ridge...". Just below that, Hurst Wickham does not lie to the west of the village centre but east.	Agree – change proposed. Missing text added.

Number	Respondent	Section of document	Summary of Comment	Officer Recommendation
		Photo 5	The post marks the route of the Roman Road near where it crosses New Way Lane.	Agree – change proposed.
		Page 9	"by 1660, when the feudalism was abolished" does not make historical sense to me. Feudalism had gone by the 15th century.	Agree – change proposed. Text amended.
		Page 13	"lead" should be "led".	Agree – change proposed. Text amended.
		Page 14	Hurstpierpoint at War. Should it not be Colonel Campion, not Champion?	Agree – change proposed. Text amended.
		Page 17 - map	"Principal" not Principle route	Agree – change proposed. Text amended.
		Page 23	Above photo 29. Some miss-typing starting "The inn is an important...".	Agree – change proposed. Text amended.
		Page 25	Paragraph about Greenock House is repeated.	Agree – change proposed. Repeated text removed.
		Page 45	Top of right column: principal not principle	Agree – change proposed. Text amended.
		Page 46	Photo 98 is of the old forge in Pitt Lane, not the twitten.	Agree – change proposed. Text amended.
19	MSDC	Section 5 Page 16	The draft appraisal contains a map showing unlisted buildings of local architectural and historic interest for the Hurstpierpoint Conservation Area, but not for either of Langton or Hurst Wickham Conservation Areas.	Agree – change proposed. Having reviewed the areas concerned a map has been added to the appraisal highlighting buildings of local architectural and historic interest in the Langton Conservation Area.

8. STATEMENT OF GAMBLING POLICY.

REPORT OF: Tom Clark, Head of Regulatory Services.
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health and Building Control
Email: yvonneleddy@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
4th July 2018

Purpose of Report

1. To seek the Committee's views on the content of the Draft 'Gambling Act 2005 (Statement of Licensing Policy) 2018' (Appendix 1) before it goes out to public consultation in July 2018. It is proposed that following consultation, if there are significant amendments required, it will be reviewed by this Committee on the 21st November before it is formally adopted by Council in December 2018.

Recommendations

The Committee is recommended to endorse the Draft Statement of Licensing Policy for Gambling at Appendix 1 before it is issued for public consultation.

Background

2. Section 349 of the Gambling Act 2005 requires a Licensing Authority (Mid Sussex District Council) to prepare and publish a statement of its Licensing Policy every three years or as appropriate. The existing Policy was adopted in December 2015.
3. The Statement is not intended to be used to limit gambling establishments but how we apply the Act in order to protect the public through the three objectives:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
4. In accordance with the Gambling Act 2005, the draft Policy contained in Appendix 1 will be published for a 6 week consultation period starting on the 16th July 2018. The list of consultees include the following;
 - Elected Members,
 - Town and Parish Councils,
 - Sussex Police,
 - West Sussex Fire and Rescue Service,
 - West Sussex County Council,
 - The trade bodies representing premises licence holders and local businesses.

5. The revised Policy has been reviewed in light of a number of regulatory and legislative changes and statutory guidance. The main changes are as follows and are highlighted in red in the draft policy statement :
- The inclusion of social responsibility provisions within the Gambling Commission's Licence conditions and code of practice.
 - Clarify guidance to applicants on what we expect them to do to meet the three licensing objectives e.g. risk assessments to demonstrate how they can achieve the licensing objectives whilst holding a licence.
6. To provide some context, we currently licence:
- 2 Adult Gaming Centres (Pease Pottage Services)
 - 10 Betting Shops
 - 61 premises with Gaming Machines that are licensed to sell alcohol and that have an automatic entitlement to have 2 gaming machines provided they have notified us
 - 12 premises with 3 or more Gaming machines
 - 6 Club Gaming Machine Permits (Registered Clubs) - larger prize money
 - 7 Club Gaming Permits allows certain gaming and larger prize money machines
 - 129 Small Society Lotteries are registered (these register annually to allow raffles, sale of tickets etc.)
7. The Committee will be aware of a Government Consultation during the latter part of 2017 about proposals regarding Gaming Machines and Social Responsibility Measures. Any legislative changes announce by the Government as a result of their consultation will be incorporated into our revised policy.

Policy Context

8. The Gambling Act 2005 (Statement of Licensing Policy) is produced in accordance with the provisions of The Gambling Act 2005 (Licensing Authority Policy Statement England and Wales) Regulations 2006, which places a duty on the Council to carry out its licensing functions in respect to the licensing, inspection and enforcement of such premises.

Financial Implications

9. None

Risk Management Implications

10. The Council is required to review its Statement every three years or sooner if appropriate. Failure of a Council to review their Policy could be open to a legal challenge.

Equality and Customer Service Implications

11. An equality impact assessment was carried out in the development of this Statement and did not identify any negative impacts for customers and those protected by equalities legislation. The Statement is intended to protect the public and through our consultation with a range of stakeholders, including the Police, we will ensure that any relevant issues are identified.

Background Papers

None



**MID SUSSEX
DISTRICT COUNCIL**

**DRAFT STATEMENT OF
PRINCIPLES**

**GAMBLING ACT 2005
(Licensing Authority Policy
Statement)**

Approved Gambling Act 2005 Licensing Authority Policy Statement
to take effect from
31st January 2019 for 3 years.

All references to the Guidance refer to the Gambling Commissions
Guidance to Local Authorities 5th Edition published September 2015

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1. Introduction

- 1.1. Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of Licensing Policy which it proposes to apply when exercising its functions under the Act. The form of the policy is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further detail on the form of the council's policy.
- 1.2. The Council's policy is intended to promote the three licensing objectives set out in the Act. These objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3. The Act requires that the following people and bodies be consulted in the revision of the statement:
 - The Chief Officer of Police.
 - People and bodies representing the interests of persons in gambling businesses in the area.
- 1.4. The Council consulted widely about the revised policy for 6 weeks from the 16th July 2018 until the 27th August 2018. A list of those consulted on the revision of the statement of principles is attached at Appendix 2.
- 1.5. It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

2. Mid Sussex District Council Geographical Area

- 2.1. Mid Sussex District Council is located within the County of West Sussex. It is a relatively prosperous area whose residents are generally well qualified. The age demographics point to an increasingly ageing population. More than half the area is designated as an Area of Outstanding Natural Beauty. It lies on the eastern edge of the county and shares boundaries with East Sussex to the east, Surrey to the north and Brighton and Hove and the South Downs National Park to the south. Mid Sussex covers an area of 128 square miles and includes the three main towns of East Grinstead, Burgess Hill and Haywards Heath. There are some 25 villages and many small hamlets in a predominantly rural area outside of the main towns. The District has a population of approximately 146,000. Sixty percent of the population lives in the three main towns with the remaining 40% living in the smaller villages and rural areas.
- 2.2. Mid Sussex is a safe place to live and work and is kept so by the Mid Sussex community and agencies such as the Council and Police working together. Since 1998 there has been a legal duty on agencies to work together with the community to reduce crime and anti-social behaviour. The Mid Sussex Partnership acts as the formal co-ordinating group to ensure that Mid Sussex meets this legal duty.

3. Licensing Objectives Declaration

- 3.1. In reviewing this Policy, the council has had regard to the licensing objectives of the Act, Guidance to licensing authorities issued by the Gambling Commission and has had regard to the responses arising from their consultation.

4. Responsible Authorities

- 4.1. The council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2. In common with its practice under the Licensing Act 2003, the council designates the West Sussex Children Safeguarding Board to advise on the protection of children from harm. The Responsible Authorities are therefore:
- The Council's Licensing Service (as licensing authority)
 - The Gambling Commission
 - Sussex Police
 - West Sussex County Council Fire and Rescue Service
 - The Council's Planning and Economy Services (as planning authority)
 - The Council's Environmental Protection Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
 - West Sussex Children Safeguarding Board
 - H.M. Revenue and Customs
- 4.3. The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities under the Act are listed in the Supplementary Guidance to this document.

5. Interested parties

- 5.1. Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: "For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-
- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - has business interests that might be affected by the authorised activities, or
 - represents persons who satisfy paragraph (a) or (b)"
- 5.2. When determining whether a person is an interested party for the purposes of the Act we will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.'

- 5.3. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account
- The size of the premises.
 - The nature of the premises
 - The distance of the premises from the habitual residence or workplace of the person making the representation.
 - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
 - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.4. In determining whether a person or organisation "has business interests" we will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.5. The council will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. We will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 5.6. In principle, the council will allow any person to represent an interested party but it may seek to have it confirmed that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 5.7. If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Team for advice.

6. Exchange of Information

- 6.1. The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. We will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7. Enforcement

- 7.1. The principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified, are stated below:
- 7.2. The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. We will have regard to Commission Guidance and will

endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
- Accountable: able to justify its decisions, and be subject to public scrutiny;
- Consistent: implementing rules and standards fairly in a joined-up way;
- Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
- Targeted: focusing on the problems, and aiming to minimise the side effects.

7.3. The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by us, but we will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

7.4. Our enforcement policy is available upon request to the licensing team, or on the Mid Sussex District Council website at [http://www.midsussex.gov.uk/media/Env_Enf_Policy_2014\(1\).pdf](http://www.midsussex.gov.uk/media/Env_Enf_Policy_2014(1).pdf)

8. Licensing Authority's functions

8.1. Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below the prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices for betting at tracks
- Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2. The licensing of remote gambling is the sole responsibility of the Gambling Commission via operating licences.

9. Duplication with other regulatory regimes

- 9.1. The council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission is for a premise that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

DRAFT

10. Table Of Delegation Of Licensing Functions

Matter to be Dealt with	Full Council	Full Licensing committee	Licensing sub-Committee	Officers
Three year licensing policy	x			
Policy not to permit casinos	x			
Application for premises licenses			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Review of a premises licence			x	
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Cancellation of club gaming/club machine permits			x	
Applications for other permits				x
Cancellation of licensed premises gaming machine permits				x
Consideration of temporary use notice				x
Decision to give a counter notice to a temporary use notice			x	

11. Policies supporting each of the licensing objectives

- 11.1. As mentioned above the Act contains three licensing objectives (page1) which underpin the functions of the licensing authority. These objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way,
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 11.2. Section 153 of the Act states that in exercising its functions under the Act the licensing authority shall aim to permit gambling in so far as it thinks it is: in accordance with the Commission's codes and guidance to local authorities; reasonably consistent with the licensing objectives and in accordance with the licensing authority's statement of principles. The authority intends to assist applicants, responsible authorities and interested parties by detailing the criteria that it will consider as being reasonably consistent with each of the objectives when considering applications.
- 11.3. The council will continue to review this Statement and will revise it further as appropriate in response to changing circumstances.
12. **Policy Objective 1-Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**

Policy Objective 1

To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

- a) Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
- b) Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- c) Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- d) Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premises licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- e) Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- f) Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

- 12.1. Applicants for premises licences will have to hold an operator's licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of principles.
- 12.2. The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. We will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.
13. **Policy Objective 2-Ensuring that gambling is conducted in a fair and open way.**

Policy Objective 2

To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

- a) Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.
- b) Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- c) Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- d) Whether the management and operation of the premises is open and transparent.
- e) Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- f) Whether the Commissions Codes of Practice have been complied with

- 13.1 The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence. Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

14. Policy Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Policy Objective 3

To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

- a) Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- b) Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- c) If the premise is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- d) Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- e) Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- f) Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

14.1. The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to promote this objective.

14.2. Persons under 18 cannot be admitted to many types of gambling premises. It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This is the definition of vulnerable persons the council will use in its consideration of applications.

15. Premises Licences

15.1. Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.

15.2. Premises licences can authorise the provision of facilities on:

- casino premises
- bingo premises
- betting premises including tracks and premises used by betting intermediaries
- adult gaming centre premises,
- family entertainment centre premises.

15.3. For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

15.4. A premises licence issued by us will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

15.5 Under The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) there is a requirement for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Social Responsibility code (SR) 10.1.1:

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review and update as necessary their local risk assessments ;
 - a) To take account of significant changes in local circumstances including those identified in a licensing authority's statement of licensing policy
 - b) When there are significant changes at a licensed premises that may affect their mitigation of local risks
 - c) When applying for a variation of a premises licence
 - d) In any case undertake a local risk assessment when applying for a new premises licence.

15.6 The Council will expect the local risk assessment to consider:

- Whether the premises are in an area subject to high levels of crime and or disorder;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres;
- Nearby gambling, drug, alcohol or mental health support facility;
- Other gambling premises in the vicinity.

15.7 The assessment should include the following matters relating to the management and governance of the site;

- The training of staff to intervene when customers show signs of excessive gambling, the ability of staff to offer intervention and how the staffing of

premises affects this.

- Details of the location and coverage of CCTV cameras and how the system will be monitored.
- The layout of the premises so that staff will have an unobstructed view of persons using the premises.
- The number of staff available on the premises at any one time. If at any time that number drops to one confirm the supervisory and monitoring arrangements.
- Arrangements for dealing with monitoring under age and vulnerable persons. These may include - dedicated and trained personnel, leaflets, posters, self exclusion schemes, window displays, and advertisements not to entice passers-by.
- Where the application is for a Betting Premises Licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

15.8 This information will be used during the process to determine the application.

15.9 We will expect operators to share risk assessments with us when applying for a new premises licence or a variation to an existing one. We will also expect operators to share information and data with us about self-exclusions and under age attempts to gamble.

15.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how any concerns can be overcome

16. Primary Gambling Activity

- 16.1. The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 1 for definitions of categories of gaming machines)

- 16.2. In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in Local Authority Guidance, Licence Conditions and Codes of Practice and advice notes. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.
- 16.3. The council will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator's licence. We will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. The Licensing Authority will expect there to be sufficient facilities for over the counter betting. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17. Conditions

- 17.1. The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 17.2. The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the premises promotes the licensing objectives. Any conditions attached to a licence will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - related to the scale and type of premises; and
 - reasonable in all respects.
- 17.3. Certain matters are set out in the Act may not be the subject of conditions. These are:
- conditions which make it impossible to comply with an operating licence.
 - conditions as to gaming machines that contradict the provisions in the Act.
 - conditions making activities, premises or parts of them operate as a membership club
 - conditions on fees, winnings, stakes or prizes.

17.4. Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

18. Buildings divided into more than one premises

18.1. Part 7 of the Commissions Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The council will follow this guidance.

18.2. Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the council will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.

18.3. In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

19. Separation of premises within a single building

19.1. When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate.

19.2. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. We would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

19.3. It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

20. Access to premises

- 20.1. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 20.2. The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission's Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.
- 20.3. The Commission Guidance at paragraph 7.25 states "There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."
- 20.4. It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 20.5. The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 20.6. Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to ensure that:
- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity named on the premises licence.

This is not an exhaustive list and the council will consider other aspects based on the merits of the application.

21. Casinos

- 21.1. No Casinos resolution - The licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. It should be noted that we are not an authority that has been granted permission by the government to issue a casino licence. We are not a district that the Government has selected to have a casino.

22. Bingo

- 22.1. This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms.
- 22.2. The holder of a bingo premises licence may make available for use up to eight category B machines (restricted to sub-category B3 or B4 machines) and any number of category C or D machines
- 22.3. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

(See Appendix 1 for definitions of categories of gaming machines)

- 22.4. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- Proof of age schemes
 - CCTV
 - Entry control system
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

23. Betting (Other)

- 23.1. This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.
- 23.2. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- Proof of age schemes
 - CCTV
 - Entry control system
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

24. Betting Tracks including other sporting venues

24.1. Under section 353 of the Act, “tracks” includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the “track”. The Commission Guidance, identifies that operators of track betting premises will not necessarily hold an operator’s licence issued by the Commission. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

24.2. We will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter. The possibility of multiple licences at tracks is noted in Part 20 of the Commission Guidance. The council will expect the applicant for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult- only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog- racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. (Children and young persons are not prohibited from playing category D machines on a track.)

24.3. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

24.4. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.

- 24.5. The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
- 24.6. The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.
- 24.7. The council concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

25. Adult Gaming Centres

- 25.1. Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make up to 4 category B3 or B4 gaming machines, and an unlimited number of category C or D gaming machines available to their customers. Gaming machines are a form of gambling which is attractive to children and AGCs will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGCs to minimise the opportunities for children to gain access.
- 25.2. Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
- 25.3. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:
- Proof of age schemes
 - CCTV
 - Entry control system
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes for individuals to bar themselves from premises
 - Provision of information leaflets/ helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

26. Family Entertainment Centres (FEC):

26.1. Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

26.2. In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas for category C machines
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes for individuals to bar themselves from premises
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures & training for dealing with children on the premises suspected of truanting.

This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.

26.3. The council will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.

26.4. Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes.

27. Travelling Fairs

- 27.1. The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 27.2. It will fall to the council to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 27.3. The council will also consider whether the applicant falls within the statutory definition of a travelling fair. We will apply the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will keep a record of any travelling fairs taking place in the District that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

28. Door Supervisors

- 28.1. The Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.
- 28.2. For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

29. Provisional Statements

- 29.1. An application may be made to the licensing authority for a provisional statement' in respect of premises that are yet to be constructed, altered or occupied. Following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
 - which in the authority's opinion reflect a change in the operator's circumstances.

30. Reviews

- 30.1. Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant code of practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - the licensing objectives;
 - the authority's statement of principles.
- 30.2. The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:
- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
 - are frivolous;
 - are vexatious;
 - 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
 - are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
 - are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.
- 30.3. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
- 30.4. The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.
- 30.5. The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 30.6. A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being

undertaken is either attracting children or people likely to be involved in crime and disorder.

- 30.7. As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

31. Permits

- 31.1. Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- unlicensed family entertainment centre gaming machine permits;
- alcohol-licensed premises gaming machine permits;
- prize gaming permits;
- club gaming permits and club machine permits.

- 31.2. The council can only grant or reject an application for a permit and cannot attach conditions. Therefore, the council will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

32. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 32.1. This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres. UFECs are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police.

- 32.2. The council will require applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes
- 32.3. The council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:
- measures / training for staff as regards suspected truant school children on the premises;

- measures / training covering how staff would deal with unsupervised very young children being on the premises;
- measures / training covering how staff would deal with children causing perceived problems on or around the premises.
- measures / training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

33. Alcohol-Licensed Premises Gaming Machine Permits

- 33.1. Automatic entitlement to 2 gaming machines: A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on- premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.
- 33.2. An automatic authorisation does not negate pub and club operators from their responsibilities to comply with the 'Codes of Practice for gaming machines in Pubs and Clubs' issued by the Gambling Commission. Operators should be aware of the contents of this code and ensure that their staff comply accordingly.
- 33.3. Operators are expected to demonstrate responsibility in the supervision of their machines, in particular siting them in positions where they can easily be supervised by staff.
- 33.4. The council will remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 33.5. **Permit for 3 or more gaming machines.** This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.
- 33.6. As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 33.7. The council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in sight of the bar;
 - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;

- notices and signage;
- the provision of information leaflets or helpline numbers for organisations such as GamCare.
- The council will expect applicants to submit a plan showing the precise location of all machines applied for under this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Premises Licence.

33.8. If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

33.9. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.

33.10. The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- the premises are mainly use or to be used for making gaming machines available, or,
- an offence under the Gambling Act 2005 has been committed on the premises.

33.11. Before the council cancels or varies a permit it will give the permit holder 21 days notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub- Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

33.12. The Council when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on their own merits.

33.13. Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.

34. Prize Gaming Permits

34.1. This policy applies to applications for, or renewals of, prize gaming permits. Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

34.2. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

34.3. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes set out in regulations;
- That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

34.4. We will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

34.5. It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

35. Club Gaming and Club Machines Permits

35.1. Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

- 35.2. A club must meet the following criteria to be considered a members' club:
- It must have at least 25 members;
 - It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
 - It must be permanent in nature;
 - It must not be established to make a commercial profit;
 - It must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

- 35.3. The council may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/ or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the police.

- 35.4. We will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in sight of the bar;
- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
- notices and signage;
- the provision of information leaflets or helpline numbers for organisations such as GamCare.
- The council will expect applicants to submit a plan showing the precise location of all machines applied for under this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Club Premises Certificate.

- 35.5. There is also a "fast-track" procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled".

- 35.6. There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

36. Temporary Use Notices (TUN's)

- 36.1. Temporary Use Notices (TUN's) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 36.2. The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 36.3. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
- 36.4. The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- the suitability of the premises;
 - to the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - The CCTV coverage within the premises;
 - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
 - whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

37. Occasional Use Notices:

- 37.1. The council has very little discretion as regards Occasional Use Notices to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

Appendix 1

Gaming machine (fruit machine, slot machine) categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
			the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

PLEASE NOTE :THE STAKES FOR B2 MACHINES ABOVE ARE SUBJECT TO CHANGE

Organisations & Groups Consulted

Mid Sussex District Councillors

Mid Sussex District Town and Parish Councils

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

The Chief Officer of Police, Sussex Police, Church Lane, Lewes, East Sussex BN7 2DZ

West Sussex Fire & Rescue Service, Northgate, Church Road, Chichester, PO19 1BD

The Planning Authority, Planning and Economy , Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, RH16 1SS

West Sussex Safeguarding Children's Board, Room 12, County Hall, West Street, Chichester, PO19 1RQ

Environmental Health Section Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

British Casino Organisation, 38 Grosvenor Gardens, London, SW1W 0EB

BACTA, Alders House, 133 Aldersgate Street, London, EC1A 4JA

British Bingo Association, Lexham House, 75 High Street North, Dunstable, Beds, LU6 1JF

Association of British Bookmakers Ltd, Regency House, 1-4 Warwick Street, London, W1B 5LT

Remote Gambling Association, Regency House, 1-4 Warwick Street, London, W1B 5LT

The Manager, Citizens Advice Bureau, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 3DN

The Manager, Citizens Advice Bureau, Cantelupe House, Cantelupe Road, East Grinstead, RH19 3BZ

The Manager, Citizens Advice Bureau, 38 Church Road, Burgess Hill, West Sussex, RH15 9AE

Sussex Chamber of Commerce, 4 Victoria Business Centre, 43 Victoria Road, Burgess Hill, RH15 9LR

Burgess Hill Library, The Martlets, Burgess Hill, West Sussex, RH15 9NN

Hassocks Library, Keymer Road, Hassocks, West Sussex, BN6 8QJ

Haywards Heath Library, Boltro Road, Haywards Heath, West Sussex, RH16 1BN

Hurstpierpoint Library, Trinity Road, Hurstpierpoint, West Sussex, BN6 9UY

Chief Executive, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RG

Transport and General Workers Union, Eastbourne District Office, T&G Centre, Grand Parade, Eastbourne, BN21 4DN

The Right Hon Nicholas Soames MP, House of Commons, London, SW1A 0AA

Gatwick Diamond Business14 Basepoint Business and Innovation Centre Metcalf Way, Crawley, RH11 7XX

Director of Public Health, 1 The Causeway, Goring-By-Sea, Worthing, BN12 6BT

South East Coastal Sussex Strategic Health Authority, Director of Public Health, York House, 18-20 Massetts Road, Horley, Surrey, RH6 7DE

GamCare, 2&3 Baden Place, Crosby Row, London, SE1 1YW

Gamblers Anonymous, PO Box 5382, London, W1A 6SA

Independent Betting Arbitration Service, PO Box 44781, London, SW1W 0WR

William Hill, Greenside House, 50 Station Road, Wood Green, London N22 7TP

Coral Racing Ltd, 5th Floor, 70 Victoria Street, London SW1E 6SQ

Ladbrokes Betting & Gaming Ltd, Imperial House, Imperial Drive, Rayners Lane, Harrow, HA27JW

Betfred, The Spectrum, 56-58 Benson Road, Birchwood, Warrington, WA3 7PQ

SUPPLEMENTARY GUIDANCE DOCUMENT 1

Internet sources of information on the Gambling Act 2005

The Gambling Act 2005 may be viewed on the web at

www.legislation.gov.uk/ukpga/2005/19/contents,

The Gambling Commission www.gamblingcommission.gov.uk

SUPPLEMENTARY GUIDANCE DOCUMENT 2

Gambling Act 2005

Responsible Authorities

The Licensing Authority, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

Sussex Police, The Chief Constable, Police HQ, Malling House, Lewes, East Sussex BN7 2DZ

West Sussex Fire and Rescue Service, Northgate, Chichester, PO19 1BD

The Planning Authority, Planning and Economy, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

West Sussex Safeguarding Children's Board, Room 12, County Hall, West Street, Chichester, PO19 1RQ

Environmental Health Section, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

EITHER

Food & Safety Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

OR

Health & Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

Any other person prescribed by regulations made by the Secretary of State