

17 September 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 **TUESDAY 25 SEPTEMBER 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. Site Allocations Development Plan Document - Assessment of Housing Sites Against District Plan Strategy.	3 - 40
6. Statement of Community Involvement (SCI)	41 - 73
7. Scrutiny Committee for Community, Housing and Planning Work Programme 2018/19.	74 - 75
8. 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. SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT – ASSESSMENT OF HOUSING SITES AGAINST DISTRICT PLAN STRATEGY

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: 25th September 2018

Purpose of Report

1. The Council is currently preparing a Site Allocations Development Plan Document (DPD). To inform the preparation of the Site Allocations DPD, an assessment of the 'palette' of housing sites against the District Plan Strategy has been undertaken. The purpose of this report is to provide an opportunity for the Committee to consider this assessment, which forms the first stage of the Site Selection process. The outcomes of the assessment are set out in Site Selection Paper One, and are appended to this report.

Summary

2. This report:
 - a) 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;
 - b) Outlines the work carried out to assess the 'palette' of housing sites against the District Plan Strategy; and
 - c) Outlines the ongoing work programme.

Recommendations

3. **That the Scrutiny Committee for Communities, Housing and Planning:**
 - i. **Consider and comments on the work to date and;**
 - ii. **Notes the further work to be undertaken on the residual housing and employment sites.**
-

Background

4. At the District Plan Examination, the Council committed to preparing a Site Allocations Development Plan Document, which will allocate sites to provide the residual housing requirement of approximately 2,500 homes (identified in DP4:Housing), to meet the Council's full housing need over the Plan period to 2031.

5. At its meeting in January 2017, this Scrutiny Committee considered the draft SHELAA and Site Selection Methodology. A Member working group was set up to oversee this work.

SHELAA – additional sites

6. The publication of the SHELAA was the first stage in the preparation of the Site Allocations Document. The first version of the SHELAA was published in April 2018. Members will recall that the ‘call for sites’ for inclusion in the SHELAA is always open. During the process, officers have become aware of further sites. This has resulted in an additional housing site and 22 employment sites being added to the SHELAA since April. Any site submissions received after 31st July 2018 will not be added to the SHELAA at this time. This is to enable officers to work to a final list when undertaking more detailed site assessment work. The next opportunity for additional sites to be promoted will be during the Issues and Options Consultation in summer 2019.

Implications of revised National Planning Policy Framework (NPPF)

7. The updated SHELAA and Site Selection Methodologies were published ahead of the revised NPPF (July 2018). The NPPF requires policy-making authorities to prepare housing land availability assessments (paragraph 67). The detailed guidance for the preparation of land availability assessments is set out in the Planning Practice Guidance.
8. An assessment of the revised NPPF has been made to identify any potential implications on the SHELAA and Site Selection Methodologies. In terms of constraints, the only change which has the potential to impact on the site selection process is the additional protection that NPPF 2018 provides to Ancient Woodland, which identifies in footnote 6 that Ancient Woodland is an irreplaceable habitat in relation to plan making. There are 10 sites within the remaining sites that are impacted by the presence of Ancient Woodland to some extent. However, in all but one of these sites, Ancient Woodland is only present on part of these sites, and therefore it is considered that they should not be excluded and they should continue to be included for consideration in the site selection process.

Assessment of Sites against District Plan Strategy

9. The methodology for the site selection process was subject to consultation with a range of stakeholders including developers, adjacent local authorities and Town and Parish Councils. Members of this Committee considered the responses made and the subsequent amendments to the methodology.
10. The Member working group has met nine times to consider the work of the officers in their initial assessment of the housing and employment sites.
11. The first stage in the site selection process is the assessment of housing sites when the District Plan Strategy is applied. This assessment includes consideration of settlement hierarchy, settlement patterns and the residual housing requirement. The findings of the assessment are appended to this report and will be published as the ‘Site Selection Paper One – Assessment of Housing Sites against District Plan Strategy’. Further Site Selection Papers will be prepared throughout the site selection process, and will be presented to this Committee.

12. Employment sites are not considered in Site Selection Paper one, as the District Plan does not set a spatial distribution for the provision of employment sites. Employment sites will be considered in a future site selection paper and presented to this Committee at a later date.
13. The development strategy for the Site Allocations DPD has been established through its 'Parent' document, the adopted Mid Sussex District Plan. The starting point for the site selection process of the Site Allocations DPD is the delivery of the District Plan strategy, which has been confirmed as a sound approach.
14. The District Plan provides the development framework for the growth in Mid Sussex up to 2031. The Plan sets a housing requirement, a target for the creation of new jobs, strategic allocations and development management policies.
15. Policy DP4: Housing, states that there is a minimum housing requirement of 16,390 dwellings. The Plan states that this requirement will be delivered through existing commitments of 7,091 dwellings. Further allocations include two strategic sites, North and north-west of Burgess Hill (3,500 dwellings) and Land north of Clayton Mills, Hassocks (500). Once a windfall allowance and existing completions has been taken into account, the residual amount to be allocated is 2,439 dwellings. It is this residual amount that the District Council is seeking to identify through the preparation of the Site Allocations DPD.
16. Policy DP4: also sets out the Spatial Distribution of Housing Requirement, which is as follows:

Settlement Category	Settlements	Minimum Requirement over Plan Period	Minimum Residual from 2017 onwards (accounting for completions and commitments)
1	Burgess Hill, East Grinstead, Haywards Heath	10,653	1,272
2	Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield	3,005	838
3	Albourne, Ardingly, Ashurst Wood, Balcombe, Bolney, Handcross, Horsted Keynes, Pease Pottage, Sayers Common, Scaynes Hill, Sharpthorne, Turners Hill and West Hoathly	2,200	311
4	Ansty, Staplefield, Slaugham, Twineham and Warninglid	82	19
5	Hamlets such as Birch Grove, Brook Street, Hickstead, Highbrook and Walstead	N/A	N/A
	Windfall	450	
Total		16,390	2,439

17. The objective of the District Plan is to deliver sustainable development, which supports economic, infrastructure and social needs, whilst maintaining the settlement pattern and protecting the quality of the rural and landscape character of the District. Sites that are unrelated to existing settlements, and therefore are isolated sites within the countryside do not fit with the strategy. This is because spatial distribution of the

housing requirement focuses development at existing settlements, based on settlement categories.

18. An assessment of whether a site conforms to the spatial strategy has been based on two criteria. If a site fails either one of these, it has been assessed as not being compliant with the District Plan strategy. The criteria are:
 - Connectivity with existing settlements – The criteria established to assess the degree of separation is based on a distance of 150m from the built up area boundary (as defined on the Policies Maps). 150m represents a distance that the Council considers differentiates between being connected or remote from existing settlements. This has been based on desktop and site assessments. However, there are a small minority of sites within 150m of the built up area which have been assessed as clearly detached from the settlement due to their access or constraints (such as ancient woodland) separating the site from the settlement
 - Size of the site in relation to the existing settlement hierarchy and indicative housing requirements for individual settlements. This criteria is set out in the supporting text to DP6. Whilst the Plan sets out a minimum residual requirement, the Site Allocations DPD should broadly follow the levels of growth set out in DP4. Therefore sites that deliver levels of growth, significantly beyond that required by the District Plan strategy, are not considered to be compliant with the strategy. DP4 states that a District Plan review will begin in 2021 with submission to the Secretary of State in 2023. It will be for this review to address any changes to the overall housing requirement (following a review of this figure based on the new Standard Method outlined in the NPPF), including unmet needs from neighbouring authorities. This review will also be an opportunity to re-promote sites that do not conform to the current District Plan 2014-2031 strategy and policies.
19. A list of the sites that have been assessed as not being compliant with the District Plan Strategy are set out in the Site Selection Paper in Appendix 1. Of the total of 236 housing sites, 91 do not meet the spatial strategy and therefore will not be subject to further consideration at this stage in the preparation of the Site Allocations DPD. Following the detailed review of the remaining sites, if it becomes clear that the residual target cannot be met these sites may have to be reviewed.

Next Steps

20. As set out above, the methodology for the Site Selection process has been considered and supported by Members and other interested parties. This methodology will be developed further to include site selection criteria which will be used to make decisions as to which sites should be included in the Site Allocation DPD. Further selection criteria will be published in Site Selection Paper 2, following engagement with the Members Working Group and Developer Liaison Group.
21. Officers will continue to work with the consultants appointed to undertake the Transport Assessment, Air Quality and Habitats Regulations Assessment Work.

Financial Implications

22. Commissioning 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

23. 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. The allocation of additional employment sites will make an important contribution to the delivery of Economic Development Strategy.

Equality and Customer Service Implications

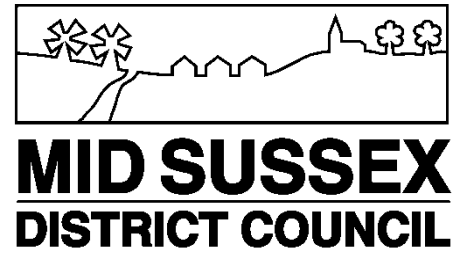
24. It is important that the Council allocates sites for housing and employment to maximise accessibility for all to decent housing and employment opportunities. An Equality Impact Assessment will be prepared alongside the Site Allocations DPD to ensure opportunities to promote equality and/or barriers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

Other Material Implications

25. There are no other material implications.

Appendix 1: Site Selection Paper One – Assessment of Housing Sites against District Plan Strategy

Mid Sussex District Council



Site Allocations Development Plan Document

Site Selection Paper 1 – Assessment of Housing Sites against
District Plan Strategy

September 2018

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1. Site Selection Paper 1 – Assessment Against District Plan Strategy

Introduction

- 1.1. Following the adoption of the Mid Sussex District Plan in March 2018, work has commenced on the preparation of the Site Allocations Development Plan Document. Policy DP4: Housing, commits the Council to preparing a Site Allocations DPD to identify around 2,500 additional residential units.
- 1.2. In order to decide which sites will be allocated for development in the DPD, the Council is carrying out a robust process to identify, assess and score the potential sites. The first stage of that process was to prepare a Strategic Housing and Employment Land Availability Assessment (SHELAA), which sets out the sites which will be considered further through the Site Selection process. This paper forms the first of a suite of papers that will be produced to explain the stages of the site selection process.

Purpose of the Paper

- 1.3. The purpose of this paper is to explain the process the District Council has followed and the work undertaken, to date, to identify sites for inclusion in the Site Allocations Document. It is the first in a series of papers that the Council will produce as it goes through the Site Selection process.
- 1.4. This paper sets out how the Strategic Housing and Employment Land Availability Assessment was prepared and considered by Members of the Committee in January 2017. The SHELAA was published on the Council's website in April 2018, and provides the palette of sites now being assessed through the Site Selection process.
- 1.5. The paper then goes onto explain how the housing sites have been assessed against the District Plan Strategy.
- 1.6. This paper only discusses the assessment of housing sites. Employment sites will be considered in Site Selection Paper 2, which will be published later in 2018.

Background

- 1.7. The National Planning Policy Framework (NPPF) requires local planning authorities to prepare up to date plans for their area which should set out the overall strategy for the pattern, scale and quantity of development and should make sufficient provision for housing, employment and other commercial development (Paragraph 20).
- 1.8. Mid Sussex District Council has an adopted District Plan, which allocates a number of strategic sites. The Plan confirms the Council's commitment to preparing a Site Allocations Development Plan Document (DPD), which will identify sufficient housing sites to ensure the Council can demonstrate a five year housing land supply to 2031.
- 1.9. On 16th October 2017, Cabinet approved a revised Local Development Scheme (LDS), which set out the timetable for the preparation of the Site Allocations DPD.
- 1.10. A Member Working Group was established in November 2017. This Group is a task and finish group to support the preparation of the Site Allocations DPD. The terms of reference for this group are included in Appendix 1. The Working Group reports to the Scrutiny Committee for Community, Housing and Planning at regular intervals.

- 1.11. In the Mid Sussex District Council Statement of Community Involvement (2016)¹, the Council commits to 'front load' consultation activity, to identify potential issues and options. To assist with this, a Developers Liaison Group has been established, which includes representatives from across the development industry. Town and Parish Councils have had regular briefings on this work.
- 1.12. The preparation of the Site Allocations DPD has been divided into 2 stages, 'Site Identification', through the preparation of a Strategic Housing and Employment Land Availability Assessment and 'Site Selection', through the preparation of a series of Site Selection Papers. This Paper forms the first stage of the Site Selection process.

2. Strategic Housing and Employment Land Availability Assessment (SHELAA)

Introduction

- 2.1. The first stage in the preparation of the Site Allocations DPD has been to identify sites for consideration and assessment. The NPPF requires all local authorities to prepare a Strategic Housing Land Availability Assessment, to enable them to have a clear understanding of the land available in their area.
- 2.2. National Planning Policy Guidance (NPPG) states that the assessment forms a key component of the evidence base to underpin policies in development plans for housing and economic development, including supporting the delivery of land to meet identified need for these uses. NPPG notes that the SHELAA assessment does not in itself determine whether a site should be allocated for development, rather it is an important source of evidence on the range of sites available to meet need. It is for the development plan to determine which of the sites are the most suitable to meet housing and employment need.
- 2.3. The District Council had previously prepared an earlier version of the Strategic Land Availability Assessment in two parts, one relating to housing land (April 2016) and the other to employment land (May 2016). The methodology for preparing these documents was prepared in 2015. As part of the work on the preparation of the new DPD, the opportunity has been taken to review the SHELAA methodology to ensure that the new SHELAA is robust and complies with the most recent Government Guidance reflecting best practice. The methodology used does not depart from that set out in the NPPG. The new SHELAA incorporates both housing and employment land availability assessments.
- 2.4. The NPPG requires that when the SHELAA assessment process is reviewed, Local Planning Authorities (LPAs) must work with neighbouring LPAs in the housing market area and the functional economic market area. The NPPG also notes that, from the earliest stage of plan preparation, developers, land promoters, Town and Parish councils (including those preparing Neighbourhood Plans) and others should be involved.
- 2.5. Officers have liaised with the Member Working Group, Town and Parish Councils, adjacent local authorities (including those within the Council's functional economic area that are also part of the LEP) and representatives of the development industry to gain support for the methodology. All consultees were given the draft SHELAA methodology to review, and were asked to submit comments to this Council by a given date. Consultees were advised that if no response was submitted, it would be taken that they had no objections to the proposed methodology. A summary of the responses received and how they informed the

¹ The Statement of Community of Involvement is currently being reviewed.

SHELAA methodology is set out in Appendix 2 of this document. The full SHELAA methodology is available to view on the web site at www.midsussex.gov.uk/SHELAA

- 2.6. The key differences between the SHLAA 2015 methodology and the proposed assessment processes are:
- the preparation of the SHELAA and separate Site Selection Papers will provide a clear distinction between the 'policy off' assessment in the SHELAA, and the assessment in the Site Selection Papers which consider the policy context of proposed development;
 - only sites where development would be precluded by absolute constraints are removed from the assessment process. Previously, some sites were excluded from further assessment due to their location being wholly outside and unrelated to existing settlement built up area boundaries.

The SHELAA

- 2.7. The Council held a Call for Sites between 4th September and 31st October 2017 which asked landowners and agents to submit details of any sites they wanted to promote for housing, employment or other uses. As part of this work officers have been proactively contacting a wide range of landowners, including private individuals, West Sussex County Council, Sussex Police, NHS Trusts and Clinical Commissioning Groups to ensure a wide range of sites are identified. Officers have also reviewed existing employment sites to assess the scope for extension/ redevelopment/intensification of these sites.
- 2.8. Where no response was received by 31st October 2017 from owners of sites already included in the 2016 SHLAA, officers contacted landowners directly, (where contact details were available), to establish the intentions for the site. Site submissions have continued to be promoted to the Council and those received by 31st July 2018, have been added to the April 2018 SHELAA.
- 2.9. A pro-forma has been prepared for each of the housing and employment sites, which includes a map of the site, a high level assessment of the site's suitability, availability and achievability and an indicative timescale of delivery. The pro-forma also includes a review of the planning history of each site. Information in the pro-forma is based on a desktop assessment and site visits. A blank pro-forma is included in Appendix 3.
- 2.10. 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 and the list of these has been published in the SHELAA.
- 2.11. As at 31st July there were 236 housing sites and 94 employment sites in the SHELAA.

3. Site Selection Process

- 3.1. The SHELAA provides the long list of potential sites, which have then been subject to further assessment. The methodology for this further work was subject to consultation alongside the consultation on the SHELAA methodology. The methodology for the Site Selection process is set out in Appendix 4. This methodology will be developed further to

provide clear assessment criteria which will be used to make decisions about which sites should be included in the Site Allocation Document. This criteria will be published in Site Selection Paper 2 in November 2018, following engagement with the Members Working Group, Developer Liaison Group and with the Scrutiny Committee.

- 3.2. As outlined in Appendix 4, the first stage in the Site Selection process is the consideration of the site against the District Plan Strategy. The conclusions of this assessment are set out in this paper.

District Plan Strategy

- 3.3. The District Plan provides the development framework for the growth in Mid Sussex up to 2031. The Plan sets a housing requirement, and a target for employment growth, as well as identifying strategic allocations and development management policies. Further work is being undertaken on employment need to review and update the evidence to support the employment growth target.
- 3.4. District Plan Policy DP4: Housing, states that there is a minimum housing requirement of 16,390 dwellings. This requirement will be delivered through existing commitments (including a strategic site at Pease Pottage) of 7,091 dwellings. Further allocations include two strategic sites, North and north-west of Burgess Hill (3,500 dwellings) and Land north of Clayton Mills, Hassocks (500 dwellings). Once a windfall allowance and existing completions have been taken into account, the District Plan identified that the residual amount to be allocated is 2,439 dwellings. It is this residual requirement that the District Council is seeking to identify through the preparation of the Site Allocations DPD.²
- 3.5. The development strategy for the Site Allocations DPD has been established through its 'Parent' document, the adopted District Plan 2014-2031. The starting point for the site selection process of the Site Allocations DPD is the delivery of the District Plan strategy, which has been confirmed as a sound approach.
- 3.6. District Plan Policy DP4 seeks to focus the majority of growth in the larger settlements, particularly in Burgess Hill, with lesser amounts of growth in smaller settlements. The policy also sets out the Spatial Distribution of Housing Requirement, which is as follows:

DP 4 :Housing			
Settlement Category	Settlements	Minimum Requirement over Plan Period	Minimum Residual from 2017 onwards (accounting for completions and commitments)
1	Burgess Hill, East Grinstead, Haywards Heath	10,653	1,272
2	Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield	3,005	838

² DP4 states that a District Plan review will begin in 2021 with submission to the Secretary of State in 2023. It will be for this review to address any changes to the overall housing requirement (following a review of this figure based on the Standard Method outlined in the NPPF), including unmet needs from neighbouring authorities. This review will also be an opportunity to re-promote sites that do not conform to the current District Plan 2014-2031 strategy and policies

3	Albourne, Ardingly, Ashurst Wood, Balcombe, Bolney, Handcross, Horsted Keynes, Pease Pottage, Sayers Common, Scaynes Hill, Sharpthorne, Turners Hill and West Hoathly	2,200	311
4	Ansty, Staplefield, Slaugham, Twineham and Warninglid	82	19
5	Hamlets such as Birch Grove, Brook Street, Hickstead, Highbrook and Walstead	N/A	N/A
	Windfall	450	
Total		16,390	2,439

4. Assessment of housing sites against Spatial Distribution of Housing Requirement

4.1. As set out above, the spatial distribution of the Site Allocations DPD has been established through and adoption of the District Plan and in particular DP4: Housing and DP6: Settlement Hierarchy. An assessment of each site has been made, against these policies.

4.2. An assessment of whether a site conforms to the spatial strategy has been based on two criteria. If a site fails either one of these, it has been assessed as not being compliant with the District Plan strategy. The criteria are:

- Connectivity with existing settlements – The criteria established to assess the degree of separation is based on a distance of 150m from the built up area boundary (as defined on the Policies Maps). 150m represents a distance that the Council considers differentiates between being connected or remote from existing settlements. This has been based on desktop and site assessments. However, there are a small minority of sites within 150m of the built up area which have been assessed as clearly detached from the settlement due to their access or constraints (such as ancient woodland) separating the site from the settlement.
- Size of the site in relation to the existing settlement hierarchy and indicative housing requirements for individual settlements. This criteria is set out in the supporting text to DP6. Whilst the Plan sets out a minimum residual requirement, the Site Allocations DPD should broadly follow the levels of growth set out in DP4. Therefore sites that deliver levels of growth, significantly beyond that required by the District Plan strategy, are not considered to be compliant with the strategy. DP4 states that a District Plan review will begin in 2021 with submission to the Secretary of State in 2023. It will be for this review to address any changes to the overall housing requirement (following a review of this figure based on the new Standard Method outlined in the NPPF), including unmet needs from neighbouring authorities. This review will also be an opportunity to re-promote sites that do not conform to the current District Plan 2014-2031 strategy and policies.

4.3. In line with the NPPF, the objective of the District Plan is to deliver sustainable development, that supports economic, infrastructure and social needs, whilst maintaining the settlement pattern and protecting the quality of the rural and landscape character of the

District. Sites that are unrelated to existing settlements, and lie in open countryside do not fit with the strategy.

- 4.4. Sites allocated for development in the Site Allocations DPD will fit the pattern of growth set out in DP4 and DP6. Therefore sites that are of a scale that are much larger than the existing settlement, or that would result in development of a scale that would greatly exceed the indicative housing requirement for that settlement will not be considered further at this stage.
- 4.5. Officers have carried out an initial assessment of all the sites in the SHELAA, and have discussed them with the Member Working Group. Members of the Working Group have reviewed officers' recommendations. A list of the 91 sites that do not meet the Spatial Strategy and therefore will not be subject to further consideration at this stage are set out in Appendix 5. However, following the detailed review of the remaining sites, if it becomes clear that the residual target cannot be met these sites may have to be reviewed.
- 4.6. Sites that meet the two criteria will be progressed and assessed against the criteria to be set out in the forthcoming Site Selection Paper 2.

5.0 Next steps - Site Selection Paper 2

5.1. Those sites which comply with the District Plan strategy will be subject to further assessment between September and November 2018. The following assessments will take place to inform the preparation of Site Selection Paper 2:

- Air quality assessment – to determine the impact that vehicular trips generated by planned development across the District will have on the Stonepound Crossroads Air Quality Management Area and the ecological integrity of the Ashdown Forest Special Area of Conservation;
- Habitats Regulations Assessment – to determine whether the cumulative impact of planned development will have a negative impact on the integrity of the Ashdown Forest Special Area of Conservation and Special Protection Area;
- Landscape Assessment – to assess the landscape capacity of new sites in the SHELAA, which were not previously assessed in the SHLAA 2016;
- Heritage assessment – to assess the likely impact of proposed development on sites where that development could affect listed buildings, or Conservation Areas, or the setting of those heritage assets;
- Details of sites which lie within Archaeological Notification Areas have been sent to the West Sussex County Council Senior Archaeologist, to determine whether development of these sites would impact on known heritage assets, or whether further exploratory work would be required before development could take place.
- High Weald AONB unit – to provide comments on those sites within the AONB
- Natural England – to provide comments on those site within the AONB and sites with a potential to impact on Sits of Special Scientific Interest.
- Sussex Wildlife Trust – to provide comments on those sites with potential to impact on Local Wildlife Sites

Appendix 1 - Site Allocations Document Members Working Group – Terms of Reference

Membership

7 members, politically balanced, comprising six Conservatives and one Liberal Democrat to advise the Scrutiny Committee for Community, Housing and Planning. Members of the Working Group will make every effort to attend all meetings.

Objective of the Working Group

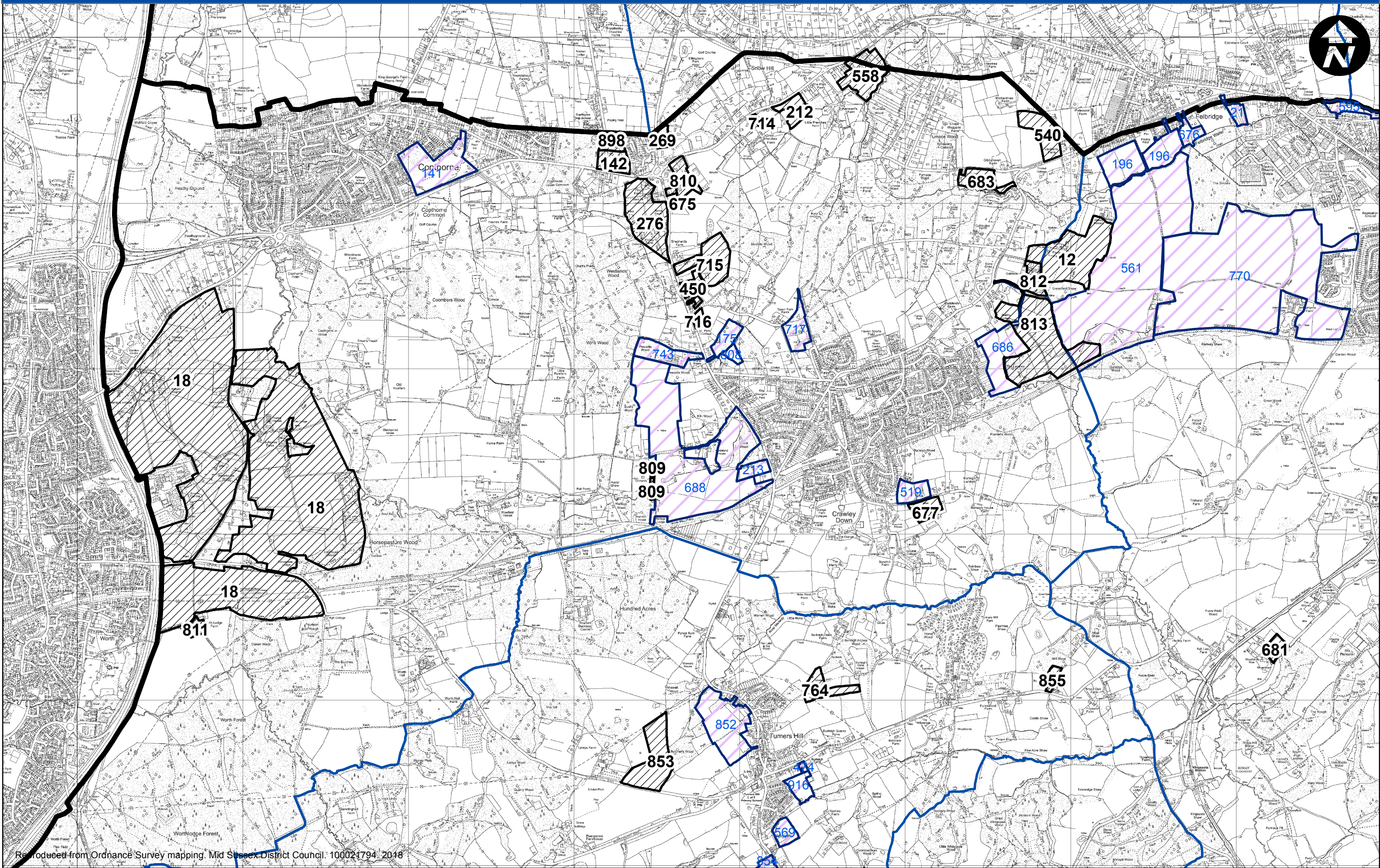
To advise the Scrutiny Committee for Community, Housing and Planning on the content and direction of the document. This will include the preparation of the Plan and consideration of the evidence base that will inform the preparation of the document.

The Working Group will report back to the Scrutiny Committee for Community, Housing and Planning in accordance with the timetable for the preparation of the Site Allocations Document as set out in the adopted Local Development Scheme.

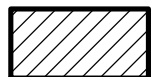
The Working Group will meet regularly, at least on a monthly basis, with the potential for more frequent meetings as required.

On completion of this task the Working Group will cease to be in operation unless otherwise agreed by the Scrutiny Committee.

SHELAA Sites - September 2018



Reproduced from Ordnance Survey mapping. Mid Sussex District Council: 100021794. 2018

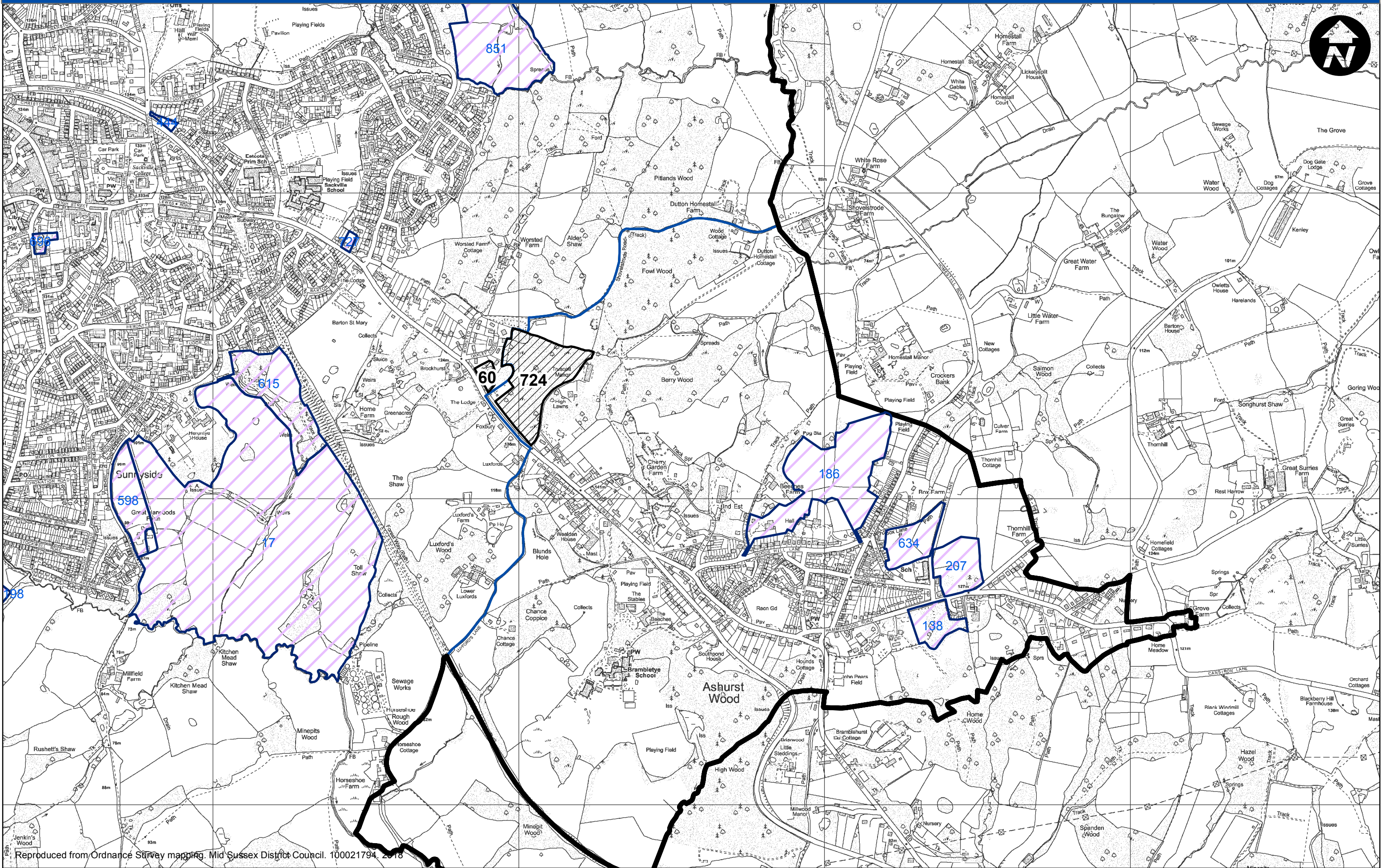


Does not comply with the District Plan strategy

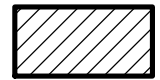


SHELAA Sites

SHELAA Sites - September 2018



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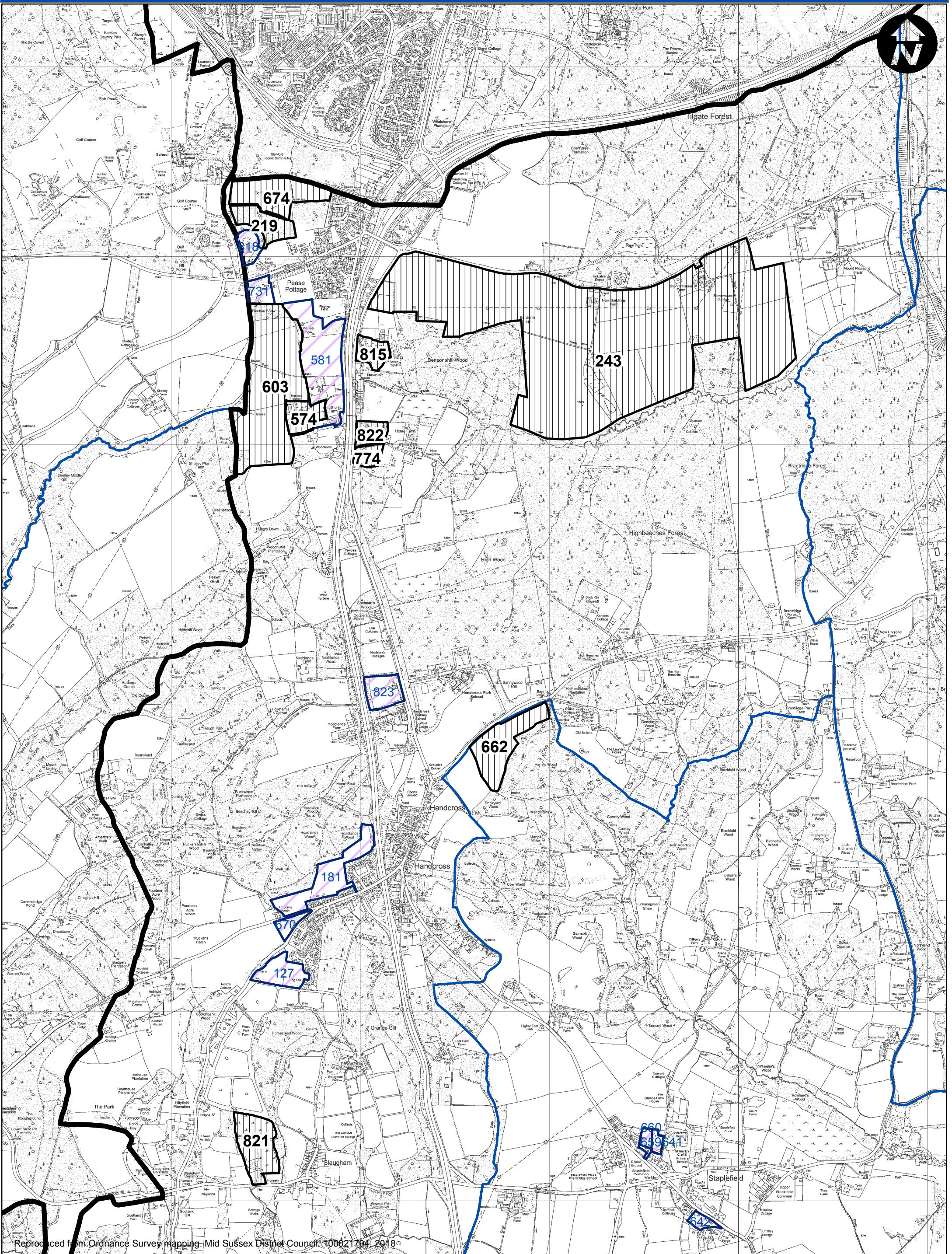


Does not comply with the District Plan strategy



SHELAA Sites

SHELAA Sites - September 2018



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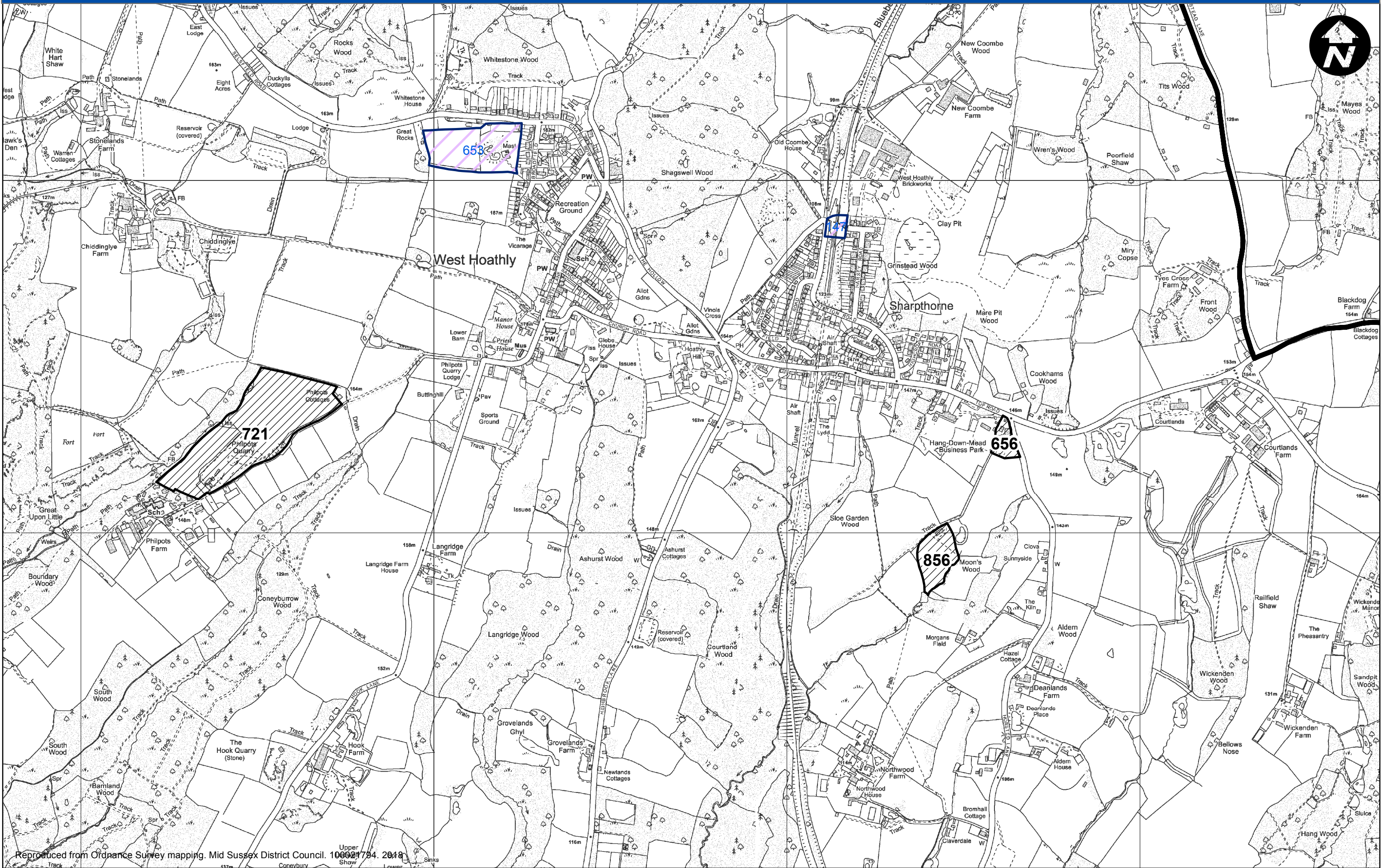


Does not comply with the District Plan strategy

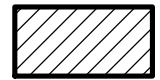


SHELAA Sites
Scrutiny for Community, Housing and
Planning - 25 September 2018

SHELAA Sites - September 2018



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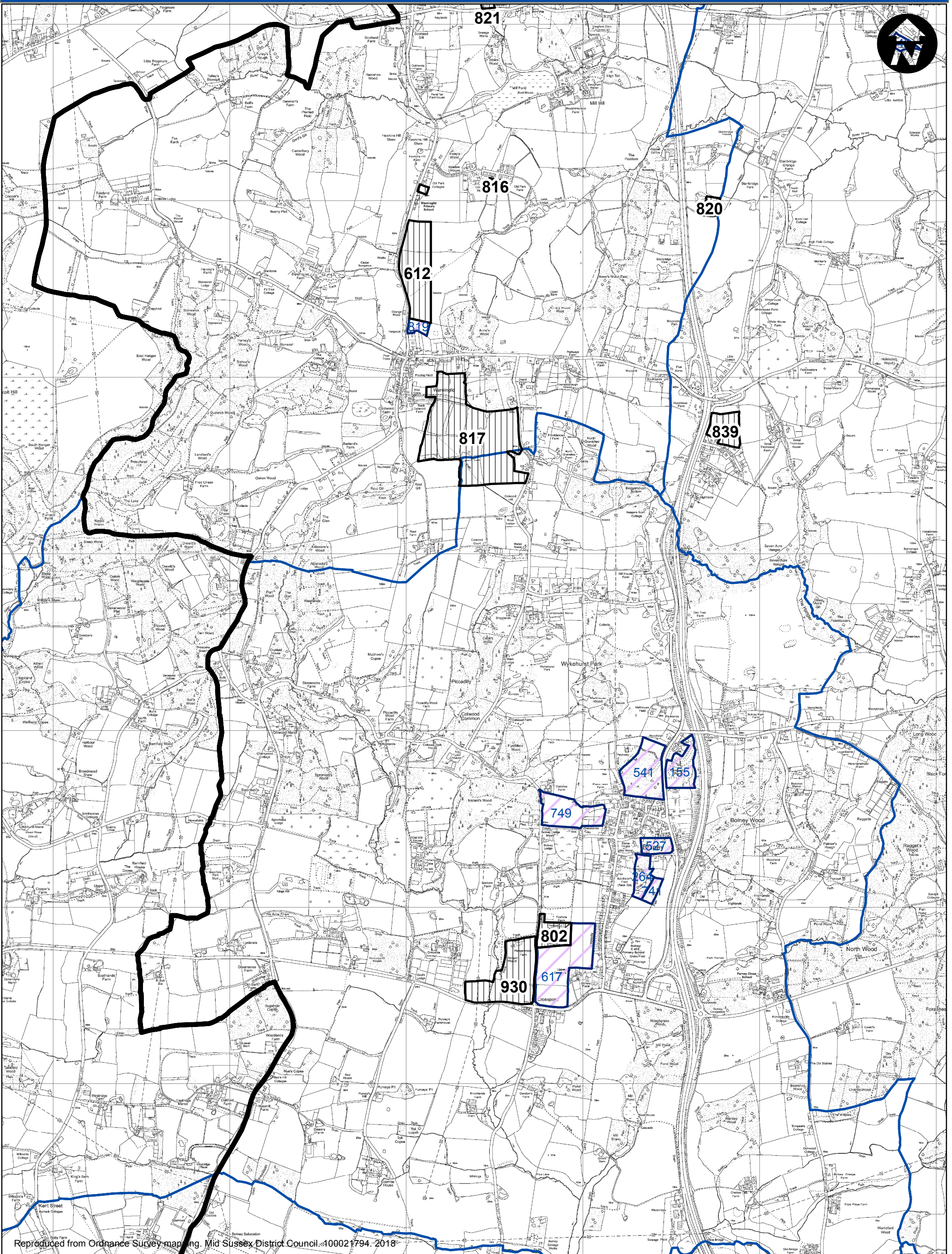


Does not comply with the District Plan strategy



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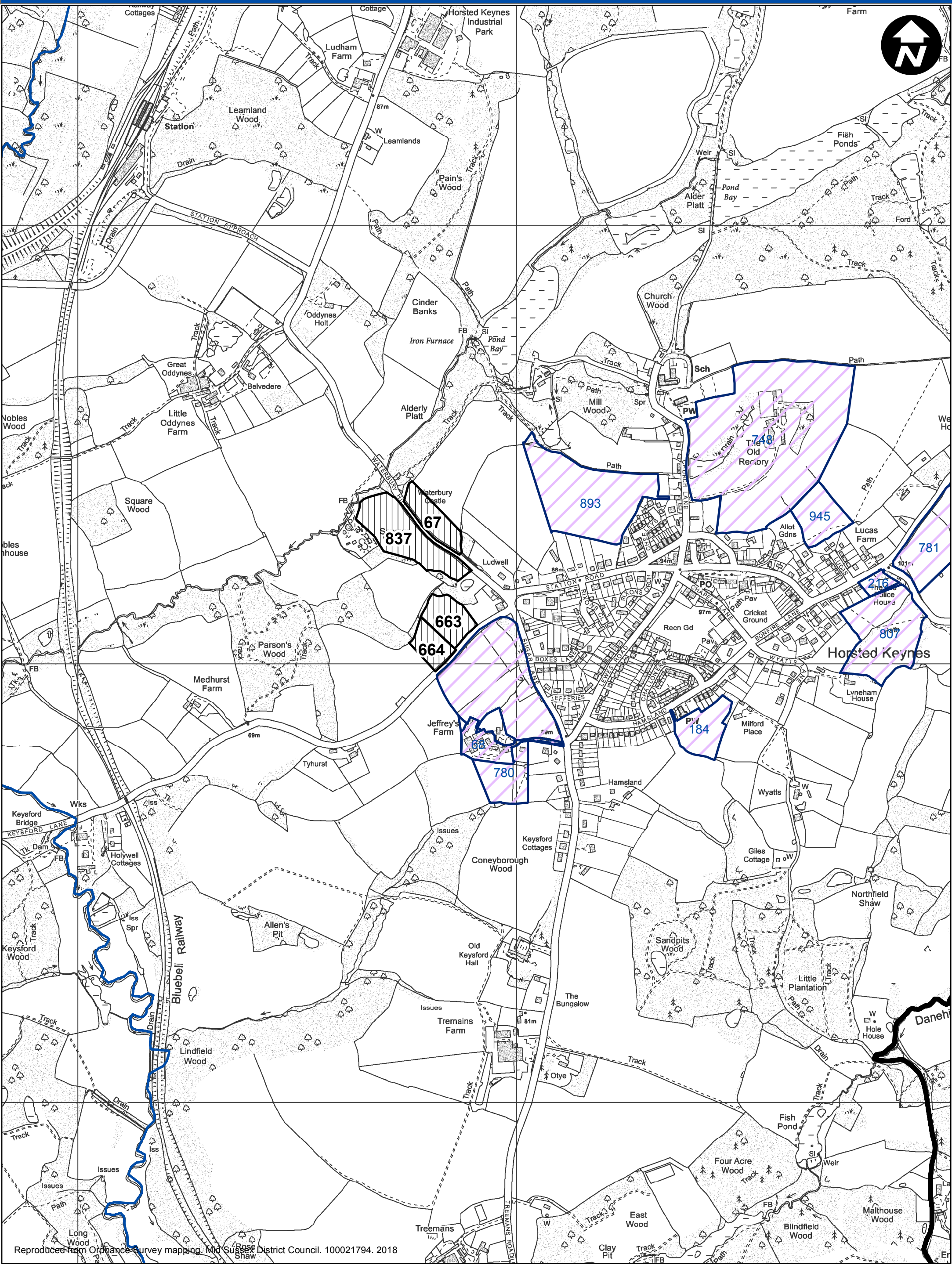


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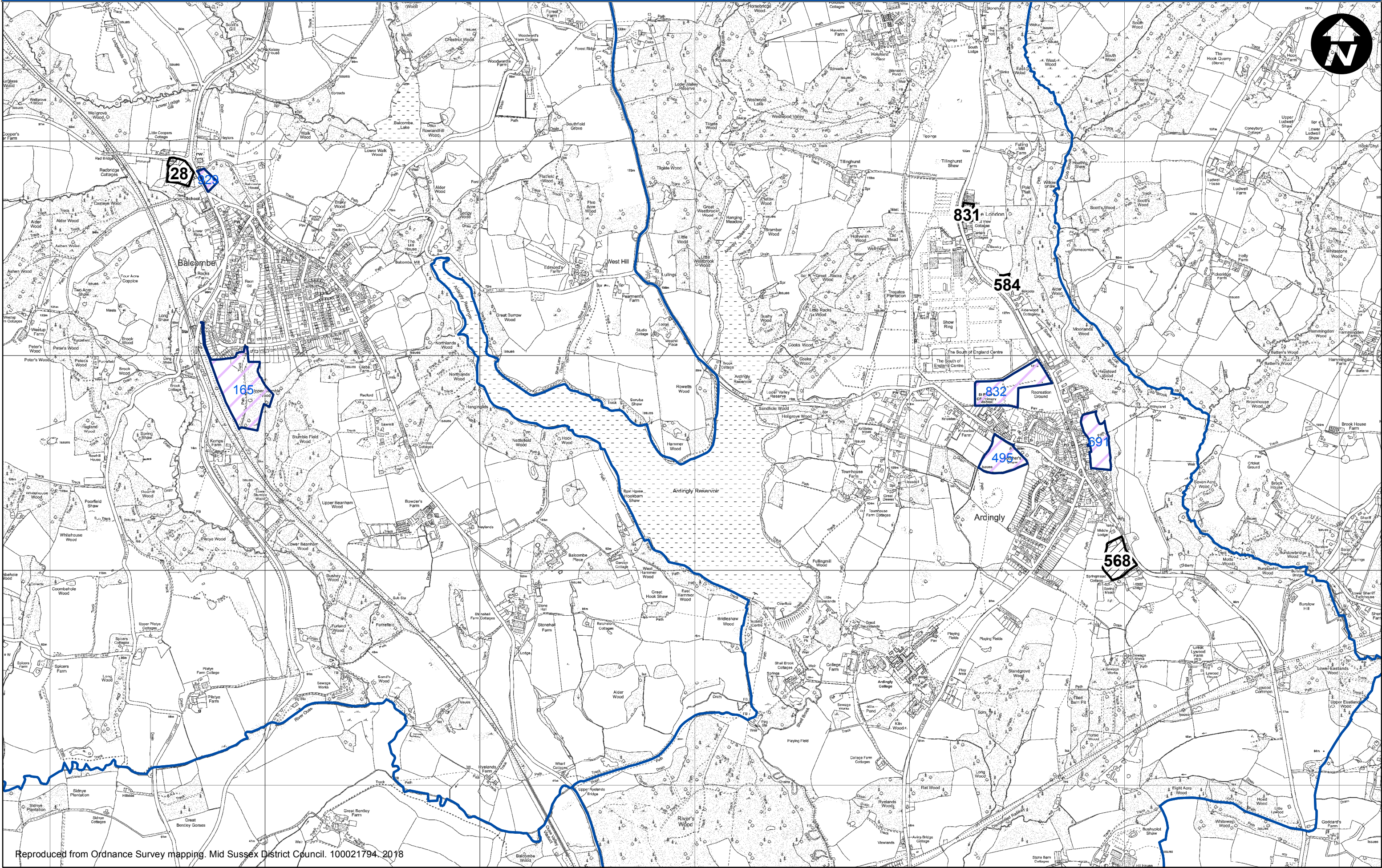


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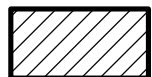


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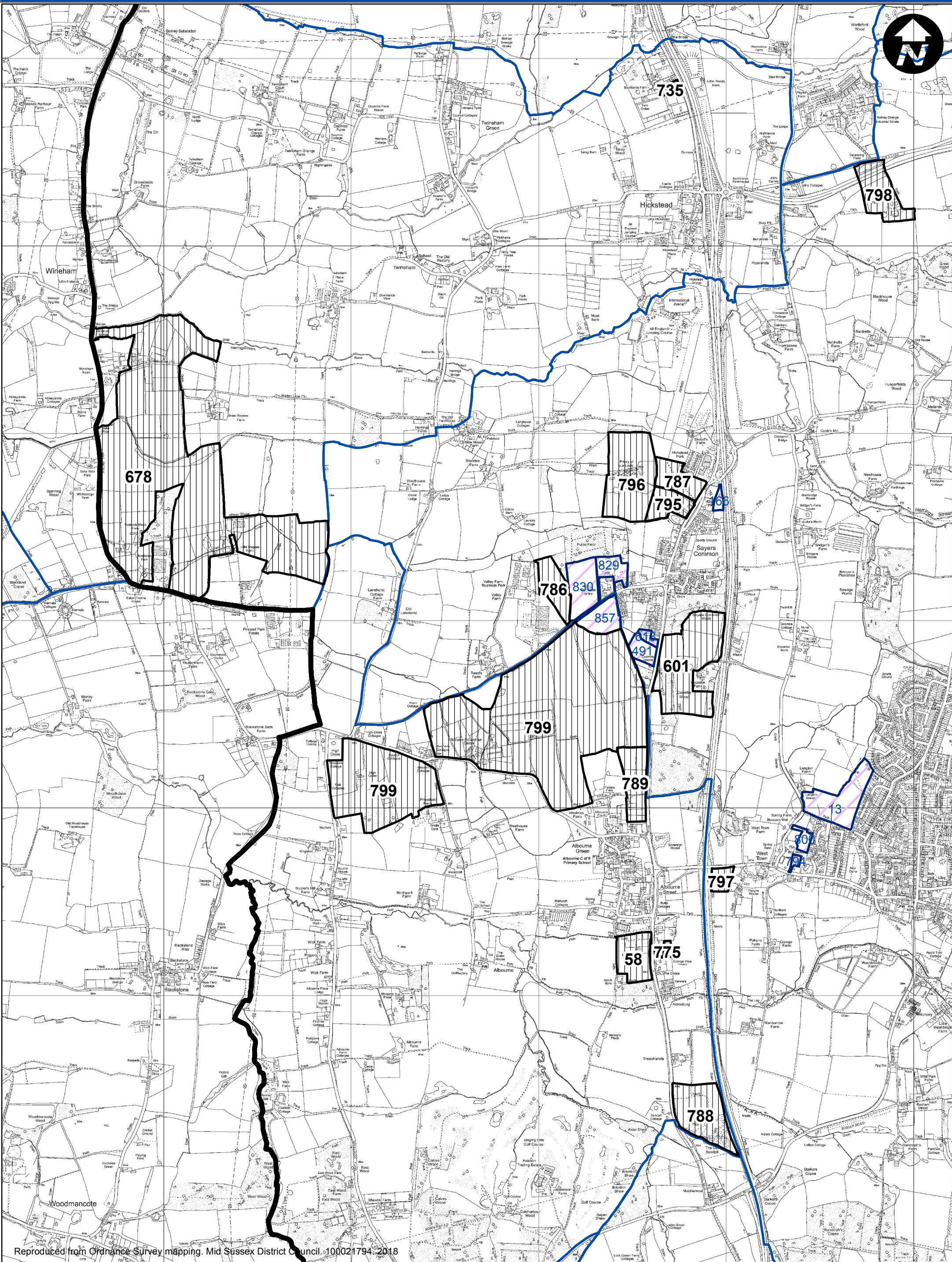
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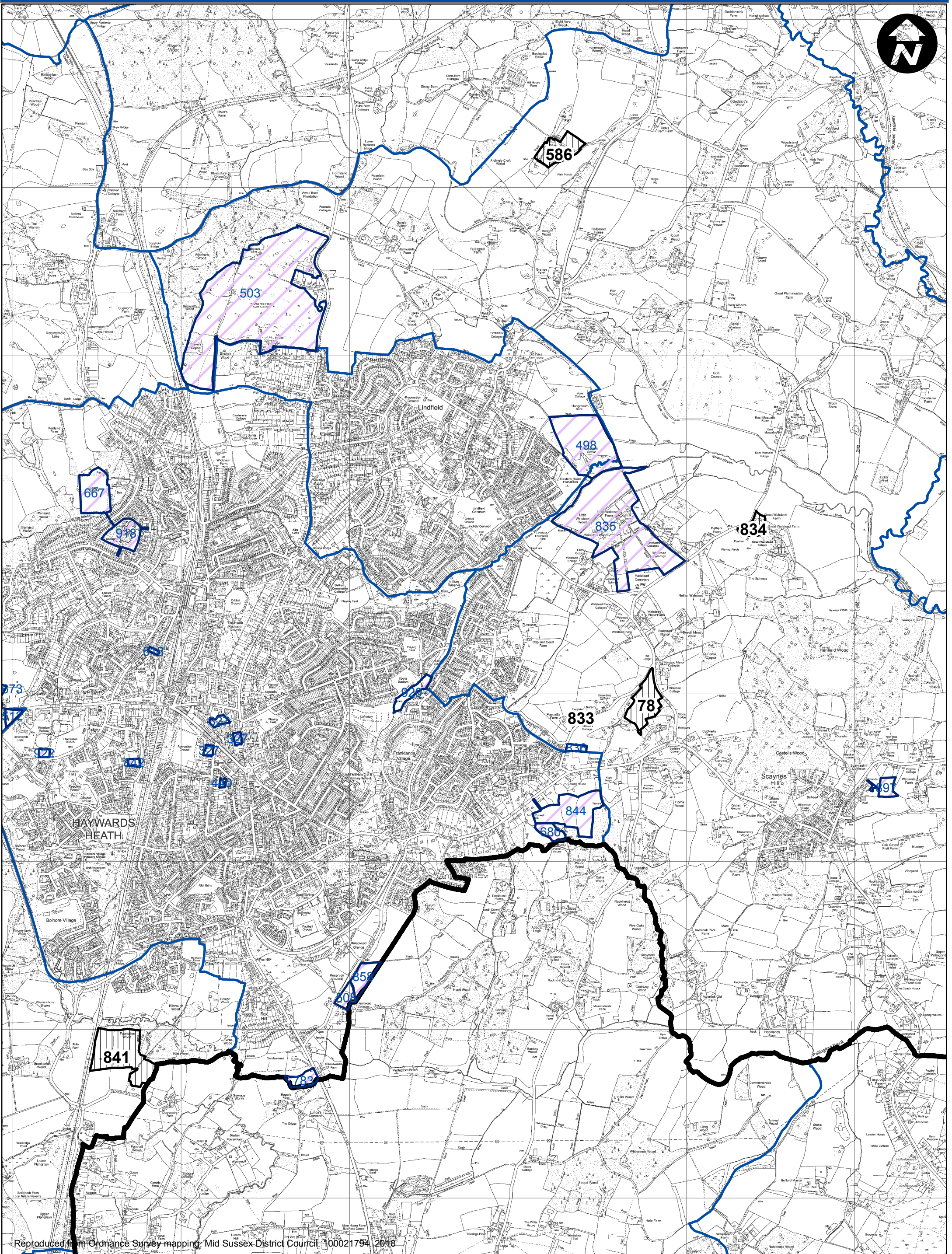


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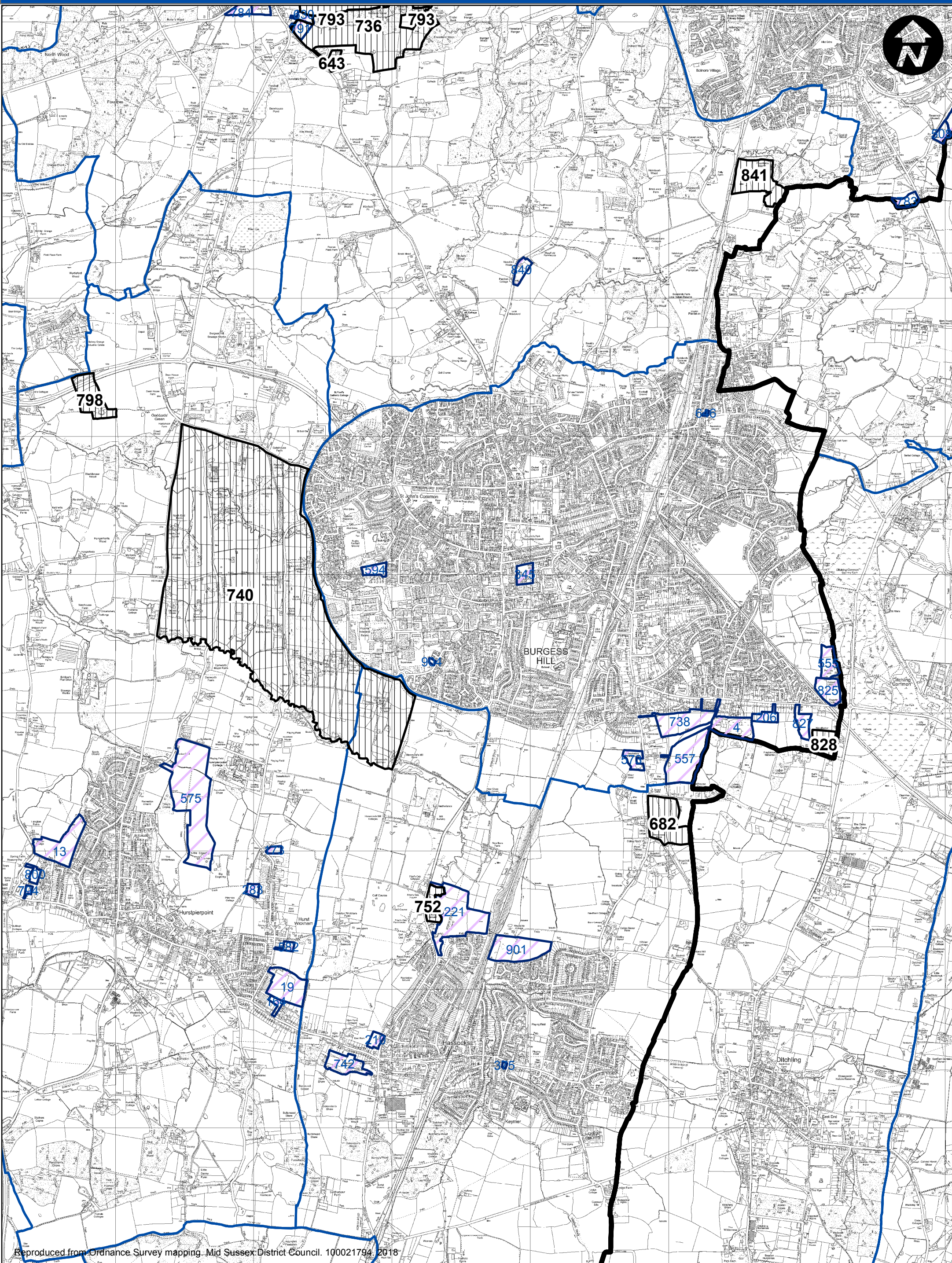


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Appendix 2 – Table of Responses to Consultation on SHELAA and Site Selection Report Assessment

Respondent	Comment	MSDC Response
East Grinstead Town Council	<p>The test of availability in Stage 2 of the SHELAA should refer to District Plan and Neighbourhood Plan policies, not just to District Plan policies.</p> <p>Site Selection Report – Spatial Strategy – sites should be considered against District and Neighbourhood Plans, noting supporting text.</p> <p>Site Selection report – Setting the Strategy – Constraint limitations should be considered here.</p> <p>Under Detailed Assessment of Constraints and Opportunities, the task should include an evaluation of the District Plan and Neighbourhood Plan evidence base.</p> <p>In the same section, for sites positioned close to the MSDC border, a desk top study of neighbouring planning authorities' conditions should be considered.</p> <p>Known site infrastructure and funding of infrastructure should also be taken account of.</p> <p>Tourism should be included in the constraints and opportunities assessment.</p>	<p>Disagree: the SHELAA provides a 'policy off' assessment; availability is tested against evidence of promotion, issues of multiple ownership, ransom strips or operational requirements of landowners</p> <p>Disagree: the suitability of sites is determined against planning policies. Inclusion of supporting text may lead to potential for conflicting guidance.</p> <p>Disagree: This section refers to policy considerations – Constraints and Opportunities are considered separately in the Detailed Assessment of Constraints and Opportunities.</p> <p>Disagree: the assessment will refer to adopted policies of the Development Plan which have been tested through an independent Examination.</p> <p>Agree: a desk top study will be undertaken for these sites.</p> <p>Agreed; this is covered by the change of wording which takes account of site opportunities and constraints.</p> <p>Disagree.</p>

Albourne Parish Council	How will sites which have been refused on appeal be assessed through the SHELAA?	Sites which have previously been refused on appeal will be reviewed to understand whether the reasons for refusal still apply, or whether the policy context has changed since then. It is not considered necessary to change the SHELAA assessment process to reflect this advice.
Adur and Worthing Council	<p>Only residential sites which lie wholly within the functional flood plan (Flood Zone 3b) should be excluded from further consideration.</p> <p>Employment sites in Flood Zone 3 should be included in the SHELAA, as such sites are usually classed as 'less vulnerable' to flood risk.</p>	<p>Agreed:</p> <p>Agreed: The SHELAA methodology has been amended accordingly. assessment.</p>
Brighton and Hove Council	<p>The Council should reconsider the average density for built up areas, especially in town centres, where there is potential for higher density housing.</p> <p>Phase II of the Site Selection process should look at potential impacts pre-and post - mitigation measures.</p>	<p>Agreed: the SHELAA Stage 2 text has been amended to note that a review of densities will reflect the most up to date information.</p> <p>Agreed: the text has been amended accordingly in the Site Selection Report.</p>
Horsham District Council	<p>Should the SHELAA refer to exclusion of Ancient Woodland, or sites within a reasonable distance of it?</p> <p>Will Local Nature Reserves be automatically excluded– although it is appreciated they don't have as much protection under the NPPF as SSSIs.</p>	<p>The NPPF notes that planning permission should be refused for developments which result in the loss of ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss. This is not an absolute constraint, and this planning balance will be applied in the Site Selection document.</p> <p>Agreed; Local Nature Reserves are not an absolute constraint to development and, as above, would be considered later in the Site Selection process.</p>

	<p>No reference has been given to viability when assessing the achievability of the sites- it is mentioned under NPPG “Stage 2: How should the development potential be calculated?”</p>	<p>Agreed; the text of the Stage 2 assessment ‘Assess achievability’ has been amended accordingly.</p>
Quod	<p>Where constraints to potential development are identified, consideration should be given to whether these can be overcome with mitigation measures.</p> <p>The methodology should recognise that some larger sites/freestanding developments will have the ability to deliver services/infrastructure on site.</p> <p>Site assessments should not rely on conclusions previously reached, but use all up to date information.</p> <p>The reference to ‘relationship to built up areas/adjacent settlement’ as a constraint should be removed to ensure that freestanding settlements are given fair consideration.</p>	<p>Agreed – text amended accordingly in Site Selection paper.</p> <p>Agree: this issue is already addressed in the Detailed Assessment of Constraints and Opportunities section of the Site Selection Report – ‘capacity to provide infrastructure’.</p> <p>Agreed; no change required to SHELAA.</p> <p>The Detailed Assessment of Opportunities and Constraints section has been amended to clarify Built Up Area boundaries could be a constraint or an opportunity.</p>
Denton Homes	<p>Developers should be given the opportunity to discuss any key constraints identified in Stage 2 of the SHELAA process so that mitigation measures can be identified if appropriate.</p> <p>Developers should be consulted on the likely deliverability of sites, so that the Council has the most up to date information.</p> <p>In the Site Selection Paper, further engagement with landowners/agents/developers should take place to explore mitigation measures.</p>	<p>Agreed; the language has been changed in this section to clarify what is meant by constraints in the SHELAA process, and in the Site Selection report, we have made clear measures to review mitigation measures to address constraints.</p> <p>The Site Selection Report already makes clear that developers will be consulted. Where information on sites is not up to date, officers will make every effort to contact developers/agents for an update on deliverability.</p> <p>Agreed: this issue is already covered in the Site Selection assessment process.</p>

	It should be clear how the SA will inform the Site Selection process.	Agreed: every effort will be made to ensure that any comments on sites are transparent, and that sources of information such as the Sustainability Appraisal are referred to.
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Appendix 3 – SHELAA Stage 1 Site Proforma – Housing Site

SHELAA Ref		Parish	
Site Location			
Site uses			
Gross Site Area (ha)			
Potential Yield			
Site History			
Absolute Constraint	Flood Zone 2 or 3		
	Site of Special Scientific Interest		
Other Constraints	Ancient Woodland		
	Area of Outstanding Natural Beauty		
	Local Nature Reserve		
	Conservation Area		
	Scheduled Monument		
	Listed Buildings		
	Access		
Suitable			
Availability			
Achievability			
Timescale			

Appendix 4 - Site Selection Methodology as considered by Scrutiny Committee January 2017

Confirming the Spatial Strategy			
	Task	Comment	Output
	<p>Review District Plan strategy, Neighbourhood Plans</p> <p>For sites on the boundary of the District, a desk top study of relevant policies in neighbouring authorities will be undertaken</p>	<p>Settlement Hierarchy</p> <p>Settlement patterns</p> <p>Residual number</p>	
Detailed assessment of constraints and Opportunities			
	<p>Further desk-top assessment of site opportunities and constraints, and mitigation measures</p>	<p>Flooding</p> <p>Landscape</p> <p>Heritage</p> <p>Biodiversity</p> <p>Employment</p> <p>Accessibility</p> <p>Transport</p> <p>Pollution/contamination</p> <p>Relationship to built up area/adjacent settlements</p> <p>Impact on coalescence</p> <p>Capacity to provide infrastructure</p> <p>AONB</p>	
			SHELAA proformas with commentary
Detailed evidence testing, informal consultation of shortlisted sites			
	<p>Early Engagement with Stakeholders (to identify potential opportunities and constraints)</p>	<p>Statutory consultees</p> <p>WSCC</p> <p>Public Transport</p> <p>NHS</p> <p>Police</p> <p>Utility and Service providers</p> <p>Other MSDC consultees</p>	<p>May identify a further constraint/ opportunity on site.</p>
	<p>Sustainability Appraisal</p> <p>HRA</p> <p>Transport Study</p> <p>Landscape Capacity</p> <p>Water Cycle Study</p> <p>Availability</p> <p>Achievability/viability</p> <p>SFRA</p>	<p>To inform site selection</p>	<p>May identify a further constraint/ opportunity on site.</p>
			<p>Site selection document will identify palette of potential sites for inclusion in the Issues and Options consultation paper</p>

Appendix 5 – Sites not Compliant with District Plan Strategy

Based on the distance/strategy criteria set out in paragraph 4.2 above, the following sites have been assessed as not being compliant with the District Plan strategy.

Burgess Hill

SHELAA ID	Site address	Settlement	Units
828	Land East of Fragbarrow House, Common Lane, Ditchling	Burgess Hill	84
740	Broad location to the West of Burgess Hill	Burgess Hill	1750
			1834

East Grinstead

SHELAA ID	Site address	Settlement	Units
60	Land at the Spinney, Lewes Road, East Grinstead	East Grinstead	7
681	Land north Kingsmead, Turners Hill Road, East Grinstead	East Grinstead	30
12	Floran Farm, Hophurst Lane, Crawley Down	East Grinstead	90
			127

Haywards Heath

SHELAA ID	Site address	Settlement	Units
841	Clearwater Farm, Clearwater Lane, Haywards Heath	Haywards Heath	230
			230

Cuckfield

SHELAA ID	Site address	Settlement	Units
214	Land at Copyhold Lane, Cuckfield	Cuckfield	90
902	Land to the west of Rookwood, Tylers Green, Cuckfield	Cuckfield	84
			174

Copthorne

SHELAA ID	Site address	Settlement	Units
18	Crabbet Park, Old Hollow, Near Crawley	Copthorne	2500
276	Barns Court and Firs Farm, Turners Hill Road, Copthorne	Copthorne	165
811	Worth Lodge Farm, Turners Hill Road, Turners Hill	Copthorne	27
142	Land at South Place, Beauport House, Carrsfarm Cottage and Hurst House, Copthorne Common Road, Copthorne	Copthorne	60
898	Land north of Beauport House, Copthorne Common Road, Copthorne	Copthorne	0
			2752

Crawley Down

SHELAA ID	Site address	Settlement	Units
269	Land opposite junction of Mill Lane and Turners Hill Road, Copthorne	Crawley Down	0
809	Land at the Orchards, Wallage Lane, Rowfant	Crawley Down	5
675	Land north of Poplars Place, Turners Hill Road, Crawley Down	Crawley Down	7
211	Palmers Autocentre Steton Works, Turners Hill Road, Crawley Down	Crawley Down	8
714	Land at Rock Cottage, Snow Hill, Crawley Down	Crawley Down	12
716	Land south of The Lodge, Down Park, Turners Hill Road, Crawley Down	Crawley Down	19
450	County Tree Surgeons, Turners Hill Road, Crawley Down	Crawley Down	39
683	Land between Jasmine Cottage and the Copse, Furnace Farm Road, Furnace Wood	Crawley Down	45
812	Land at Oakfields Farm, Hophurst Lane, Crawley Down	Crawley Down	54
212	Land south of Snow Hill Road, Crawley Down	Crawley Down	60
810	Woodpeckers, Snow Hill, Crawley Down	Crawley Down	60
540	Land north of Gibbshaven Farm, Furnace Farm Road, Felbridge	Crawley Down	90
715	Land to the south and east of Shepherds Farm, Turners Hill Road	Crawley Down	120
558	Crawley Down Garage and Parking Site, Snow Hill, Crawley Down	Crawley Down	150
677	Land south of Burleigh Lane, Crawley Down	Crawley Down	45
813	Land to south of Oakfields Farm buildings, Hophurst Lane, Crawley Down	Crawley Down	200
			914

Hassocks

SHELAA ID	Site address	Settlement	Units
752	Land north of Friars Oak, London Road, Hassocks	Hassocks	45
682	Ockley Lane and Wellhouse Lane, Hassocks	Hassocks	150
			195

Hurstpierpoint

SHELAA ID	Site address	Settlement	Units
798	Dumbrells Farm, Jobs Lane	Hurstpierpoint	120
797	Land west of Pakyns Cottage, Albourne Road	Hurstpierpoint	31
			151

Lindfield

SHELAA ID	Site address	Settlement	Units
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833	The Snowdrop Inn, Snowdrop Lane, Lindfield	Lindfield	5
586	Buxshalls, Ardingly Road, Lindfield	Lindfield	19
			24

Albourne

SHELAA ID	Site address	Settlement	Units
58	Hazeldens Nursery, London Road, Albourne	Albourne	50
788	Q Leisure, The Old Sandpit, London Road, Albourne, BN6 9BQ	Albourne	250
775	Grange View House, London Road, Albourne	Albourne	6
789	Swallows Yard, London Road, Albourne	Albourne	60
799	Land south of Reeds Lane, Albourne	Albourne	2000
			2366

Ardingly

SHELAA ID	Site address	Settlement	Units
831	Gardeners Arms, Selsfield Road, Ardingly	Ardingly	5
568	Middle Lodge and land to south, Lindfield Road, Ardingly	Ardingly	60
584	Bawtry - Little London - Ardingly	Ardingly	7
			72

Ashurst Wood

SHELAA ID	Site address	Settlement	Units
724	Land at Truscott Manor, Hectors Lane, East Grinstead	Ashurst Wood	0
			0

Balcombe

SHELAA ID	Site address	Settlement	Units
25	The Walled Garden, behind the Scout Hut, London Road, Balcombe	Balcombe	8
28	Area south of Redbridge Lane at junction with London Road, Balcombe	Balcombe	45
			53

Bolney

SHELAA ID	Site address	Settlement	Units
802	Land at Foxhole Farm, Foxhole Lane, Bolney	Bolney	802
930	Hangerwood Farm, Foxhole Lane, Bolney	Bolney	240
			1042

Handcross

SHELAA ID	Site address	Settlement	Units
662	Dencombe Estate, High Beeches Lane, Handcross	Handcross	75
			75

Horsted Keynes

SHELAA ID	Site address	Settlement	Units
664	Field 2, Ludwell Grange, Keysford Lane, Horsted Keynes	Horsted Keynes	15
67	Castle Field, Cinder Hill Lane, Horsted Keynes	Horsted Keynes	25
663	Field 1, Ludwell Grange, Keysford Lane, Horsted Keynes	Horsted Keynes	27
837	Land at Little Oddyness Farm, Waterbury Hill, Horsted Keynes	Horsted Keynes	45
			112

Pease Pottage

SHELAA ID	Site address	Settlement	Units
219	Land at former Driving Range, Horsham Road, Pease Pottage	Pease Pottage	75
243	Land at Lower Tilgate, Parish Lane, Pease Pottage	Pease Pottage	1800
674	Land north of Pease Pottage, West of Old Brighton Road, Pease Pottage	Pease Pottage	180
815	Cedars (Former Crawley Forest School) Brighton Road, Pease Pottage	Pease Pottage	25
774	Land at Tilgate Forest Lodge, Brighton Road, Pease Pottage	Pease Pottage	33
822	Land west of Cedar Cottage, Tilgate Forest Lodge, Brighton Road, Pease Pottage	Pease Pottage	40
603	Land to the West of Woodhurst Farm, Old Brighton Road South, Pease Pottage	Pease Pottage	660
574	Land at Hunters Moon, Old Brighton Road South, Pease Pottage	Pease Pottage	88
			2901

Sayers Common

SHELAA ID	Site address	Settlement	Units
601	Land at Coombe Farm, London Road, Sayers Common	Sayers Common	210
787	Land at Kingsland Lodge, London Road, Sayers Common	Sayers Common	75
795	LVS Hassocks (Smaller site), London Road, Sayers Common	Sayers Common	90
796	LVS Hassocks (Larger Site), London Road, Sayers Common	Sayers Common	400
786	Land east of Avtrade, Reeds Lane, Sayers Common	Sayers Common	75
			850

Sharpthorne

SHELAA ID	Site address	Settlement	Units
656	Hangdown Mead Business Park, Top Road, Sharpthorne	Sharpthorne	15
856	Moonwood Barn, Hangdown Mead Farm, Top Road, West Hoathly	West Hoathly	30
			45

Turners Hill

SHELAA ID	Site address	Settlement	Units
855	Millwood Farm, East Street, Turners Hill	Turners Hill	12
764	Land at Burleigh Oaks Farmhouse, East Street, Turners Hill	Turners Hill	30
853	Land north of Turners Hill Road, Turners Hill	Turners Hill	175
			217

West Hoathly

SHELAA ID	Site address	Settlement	Units
721	Philpots Quarry, Hook Lane, West Hoathly	West Hoathly	33
			33

Ansty

SHELAA ID	Site address	Settlement	Units
896	Land at Old Beech Farm, Staplefield Road, Cuckfield	Ansty	10
792	Land at Ansty Farm (Site C), Deaks Lane, Ansty	Ansty	25
643	Land at Oak Tree Farm and West Wriddens, Burgess Hill Road, Ansty	Ansty	36
790	Deaks Manor, Deaks Lane, Cuckfield, RH17 5JA	Ansty	400
793	Land at Ansty Farm, Cuckfield Road, Ansty	Ansty	1175
736	Broad location North and East of Ansty	Ansty	1825
			3471

Staplefield

SHELAA ID	Site address	Settlement	Units
820	Land at Stanbridge Farm, Stanbridge Lane, Staplefield	Staplefield	10
			10

Slaugham

SHELAA ID	Site address	Settlement	Units
821	Land at Slaugham Garden Nursery, Staplefield Road, Slaugham	Slaugham	10
			10

Twineham

SHELAA ID	Site address	Settlement	Units
678	Broad location West of A23	Twineham	2000
			2000

Warninglid

SHELAA ID	Site address	Settlement	Units
817	The Old Milking Parlour, The Street, Warninglid	Warninglid	15
816	Old Park Farm, Slaugham Lane, Warninglid	Warninglid	12
839	Land at Hazeldene Farm, north of Orchard Way, Warninglid	Warninglid	80
612	Land south of Warninglid Primary School, Slaugham Lane, Warninglid	Warninglid	240
			332

Brook Street

SHELAA ID	Site address	Settlement	Units
805	Land adjacent to Meadow Woods, Brook Street, Cuckfield	Brook Street	5
903	Land at Meadow Wood and Ashbourne Brook Street, Cuckfield	Brook Street	21
772	Land north of St Margarets, Brook Street, Cuckfield	Brook Street	9
			9

Hickstead

SHELAA ID	Site address	Settlement	Units
735	Land at Facelift, London Road, Hickstead	Twineham	14
			14

Walstead

SHELAA ID	Site address	Settlement	Units
834	Land at Great Walstead School, East Mascalls Lane, Lindfield	Walstead	14
78	Land at junction of Snow Drop Lane / Bedales Hill	Walstead	90
			104

Total number of sites	91
Total number of units	20117

6. STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Mike Bodkin
Email: mike.bodkin@midsussex.gov.uk Tel: 01444 477263
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Communities, Housing and
Planning Date of meeting: 25th September 2018

Purpose of Report

1. The purpose of this report is to ask the Committee to consider a draft revised version of the Statement of Community Involvement (SCI), which was adopted in 2011. The Statement has been updated to comply with national legislation, the adoption of the District Plan and evolving best practice on community and stakeholder engagement. An existing Appendix to the SCI, covering the use of Planning Performance Agreements, is also proposed to be updated and published as a standalone document.
2. Subject to the above consideration, the Committee is asked to recommend the Cabinet Member for Housing and Planning approves the documents as suitable for public consultation this autumn.

Summary

3. This report:
 - a) Describes the Council's scope of the existing Statement of Community Involvement;
 - b) Outlines the changes to legislation and to the local planning policy context which have taken place since the current SPD was adopted in 2011;
 - c) Provides a summary of the revised draft SCI;
 - d) Describes the proposed revisions to the adopted guidance on the use of Planning Performance Agreements; and
 - e) Set out details of the proposed consultation arrangements.

Recommendations

4. **That the Scrutiny Committee:**
 - (i) Considers the revised draft Statement of Community Involvement and Guidance on the use of Planning Performance Agreements; and**
 - (ii) Recommends that the Cabinet Member for Housing and Planning approves the draft Statement of Community Involvement and Guidance on the use of Planning Performance Agreements as suitable for public consultation.**
-

Background: the current SCI

5. The requirement to prepare an SCI is set out in the Planning and Compulsory Purchase Act (2004). Mid Sussex District Council first adopted an SCI in 2011 to explain how the Council would engage and involve local people and communities in the planning process.
6. The previous SCI consisted of a suite of documents including the Statement of Community Involvement, the Code of Practice and two appendices concerning community involvement in planning decisions and involvement in Planning Performance Agreements.

Changes to legislation and the local policy context

7. Since the current SCI was adopted there have been a number of important changes to national planning law and policy together with the adoption of the District Plan and the widespread introduction of neighbourhood plans across the District.
8. Under the Neighbourhood Planning Act 2017, from 31st July 2018 SCIs must:
 - Be updated every five years as a minimum;
 - Set out how the authority will support neighbourhood planning groups in making of neighbourhood development orders and reviewing neighbourhood plans; and
 - State how it will give people and communities opportunities to understand how the Council reviews matters which may affect development in its area or the planning of its development (the 'survey' stage of planning).
9. The Statement of Community Involvement is therefore currently being refreshed, in order:
 - To ensure that the SCI complies with all relevant national planning policy and guidance (including the September 2018 update to Planning Practice Guidance);
 - To revise the document to ensure that it complies with the District Plan 2031; and
 - To update the Council's commitments to local communities and explain how the Council will engage local communities in planning processes including making and reviewing Neighbourhood Plans.

The draft Statement of Community Involvement

10. In updating the SCI, officers have streamlined the information it previously contained, incorporating all the required details into one relatively short and accessible document. This provides greater clarity on the council's commitment to community engagement and offers a more useful for resource for local people that wish to be involved in local planning. It is proposed to delete the current Appendices from the website once the new SCI is adopted.
11. The document covers a range of topics concerning the Council's commitment to engage local communities in planning processes, including:

- A Code of Practice, setting out six general principles for community engagement, which are intended as a guide to ensure the necessary quality of work is carried out;
 - Information on both the legal requirements for consultation and the ways the Council will involve local communities in plan-making and planning applications, including summaries of the stages and methods of consultation involved in each; and
 - Updated information on the Council's support of neighbourhood planning, the Council's Duty to Cooperate with nearby planning authorities and other public bodies, and monitoring of the Council's consultation activity.
12. In line with the previous version, the document not only covers consultation activities by the Council but also advice on how private developers should consult and engage with local communities in advance of submitting planning applications for development.
 13. Included for the first time is guidance on the appropriate use of social media in engaging with people and communities across the District.
 14. The revised draft Statement of Community Involvement is attached as Appendix 1. Following consultation and adoption of the SCI, it would be reviewed and updated within the five year statutory maximum period for review.

Guidance on the use of Planning Performance Agreements

15. The current adopted version of the SCI includes an appendix entitled 'How we involve you in Planning Performance Agreements'. It is proposed that this existing appendix is retitled as a general advice document on the use of PPAs in Mid Sussex. It would then be published as a standalone document on the website, accessed via the Pre-Application Advice Page.
16. The guidance note has been updated in line with the advice set out in the NPPG and best practice, including experience from application of the process in Mid Sussex. PPAs are likely only to be used for large and complex applications and the guidance note sets out the scope; process; involvement of local communities, members and other stakeholders. It notes the responsibilities of both applicant and planning authority under the framework of a PPA in the spirit of a 'memorandum of understanding' rather than a legally binding document.
17. The guidance states that additional funding will be required to enter into a PPA and that this will be negotiated on a case-by-case basis. In return, the Council will commit to do all it can to comply with the timescales and other elements agreed as part of a PPA.
18. The proposed revised Guidance on the use of Planning Performance Agreements is attached as Appendix 2. Although there is no requirement to undertake public consultation on this document, it would be good practice to invite comments on in along with the revised SCI.

Consultation Arrangements and Next Steps

19. There are no consultation requirements for SCIs under the Town and Country Planning (Local Planning) (England) Regulations 2012. Nonetheless, in line with other planning policy documents and best practice, it is proposed that a six week public consultation on the draft document is carried out in the early autumn.
20. Once public consultation has been carried out and any amendments to the document considered, officers will recommend that Council adopts the revised SCI as part of its local planning policy framework.
21. It is anticipated that the SCI will be adopted in early 2019.

Other Options Considered

22. The only alternative option would be to not update the existing version of the SCI. However, this would mean that the SCI would not comply with legislation or refer to current policy or guidance. It would also leave the District Council open to criticism that it does not take its policy on engaging local people and communities sufficiently seriously.

Financial Implications

23. There are no direct financial implications as a result of the updating of the SCI. In bringing forward proposals for community engagement and consultation, officers will be aware of the need to balance the management of budgets with the ability to engage effectively with people across the District.

Risk Management Implications

24. Without an updated Statement of Community Involvement, the Council would be in breach of legislation and at the risk of any action taken by Government or potentially an interested third party (the latter through Judicial Review).
25. Although the likelihood of either of these events is low, the reputational risk to the Council should they occur would be significant. As noted above, the Council could be accused of not taking its policy on engaging with local people seriously enough.

Equality and Customer Service Implications

26. The draft SCI has equality and customer services at the core of its principles. In bringing forward community consultation and engagement activities, advice is given to officers (or private developers in working up development proposals) on targeting hard to reach communities and outreach work with them.

Other Material Implications

27. There are no other material implications.

Appendix 1: Revised Draft Statement of Community Involvement

Appendix 2: Proposed Guidance note on the use of Planning Performance Agreements

DRAFT FOR CONSULTATION

Mid Sussex District Council

Statement of Community Involvement (SCI) 2018

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Mid Sussex District Council Contact Information

Planning Policy and Economic Development

Mid Sussex District Council

Oaklands

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

Web: <https://www.midsussex.gov.uk/planning-building/planning-policy/>

Email: planningpolicy@midsussex.gov.uk

Tel: 01444 477053

Background to The Statement of Community Involvement (SCI)

Introduction

The Mid Sussex District Plan was adopted in March 2018 and will direct development in the District in the years to 2031. The Plan seeks to deliver the Vision set out in the *Mid Sussex Sustainable Communities Strategy (2012)*:

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

Mid Sussex District Council believes that effective and transparent community involvement can help achieve this Vision. In order to do so, the Council must actively seek to understand the needs and aspirations of all the different communities across the District. This is particularly important when decisions are difficult, resources are limited and where people disagree on the best way forward. Effective and transparent community involvement will help elected Councillors balance competing pressures and make better decisions.

The Council is always looking for ways for the community to become more engaged in planning matters. We aim to make it simple for local people to contribute to the planning process and hope to involve as many local people as we can in decisions which affect the communities they live in. At the Council, we appreciate how vital local knowledge is for ensuring the sustainable development of Mid Sussex and to the improvement of local communities .

This Statement of Community Involvement (SCI) is a ‘code of practice’ setting out policies for the Council to adopt in engaging people in planning processes. This will provide access for people to the preliminary stages of plan-making and planning applications. It describes how and when the Council will seek to engage with residents, businesses and other local organisations in the preparation of planning policy documents, in the determination of planning applications and in other key elements of the planning process in the District. It is for anyone interested in playing a part in improving the future of Mid Sussex. In line with national guidance, it stresses the importance of ‘front-loading’ engagement by communities in planning processes.

The Council must comply with the SCI in preparing any development plan document, or when determining a planning application.

Status of the SCI

This statement acts as a guide and benchmark for all Council services to use when involving communities in planning and in designing Community Involvement Plans. As such, it sets out key principles that need to be met when engaging with the public.

It will supersede the previously adopted Statement of Community Involvement (2011) and will become a statutory document of the Council’s Planning Policy documents.

Legal Requirements

The Council recognises that in some areas of its work there are minimum legal standards for public consultation and these will always be adhered to.

The legal requirements for consultation and community involvement in plan-making and planning applications are set out by Government in legislation including that in the box overleaf:

Plan-making

The Town and Country Planning (Local Planning) (England) Regulations 2012.

The Regulations set out the procedure to be followed by local planning authorities in relation to the preparation of local plans and supplementary planning documents including who is to be consulted and which documents must be made available at each stage of the process.

Planning applications

The Town and Country Planning (Development Management (Procedure) (England) Order 2015.

This sets out the steps local authorities must take with regard to the processing and administration of planning applications from the point where an application is made through to the way in which decisions are recorded.

The requirement to prepare a SCI is set out in the Planning and Compulsory Purchase Act (2004). Mid Sussex District Council first published an SCI in 2011 to explain how the council engage and involve local people and communities in the planning process. Since 2011 there have been a number of important changes to national planning policy and subsequently, the Council is acting to ensure its SCI remains useful to local people. Moving forward, legislation now requires SCIs to be updated at least every 5 years and has amplified the range of issues SCIs should contain, including that they set out how the authority will support neighbourhood planning groups in reviewing neighbourhood plans. The SCI has been reviewed in this context and will continue to be reviewed every five years.

How is the Planning Service at Mid Sussex District Council structured?

Planning Policy and Economy

The Section is responsible for preparing planning documents used to shape the future development of the District. The overarching document is the recently adopted District Plan. There are a number of Development Plan Documents that sit beneath it and more will follow. The policies within the documents need to take into account local, regional and national policies, needs and interests. The Statement of Community Involvement is an important part of Mid Sussex's policy framework.

The Section also produces the District's Economic Development Strategy 2018-2013 as launched in June 2018.

Development Management

The Development Management service is responsible for processing and determining planning applications and other related applications such as listed buildings, trees, and advertisement consent. It is at the planning application stage where specific, detailed decisions are made about what happens to a piece of land or a building. Applications are all considered using the District Plan, Neighbourhood Plans, planning policy documents and other advice and information. The Section also has a role in investigating breaches of planning control and making sure that developments are carried out with the necessary consents.

Six General Principles for Community Engagement: The Code of Practice

Principle 1: Be timely

The community should be involved as early as possible in the decision-making process when there is more potential to make a difference. Usually it is best to 'front load' consultation activity and use it to identify potential issues and options. However, consultation can be effectively used to confirm the level of support for particular courses of action too. Reasonable timescales should be given to the distribution of information and for responses to consultation. Potential participants should be given some notice of an impending community involvement exercise that could affect them, wherever possible.

Principle 2: Be inclusive

A key principle of community involvement is that it should be accessible to all those who wish to take part. This may well vary according to the nature of the matter being looked at. Reasonable effort must be made to ensure a representative cross-section of the community is involved including seldom heard groups and groups defined as having protected characteristics under Equalities Legislation. In designing each exercise, the Council will endeavour to understand and accommodate the different ways people want to get involved, including online and via social media, where possible.

Principle 3: Be transparent

The quality of information provided to potential consultees must be clear, honest, accurate and unbiased. All written materials should use plain English and be jargon free. It is also important that the material makes it very clear what can be influenced and changed by the participant's suggestions and comments. Likewise, it needs to explain how and when decisions will be made, following the end of the consultation period.

Principle 4: Be respectful of each other's views

Community involvement exercises will usually uncover a range of views, some of which are in conflict or contradictory. The Council will listen to all the views it receives and seek to balance their relative merits, drawing on other information from the evidence base where that is available. Where the opinion being put forward is not clear it will seek to better understand what is being said. However, it is for all participants in the process to respect the views of other people and encourage a variety of contributions.

Principle 5: Be efficient

The Council will work with other organisations, where possible, to streamline consultation processes. Likewise, it will look to use existing networks to save time and resources, and to reduce duplication and 'consultation fatigue'. Town and Parish Councils can have a particularly important role in this. It is also important to ensure that community involvement exercises are proportionate to the scale and importance of the issue/matter under consideration (there is no 'off the shelf' way of conducting such exercises that can be applied to all matters). This will ensure that the Council's limited resources are spent as wisely as possible.

Principle 6: Be clear about results

It is essential that those who have contributed to a community involvement exercise are informed in a timely way about the results of the consultation and kept informed of further opportunities for being involved. This will often be in summary form, but it must be clear and objective in its presentation. Similarly, the Council will publicise the decision(s) it came to and, where this differs from the results of the consultation, it will explain why. In this way, it will demonstrate how the consultation exercise has affected the decision at hand.

Community Involvement Plans

A Community Involvement Plan, based on the template below, should be completed for all planning policy documents and for applicants submitting all 'major' applications¹. It should be written in plain English, should reflect the six principles outlined above, and be made publicly available in good time to view before the consultation exercise is due to commence, and for Council consultations, on the Council's website at www.midsussex.gov.uk/consultation.

Community Involvement Plan Template

Who is to be involved?

- List who will be asked for their views. This may be only those directly affected by a potential decision or it could be a wide consultation in which anybody can come forward. A list of those groups and organisations that the Council may consider involving is available at www.midsussex.gov.uk/sci.
- Confirm how information will be treated confidentially, for instance where this raises issues with data protection or commercial confidentiality. Note the requirements of the EU's General Data Protection Regulation 2016 in this respect.
- Show how opportunities to work with other organisations and make involvement more comprehensive, or to share resources, have been used.

Why people are being involved?

- Describe why people are being asked for their views.
- Indicate clearly what decision(s) is being made based on their involvement, including what can and cannot be changed. This may include, where relevant, a simple overview of the legal and/or policy framework or other constraints.
- Show how reasonable efforts are being made to ensure people are properly informed of the facts, background and purpose of the project before being asked for their view, including making available as much information as possible (including where it can be found) at an early stage.

When people will be involved?

- Indicate clearly the length of the consultation and how comments and views can be submitted (including any statutory requirements that need to be met).
- Consultation should be undertaken as early as possible, be open for as long as possible, unless there are clear reasons not to or statutory guidelines state otherwise.

How people will be involved?

- Describe how information will be provided to people and how the consultation will maximise the number of people who can participate in it. For example, meeting venues should be as accessible as possible and be arranged for times that enable a cross-section of people to attend.
- Consider and highlight the availability of contact details for queries or supporting material such as summaries/ support material for consultation point staff.
- Set out what methods are to be employed to inform, consult and involve people (see table on page [5]) including online and social media. This should pay particular attention to encouraging participation by so-called 'seldom heard' groups. Where

¹ A 'major' application is, for example, a scheme of more than 10 houses or a building on a site larger than 1 hectare.

necessary, an Equality Assessment will identify this for particular groups defined as having 'protected characteristics' by Equalities legislation.

- Indicate how consultees should provide their comments.

What happens to the results?

- Explain how the results will be reported and when. For example, this will often be in a summary rather than a word-for-word presentation of every submission.
- Describe how the results of the consultation will be fed back to those who took part and how they will be used to influence decisions. Where this differs from the results of the consultation, it should be explained why.

Who is running the exercise?

- State clearly who the consultee should contact if they wish to raise any queries about the exercise or if and how they can make a complaint about it.

What consultation methods will be used?

This table lists some of the activities and methods to consider when putting together a Community Involvement Plan. As previously stated, the methods used should be tailored to suit the scale and nature of impact of the decision to be made and the particular needs of people being consulted. Please note, this table is not intended to be an exhaustive list of suitable methods. The approaches taken to public consultation are constantly changing and new methods should be used, when they are suitable.

Informing people (letting people know about it)	Consulting people (asking for views and evidence)
Advertise locally	Key stakeholder discussions and forums
Create and update web pages	On-line consultation and social media
Brief Town and Parish Councils and District Councillors	Documents/information sent directly to stakeholders
Place articles in local newspapers/magazines and District, Town and Parish Council publications	Structured feedback forms included with documents
Use notice boards in prominent places including those belonging to District, Town and Parish Councils and at public information points where possible.	Public meetings (for example planning area committees or Councillor surgeries)
Use posters, fliers and promotion	Public workshops
Deliver newsletters, leaflets, summary sheets	Questionnaire / surveys including online such as 'Survey Monkey'
Organise exhibition stands in relevant and/or prominent locations when deemed appropriate and proportionate in use of staff resources	Material made available in Council offices (District, Town and Parish Councils), libraries and on-line (lengthy documentation should be supplied with a summary).

Use email or text message notifications and social media where relevant	
Provide briefings	Exhibitions
Involving people (discussions to develop ideas together)	
Workshops/ forums / focus groups / citizen panels to identify issues and shape options/ Councillor surgeries	
Meetings with community groups/ key stakeholders	
On-line discussion forums and social media	

Note: The use of social media can be an effective and inclusive way of engaging with people and communities, allowing people to input at a time and in a way that suits them. However, careful thought should be given to how the consultation is structured to prevent inappropriate use and ‘trolling’ by, for example, requiring approval of comments by a moderator or similar mechanisms.

Community Involvement in Plan-Making

Planning Policy

Planning decisions on proposed new development are judged using policies found in a number of planning documents. All local planning authorities must produce a local plan and regularly review and update it. This document may be supported by other planning policy documents that will be used collectively to guide sustainable development in the area.

The current local plan for the area produced by the council, the *Mid Sussex District Plan*, was adopted in 2018 with a time horizon to 2031. It largely replaced the *Mid Sussex Local Plan* which dated to 2004. The District Plan has been prepared in the context of the Localism Act, the National Planning Policy Framework and National Planning Policy Guidance. It reflects the aspirations of Central Government and the District Council to give local people more ownership and control over the planning of their area so that development is seen as a positive thing that can help communities maintain a high quality of life, increase economic prosperity and protect the environment to meet current needs and the needs of future generations.

The District Plan sets out a vision for how Mid Sussex wants to evolve and a delivery strategy for how that will be achieved. It enshrines the National Planning Policy Framework's 'presumption in favour of sustainable development'. As such, it sets out broad guidance on the distribution and quality of development in the form of 'higher level' strategic policies. It also provides the framework for all subsequent planning documents, including Neighbourhood Plans.

Along with this local plan, other supporting planning documents which require public consultation include:

Development Plan Documents (DPDs)

These contain the detailed policies and proposals of the Local Plan and are subject to a rigorous statutory process, including community involvement. They are required to carry out a Sustainability Appraisal and are subject to independent examination and Council agreement before adoption. In Mid Sussex, the Sites Allocation DPD will be used to allocate residential sites larger than five and commercial development sites (larger than 0.25ha or 500m² of floorspace) for the period to 2031.

Supplementary Planning Documents (SPDs)

These give further explanation and detail to Development Plan Document policies. They are subject to a statutory process including community involvement and sometimes a Sustainability Appraisal. Supplementary Planning Documents are not subject to independent examination, but require Council agreement before adoption.

Other planning documents

These can include for instance planning briefs or master plans prepared for specific sites by the Council or with the landowner/developer. The community should also be involved in the preparation of these documents at an early stage.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced by the Planning Act 2008 and came into force in 2010. The Levy is a fixed, non-negotiable charge on development, relative to the size, and allows Local Authorities to levy planning charges on new building projects classed as 'chargeable development'. The Council is currently working towards the adoption of the CIL, and when completed, this will be used to help fund a wide range of infrastructure to support development across Mid Sussex.

Sustainability Appraisals

These are an assessment of the economic, social and environmental impacts of a plan to promote sustainable development. They are published for consultation alongside draft and final Development Plan Documents and some Supplementary Planning Documents.

Timetable for producing plan documents

The Local Development Scheme sets out a timetable for the preparation and review of local plan documents. The current LDS for Mid Sussex covers the period from 2017 to 2020². It provides information about the Mid Sussex District Plan 2031 and related documents including the Site Allocations DPD.

At any given time, the Council may be preparing or revising a range of documents for the local plan. The LDS provides timelines for their completion. It links with the SCI because it also provides information about when the Council will be looking to involve the community in the preparation of local plan documents.

The LDS has two purposes, both of which have community involvement in mind:

- it provides the starting point for the local community to find out what the planning policies for their area are; and
- it sets out the programme for the preparation of Development Plan Documents, including timetables which tell people about the various stages of preparation of any particular document.

Although there is no requirement for public consultation on the LDS, the Council is required to state in the SCI its policy on the involvement of people and communities in fulfilling its responsibilities relating to the LDS. Mid Sussex District Council will continue to update the LDS on a regular basis and will widely publicise each update including on our website.

Producing a document for the local plan

Mid Sussex District Council will implement the six principles set out in the 'Code of Practice'³ to involve people in making decisions on forming plans.

Planning legislation sets out the preparation and consultation stages and periods for the production of local plan documents. There are four main stages to the preparation of a Development Plan Document (DPD) and three main stages for a Supplementary Planning Document (SPD).

The Council will produce a Community Involvement Plan for each planning policy document to set out how it will be produced, how and when community involvement will take place and what happens to the results of community involvement in taking decisions.

² <https://www.midsussex.gov.uk/media/2696/local-development-scheme.pdf>

³ See page [6] above

Production of a planning policy document

Inform	Involve	Stage 1 - Preparation (early engagement)
		<ul style="list-style-type: none"> Collecting evidence through various sources and publicise at an appropriate early stage in the process Notify and work with groups, organisations and residents Consider issues and alternatives Prepare content of draft document and provide feedback where possible
	Consult	Stage 2 - Publication
		<ul style="list-style-type: none"> Statutory stage - 6 weeks (minimum) to comment on plan, sustainability appraisal and supporting evidence⁴ Documents (including evidence base) made available for inspection including on the Council's website
	Inspect	Stage 3 – Submission for Independent Examination
		<ul style="list-style-type: none"> Representations received at Stage 2 summarised and made publicly available through appropriate channels (please note that the Council is required to provide a summary of the issues made). 'Statement of Compliance' produced to demonstrate the Statement of Community Involvement has been followed Development Plan Documents submitted to Secretary of State for independent examination (Supplementary Planning Documents to Council for adoption) Independent examination Planning Inspector issues report. Adopted by Council if agreed as 'sound' by Inspector
	Monitor	<ul style="list-style-type: none"> Final plan is regularly monitored, to ensure that the plan is achieving its aims Plan may be reviewed where necessary

Statutory requirements for the publication and submission of planning policy documents

Planning regulations⁵ contain minimum requirements for consulting on DPDs and SPDs.

All consultation and submission documents must be made available at the Council Offices and other places (such as public libraries) for a set period of time. Documents and supporting information need to be published on the Council's website, which will include information about where and when the document can be viewed. As well as sending documents to the 'specific consultation bodies' and the 'general consultation bodies' considered to have an interest in the subject at submission stage, a notice needs to be placed in the local newspaper/s with detailed information on the consultation period and where comments can be sent.

⁴ The Council will always consider extending consultation periods beyond the minimum statutory period where possible and where timetables allow.

⁵ The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

There is a range of supporting documents produced by the Council that support the local plan and are used to inform and guide planning applications. These documents include development briefs and master plans.

The Council is required by legislation and Planning Practice Guidance to state in its SCI how it will give people and communities opportunities to be involved in understanding how the Council keeps under review matters which may affect the development of its area or the planning of its development. This is the 'survey' stage of producing plans. The Council undertakes this activity in a variety of different ways including the following:

- In the evidence base for planning policy documents, which will always be published on our website at an early stage in the process of producing them;
- Through the Council's SHELAA (Strategic Housing & Employment Land Availability Assessment) process whereby information on sites proposed for housing and employment development will be assessed and those assessments published on the Council's website at the earliest available opportunity; and
- Through the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) which is undertaken for each emerging plan and programme which proposes the allocation of land in the District.

Statutory bodies

Legislation⁶ identifies specific consultation bodies that the Council must consult. These include West Sussex County Council, Town and Parish Councils, relevant adjoining Local Authorities, service providers and government agencies, such as the Environment Agency, Historic / Highways / Natural England (or their successor bodies).

Other organisations, groups and individuals

There are many other organisations, groups and individuals that may have an interest in the local plan. These organisations, groups and individuals cover a range of interests and can provide relevant expertise and knowledge on a wide range of subjects. They include members of the Mid Sussex Partnership, residents associations, registered housing providers, local businesses and business groups, countryside and conservation groups, the development industry, disability groups, youth groups and those which represent the interests of minority groups in the District.

A detailed and regularly updated list of all the statutory bodies and groups organisations ('key contacts') is available on the Council's website at www.midsussex.gov.uk/sci.

Organisations, groups and individuals who wish to be added or change their details can do so by going to the same web address or by contacting the Planning Policy and Economic Development Team.

Individuals can subscribe to the local plan e-mail alert to be kept in touch with progress on the local plan.

Council, Cabinet and Scrutiny Committee

Council

Public meeting, which consists of all elected Councillors. Will approve the main planning policy documents.

Cabinet

Consists of the Leader of the Council and Councillors with specific responsibility for

⁶ The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

portfolios of Council services. Will be consulted at a number of stages in the production of planning policy documents. Cabinet also approves any amendments to the Local Development Scheme. Will recommend planning policy documents for final approval by Council.

Scrutiny Committee for Community, Housing and Planning

Scrutiny committees consist of nominated Councillors to examine wide ranging issues impacting on Council decision-making and budgetary impacts. For planning this is primarily be the Scrutiny Committee for Community, Housing and Planning, drawing in other Scrutiny Committees where necessary. It makes recommendations to Cabinet or Council.

Other consultation

Internal Consultation

Formal and informal consultation and discussion will take place where relevant with officers across the Council. Every effort is made to update and include officers who all receive Council services and can act as champions or ambassadors for MSDC.

'Seldom heard' groups

We are committed to providing fair and equal access to planning services. Resources will be directed towards those 'seldom heard' groups identified in Equality Impact Assessments to ensure those affected by plans have a chance to be involved, and to ensure we are meeting our statutory obligations under equalities legislation.

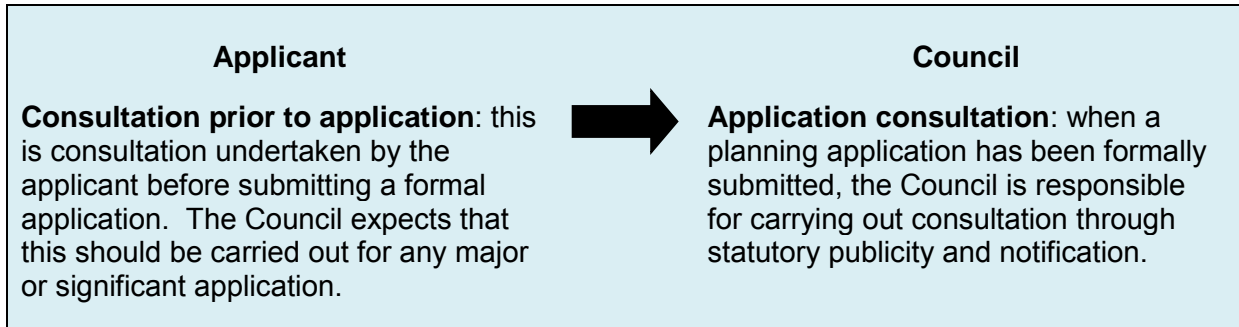
Online engagement and use of social media

The Council recognises that many people wish to engage with consultation exercises at a time and in a manner which is convenient to them. This includes online methods. Social media can also be helpful but requires active management by Council officers to ensure effective use of a variety of online sites and applications⁷.

⁷ See note on page[9] on use of social media

Community Involvement in Planning Applications

The District Council will implement the six principles set out in the 'Code of Practice' to involve people in making decisions on planning applications. There are two distinct stages for community involvement in planning applications: pre-application and application consultation.



Consultation prior to application (by applicants)

The aim of consultation at this stage is to 'front-load' the process by encouraging discussion before a formal planning application is made. It should enable communities to have real influence over proposals before they are finalised. The process can help to identify improvements and overcome objections at a later stage.

Applicants undertaking consultation on major or significant developments are strongly advised to conform to the principles set out in the Council's Code of Practice⁸, to demonstrate that the consultation prior to application has been effectively undertaken and to provide the Council with the results of the process.

Applicants should also include elected Councillors in early discussion of their proposals as guided by the Council's constitution⁹.

Applications for major development should include a Community Involvement Plan including report of consultation as part of the submission material.

Using the results of consultation prior to application

The Council will use the results consultation undertaken prior to application to help determine the planning application alongside planning policies and other information.

Application consultation (by the Council)

When a planning application has been submitted, the Council is responsible for carrying out consultation through statutory¹⁰ publicity and notification. The Council often does more than it is formally required to.

- There is a statutory consultation period of 21 days¹¹.

⁸ See page [6] above

⁹ See part 5 of the Council's constitution – Codes and Protocols <http://mid-sussex.cmis.uk.com/mid-sussex/Constitution.aspx>

¹⁰ A helpful current breakdown of the relevant legislation covering the requirements for public consultation is set out in the NPPG at <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

¹¹ This may be different in certain circumstances: for example 28 days for planning applications affecting a Site of Special Scientific Interest (SSSI) or in an SSSI consultation area and 14 days for applications under the Permission in Principle procedure brought into force in June 2018.

- The Council will publish applications on its website via the Online Planning Register¹². Applications can also be viewed at District, Town and Parish Council offices.
- The application will be advertised on the Council website¹³. A site notice or neighbour letter and press advert will be undertaken if required and as appropriate.
- The Council will consult various specialists and relevant organisations. This includes statutory consultees¹⁴, such as Town and Parish Councils, the Environment Agency and Natural England and other organisations when appropriate such as local authorities and Town and Parish Councils adjacent to the district
- All comments must be received in writing within the specified consultation period. Comments can be submitted either by letter or email.
- Comments made outside of the formal consultation period will only be considered if circumstances allow.

Applications, plans, drawings and documents are available to view on-line and at the Planning Reception at Mid Sussex District Council Planning Office. Tel. 01444 477461
planninginfo@midsussex.gov.uk.

Comments on planning applications

Comments should consider 'material' planning considerations. Examples include:

- Loss of light or overshadowing
- Overlooking/loss of privacy
- Traffic and transport problems
- Noise and disturbance resulting from proposed use
- Hazardous materials
- Smells
- Loss of trees
- Effect on listed buildings and conservation areas
- Layout and density of building(s) proposed
- Design, appearance and materials
- Planning policy (for example the District Plan or national policies)
- Previous planning decisions
- Nature conservation impacts
- Archaeology

Examples of issues that are not material planning considerations include the loss of value on a property or the loss of a person's private view.

Who makes the decisions?

Once the consultation period is complete, the planning officer makes a recommendation on the planning application. The final decision is then made in accordance with the Council's Delegation scheme either by the Divisional Leader for Planning and Economy or by Planning Committee. In some cases, an applicant may decide to appeal and in that case an independent Planning Inspector (or the Secretary of State in certain very large or significant cases) makes the final decision.

¹² Online Planning Register available at <http://pa.midsussex.gov.uk/online-applications/>

¹³ <https://www.midsussex.gov.uk/planning-building/view-and-comment-on-planning-applications/>

¹⁴ As set out in Article 16 and 18 of the Town and Country Planning (Development Management Procedure) (England) Order (see Section 5)

The Council's Delegation Scheme

- Allows the Divisional Leader for Planning and Economy to determine applications without having to refer the proposal to a planning committee and the discretion to refer an application to a Planning Committee.

The Divisional Leader for Planning and Economy cannot determine any application if:

- They are applications from the Chief Executive, Heads of Service, or staff involved in the planning process, or their partners, or Councillors or their partners.
- Proposals involving the District Council or the County Council as applicant or landowner.
- Cases where two Councillors have made, within the representation period, written requests for the matter to be considered by a Planning Committee.
- Cases where the recommendation would result in a decision contrary to the Council's adopted policies.
- Applications for planning permission (not reserved matters) for more than five houses which are recommended for permission.
- Major variations to Section 106 Agreements.
- Non-urgent Article 4 Directions must be referred to the Area Planning Committee for determination.
- Agents, interested parties, local Town and Parish councils and consultees do not have a right to request that a particular application is referred to a Planning Committee.
- Further details are available in the Council's Constitution which is available on the MSDC website¹⁵.

¹⁵ At <http://mid-sussex.cmis.uk.com/mid-sussex/Constitution.aspx>

Summary of planning application stages

Pre-application Consultation (by applicants on major or significant applications)		
Agree process	<ul style="list-style-type: none"> • Council offers pre-application advice service • Applicants asked to follow Mid Sussex's Statement of Community Involvement • Applicant produces a 'Community Involvement Plan' 	Failure to adequately consult or submit a Community Involvement Plan and report of consultation may result in an invalid application.
Consult	<ul style="list-style-type: none"> • Applicant consults with relevant communities, organisations, Councillors and Council representatives 	
Report	<ul style="list-style-type: none"> • Applicant produce a report detailing what consultation they have done, the issues raised and how those issues have been considered in the final application 	
Validation		
Application is validated and information is made available for public to view as soon as possible on the Council's website ¹⁶ and at its offices.		
Application Consultation (by the Council and statutory for all planning applications)		
Consult	<ul style="list-style-type: none"> • Application is publicised (site notice or neighbour letter, press advert as required) • The Council publicises the application on the website • Normally 21 days to make written comment¹⁷ 	
Review	<ul style="list-style-type: none"> • The Council examines all material planning considerations including comments made • If an application significantly changes it will be re-advertised. Such changes may result from negotiations with applicants and from the views of local communities. Local residents and groups who have commented on the original application will notified 	
Decision	<ul style="list-style-type: none"> • A delegated decision is usually made by the Divisional Leader for Planning and Economy (for about 90% of applications); otherwise the decision is made by a Planning Committee 	
Decision made		

¹⁶ www.midsussex.gov.uk/8085.htm

¹⁷ See footnote 11 on page 15 for some of the circumstances when a different timescale may apply

<p>Inform</p>	<ul style="list-style-type: none"> • Information about the decision published on the 'Online Planning Register' • A report accompanying the decision will set out the reasons for granting or refusing permission. It will set out the issues raised during consultation and how these have influenced the decision • If significant revisions are made to the proposal after permission has been granted, a new planning application will be necessary subject to a fresh round of consultation. Only very minor changes would be allowed that would in effect not need planning permission. 	
<p>Please note: Appeals against the decision or conditions may be made to the Planning Inspectorate¹⁸. The Council will notify those who commented so further comments can be made. Except where the Secretary of State him/herself makes the decision, the Planning Inspector decides whether or not to allow or dismiss the appeal. The Inspectorate notifies interested parties on the decision.</p>		

¹⁸ www.planning-inspectorate.gov.uk

Neighbourhood Planning

The Government's preference is that the location and nature of additional development should be identified through Neighbourhood Plans. This reflects the localism agenda, and its view that giving power and responsibility to local communities will give them the confidence to accept appropriate development and the corresponding benefits that can come with it. This view is set out in the National Planning Policy Framework (paragraph 16), which suggests that neighbourhoods should "develop plans that support the strategic development set out in Local Plans... and plan positively to support local development".

Since the Localism Act introduced Neighbourhood Planning in 2011, almost all Town & Parish Councils in Mid Sussex have prepared a Neighbourhood Plan. The District Council will continue to provide support to those Town and Parish Councils which wish to review their Plans. The Council has set up a webpage¹⁹ to help Town and Parish Councils prepare and review Neighbourhood Plans. It includes advice and information provided by the District Council, and links to other sources of information. In addition, the District Council will continue to provide regular briefings for Town and Parish Councils on the preparation of the Site Allocations DPD and other planning policy documents.

Town or Parish Councils may decide that they wish to draw up a Neighbourhood Development Order, which would grant planning permission for specified developments in an area. There is a formal process set out by legislation including public consultation and a referendum as is the case with neighbourhood plans.

Should any Town or Parish Council be considering producing a Neighbourhood Development Order, the District Council strongly encourages early engagement with the Council to explore how the process can best be supported and facilitated.

¹⁹ <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>

Duty to Cooperate

Section 10 of the Localism Act (2011) introduces a Duty to Co-operate which requires planning authorities and other public bodies to actively engage and work jointly on strategic matters.

The ongoing cooperation between local authorities in the area has been positive and effective during the preparation of the District Plan, as evidenced in the Council's 'Duty to Cooperate Statement'. These relationships and joint working practices will need to continue to be effective and constructive on an ongoing basis to address the very significant challenges for the wider area in meeting housing and other development needs. The main mechanisms for this cooperation will be the Gatwick Diamond Initiative and the Coastal West Sussex and Greater Brighton Strategic Planning Board. The outcomes from these discussions and any underpinning technical work will be taken into account in planning policy documents. Mid Sussex District Council is fully committed to continuing to work positively and proactively with partners to plan strategically for the wider area in the longer term.

The *Duty to Cooperate Framework* published by Mid Sussex District Council in September 2015 established a robust and transparent process to enable cooperation with the relevant local authorities and organisations. It also enabled cooperation to be documented and monitored in terms of the strategic issues to be addressed, the outcomes achieved and the frequency of engagement with the relevant authorities/public bodies. In particular it enabled the Council to demonstrate that engagement has been:

- constructive
- active
- ongoing
- collaborative
- diligent and
- of mutual benefit.

Principles for cooperation were agreed by the West Sussex local authority Chief Executives in February 2014 and subsequently discussed with Brighton & Hove City Council and Lewes District Council. These principles:

- emphasise the importance of strengthening liaison between local authorities and working together on the duty to cooperate in a spirit of positive and collaborative joint working
- stipulate that work must be overseen at the highest levels within the local authorities with outcomes clearly recorded and signed off by Chief Executives and Leaders
- seek to avoid creating additional layers of bureaucracy
- recognise existing partnerships and the economic geography of the area; and
- state that arrangements must be consistent with the principles of localism.

Resources and Monitoring

The effectiveness of the Statement of Community Involvement will be monitored for each consultation exercise. This will be covered in the respective consultation report and as part of the Annual Monitoring Report to ensure it remains appropriate and meets the needs of the community and the Council.

The Annual Monitoring Report will provide a summary evaluation of the effectiveness of the Council's consultation activity carried out over the year. This might include reporting on how successful consultations were and what respondents thought about their consultation experiences. It will use the key principles outlined in this guide as the basis for that review.

The Annual Monitoring Report may indicate that there is a need to review the Statement of Community Involvement. The Annual Monitoring Report will be available on the Council's web site at <https://www.midsussex.gov.uk/planning-building/consultation-monitoring/>.

Further information and advice

Planning Aid

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

Planning Aid England can help you to:

- Understand and take part in the planning system
- Take part in the preparation of plans
- Comment on planning applications
- Apply for planning permission
- Appeal against a decision
- Represent yourself at appeals or public enquiries

Planning Aid England – an advice line can be contacted on (0330) 123 9244 or by email: advice@planningaid.rtpi.org.uk.

The website is available to view at www.rtpi.org.uk/planningaid

Planning Portal

The Planning Portal is the Government's website that offers clear guidance on the planning system.

The website can be viewed at: www.planningportal.gov.uk

Concerned about Community Involvement?

If you wish to raise issues related to planning, in the first instance you should directly contact the organisation that was involved in making the decision your question relates to. An example might be when an organisation does not properly inform you of the decision being made and what processes are being used to make the decision or if they do not adequately publicise results or feedback.

If you have a comment or concern with your experience of a Council led community involvement exercise, you should in the first instance, contact the officer detailed in the Community Involvement Plan.

Alternatively, you can contact the Customer Services and Communications Team by phone on 01444 477478 or by writing to Customer Services and Communications, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS.

Alternatively, you can use the Council's formal complaint procedure. The details of the procedure can be found on the Council's website at www.midsussex.gov.uk/complaints

If your concern is about whether or not the Council has followed a statutory procedure, there may be a specific stage of the decision making process where these concerns can be made.

DRAFT FOR CONSULTATION

Planning Performance Agreements in Mid Sussex A guide to their use in the District

This document sets out the process for a Planning Performance Agreement. It details how the District Council will seek to involve applicants, the community and other organisations.

September 2018

Planning Performance Agreements

Introduction

A planning performance agreement (PPA) is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications, usually large and complex in nature. A PPA sets out the commitments of both parties for the effective processing of a planning application before it is submitted. It sets out a structured approach to developing a work programme and forming a project team, to bring forward major new development proposals. It will include a Community Involvement Plan and the applicant will need to demonstrate that the consultation with local communities and other stakeholders has been effectively undertaken before any planning application is submitted.

The management of future development to deliver well-designed, high quality and sustainable communities is one of the Council's main priorities – and this is enshrined in the District Plan which was adopted in March 2018. Planning Performance Agreements are a way of developing proposals to see if they can meet the vision and objectives of the Council as well as giving the community an appropriate opportunity to be involved in the process in a meaningful way.

Aims

The Council is committed to encouraging new investment of the highest quality that contributes to the well being of existing and future communities and recognises that it is important to reduce uncertainty for local communities when applicants bring forward proposals for development.

The successful delivery of significant major developments requires commitment to partnership working, sound project management and effective communication with the community, developers, and other agencies. Planning Performance Agreements are a tool that can help deliver this.

Development Qualifying for a Planning Performance Agreement

Planning Performance Agreements are resource intensive to agree and implement. Their use is therefore aimed at large, complex development proposals.

A complex project may include:

- Proposals requiring an Environmental Impact Assessment;
- Large site proposals that meet the Council's strategic objectives as set out in the District Plan and other planning policy documents;
- Proposals where there are many constraints to be resolved before the development can be delivered; and
- Proposals that would have significant impact on communities and therefore require extensive consultation or involvement from many different stakeholders.

The Council will only enter into a Planning Performance Agreement or be prepared to commit its resources where:

- Their use is warranted;

- There is mutual agreement to enter into an Agreement between the Council and the applicant;
- The applicant has agreed to provide funding to cover the additional resources necessary to consider the proposal, in exchange for greater certainty on a range of factors including timescales to process the application;
- The proposed development is acceptable in policy terms, unless there would be clear positive outcomes for the community from such proposals.

Careful consideration will be given to such proposals in advance of entering into a Planning Performance Agreement to ensure that there is sufficient common ground to enable effective partnership working amongst key stakeholders including Councillors and the local community.

A Planning Performance Agreement is intended to cover the full process of planning a major development from an initial meeting when a shared vision for the site would be developed, through to community involvement and management of the application process and the post decision stages. A Planning Performance Agreement approach is suitable for sites where a masterplan is already in place. It should be straightforward and clear in setting out what is agreed and how it will operate in practice.

A Planning Performance Agreement is intended to be in the spirit of a 'memorandum of understanding' and not a legally binding document. This will be made clear in the text of each PPA agreed with the Council.

Process for agreeing a Planning Performance Agreement

An approach to the Council about a large-scale development project will initially be through the Planning & Economy team. However, it is likely that it will involve officers from other parts of the Council.

A project manager will be identified by the Council. They will be responsible for the co-ordination of the project team. They will ensure that tasks are delivered to agreed timescales, and that regular reporting and liaison with other stakeholders occurs.

It should be noted that the Planning Performance Agreement process does not financially tie the Council to the proposal or to the applicant. However, the Council will negotiate pre-application fees and secure other resources to assist with the timely delivery of the project, as part of the agreement. Because of the complex nature of the development proposals likely to be covered by a PPA, there is no set fee and it will be negotiated on a case-by-case basis.

All members of the project team will work on behalf of the Council in the wider public interest to secure the best quality scheme.

The guidance will not bind the Council to final recommendations nor override the requirement for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation.

The Divisional Leader - Planning and Economy will approve the Planning Performance Agreement on behalf of the Council in liaison with the Head of Regulatory Services.

Partner Organisation Commitment

For schemes covered by a PPA, other organisations are likely to be required to respond to the project. Stakeholders including the County Council and statutory agencies such as Highways England and the Environment Agency will, where relevant, be asked to commit to pre-application involvement. Where major development sites are close to or cross local

authority boundaries, the Council will ensure that it will work closely with these other authorities.

Community Engagement

The applicant will be required to ensure that consultation in advance of application has been undertaken effectively and in accordance with the Council's Statement of Community Involvement (SCI). The responsibility for carrying out consultation in advance of making an application (and the costs of doing so) will rest with the applicant. A Community Involvement Plan is required to be submitted with a Planning Application.

The Council then undertakes a separate consultation as part of the formal planning application process in line with statutory procedures and in accordance with the SCI.

Individual Planning Performance Agreements will cover arrangements for community consultation in advance of submission. All parties will agree to this at an early stage.

Councillor Involvement

Councillors should be appropriately and openly engaged with the development of a project. Councillors will be encouraged to be involved in discussions from an early stage in accordance with the guidance set out in the Council's Protocol for Involving Members in Pre-Application Discussions .

Expectations of Applicant

The Council will expect applicants to approach any proposal in an open, collaborative and creative manner. Applicants will be expected to employ staff/ consultants with sound expertise in delivering sustainable development. Robust project management processes and a timetable will be agreed with the Council to aid delivery, with any amendments or changes to the timetable only by agreement of all parties.

Where there are multiple interests the Council will seek a single steering group member where appropriate, to represent the collective developer interest.

Funding

The Council will have an expectation that the applicant will fund the preparation of the application material, production of technical reports, and all community engagement activity together with a fee for the scope of the services set out in the PPA, in addition to the statutory application fee for any planning application.

Process Requirements

The Planning Performance agreement will be developed jointly by the Council and the applicant. Where an applicant and the Council agree that a PPA will be useful, the process will involve the following key elements:

1. Meet and review the project proposal at an early stage. This is likely to include an inception day/ meeting;
2. Form a Project Team with key decision makers and a Project Manager; and
3. Produce a Project Plan and agree with the applicant to deliver key milestones on the part of both the applicant and the Council.

The Project Plan and Programme will be updated regularly to reflect the ongoing work of the project, in agreement with both applicant and the Council.

Where a PPA is in place, the statutory time limits for determining a planning application can be varied and a longer period agreed, with a firm commitment by the Council for determining the application by that date. If the Council fails to meet this deadline then the applicant may appeal in the normal manner. Likewise, if the applicant fails to meet its obligations then the Council may defer from the agreed process. Every effort will be made on the part of the Council to meet agreed timescales or to seek to vary them where there are circumstances out of its control (such as where unexpected issues arise or an external stakeholder does not meet statutory deadlines).

Mid Sussex District Council

September 2018

7. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2018/19

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officer: Alison Hammond, Member Services Officer
Email: alison.hammond@midsussex.gov.uk Tel: 01444 477227
Wards Affected: All
Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Housing and Planning to note its Work Programme for 2018/19.

Summary

2. Members are asked to note the attached Work Programme. The Work Programme will be reviewed as the final piece of business at each meeting, enabling additional business to be agreed as required.

Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**
-

Background

4. It is usual for Committees to agree their Work Programme at the first meeting of a new Council year and review it at each subsequent meeting to allow for the scrutiny of emerging issues during the year.

The Work Programme

5. The Committee's Work Programme for 2018/19 is set out below:

Meeting date	Item	Reason for Inclusion
21 November 2018	Site Allocation Update Report	To provide Members with an update on the report.
	Hackney and Private Hire Driver Code of Conduct Update	To seek the Committee's endorsement of a number of revisions to the Code of Conduct.
29 January 2019	To be confirmed	
6 March 2019	To be confirmed	

Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

Financial Implications

7. None.

Risk Management Implications

8. None.

Background Papers

None.