

**Minutes of a meeting of Scrutiny Committee for Housing, Planning
and Economic Growth
held on Wednesday, 11th September, 2019
from 7.00 - 8.24 pm**

Present: N Walker (Chair)
C Laband (Vice-Chair)

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|---------------|------------|-------------|
| R Bates | S Hatton | C Phillips |
| P Brown | S Hicks | R Webb |
| E Coe- | J Mockford | J Dabell |
| Gunnell White | A Peacock | R Whittaker |
| R Eggleston | | |

Absent: Councillors M Belsey, R Cromie and G Marsh

Also Present: Councillors J Belsey, P Chapman, I Gibson and J Henwood

Also Present as Cabinet Members: Councillors S Hillier, J Llewellyn-Burke and A MacNaughton

**1 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Whittaker substituted for Councillor Marsh and Councillor Dabell substituted for Councillor Belsey.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Cromie, Marsh and Margaret Belsey.

**3 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT
OF ANY MATTER ON THE AGENDA.**

Councillor Paul Brown advised that he is the local correspondent for the Open Spaces Society and had a personal interest.

**4 TO CONFIRM THE MINUTES OF THE MEETING OF THE SCRUTINY
COMMITTEE FOR HOUSING, PLANNING AND ECONOMIC GROWTH HELD ON
18 JULY 2019.**

The Minutes of the meeting of the Committee held on 18 July 2019 were agreed as a correct record and signed by the Chairman.

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

None.

6 PARKING STRATEGY MEMBERS WORKING GROUP.

Rob Anderton, Divisional Leader for Contracts and Commercial Services introduced the report. He advised the Committee that the current parking strategy for Mid Sussex expires in 2020. This is a key objective in the Corporate Plan and a Working Group to refresh this strategic document will be drawn from the Scrutiny Committee for Housing, Planning and Economic Growth.

As there were no questions the Chairman took Members to the recommendation which was agreed unanimously.

RESOLVED

The Scrutiny Committee agreed to the establishment of a Member Working Group to oversee the preparation of the Parking Strategy refresh.

7 SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT - DRAFT PLAN FOR CONSULTATION.

The Chairman informed the Committee of the background to the Site Allocations Development Plan Document (DPD): At the examination of the District Plan the Council were committed to the Site Allocations DPD (the Sites DPD) to identify sites for a five year land supply throughout the term of the Plan. A report came before the Scrutiny Committee on 14 November 2017 to set up the Working Group. It was agreed that at every stage the process would be monitored by the Scrutiny Committee. The Committee have reviewed the process on four occasions and each time, through due diligence, have thoroughly examined every stage. He noted that the original 233 sites had been now reduced to 22, and the residual housing figure had been revised to 1,507 dwellings. He highlighted that Councillors Whittaker and Hatton, as Members of the Working Group, can confirm the amount of time spent scrutinising the papers at the Working Group. He thanked the Members and the officers who worked to produce the report.

Sally Blomfield, Divisional Leader for Planning and Economy introduced the report and explained the background and context. She noted that the purpose is to allocate enough sites to meet the residual need for housing and employment, to allocate a site for a Science and Technology Park and also included a small suite of additional policies to ensure sustainable development in the District. The Committee were informed that a consultation would follow, and the procedure is regulated by law. The final Sites DPD would be examined by an independent Planning Inspector following a final public consultation and then the Plan would be adopted by the Council.

The Divisional Leader reminded the Committee that the Government's objective is to boost housing supply to meet need and affordability. She confirmed that the local requirement for Mid Sussex was agreed in the examination of the District Plan, and DP4 set out a minimum requirement of 16,390 homes up to 2031 and committed the Council to allocate sites to meet this need. This figure included some unmet need in Crawley. The Divisional Leader noted that after accounting for Completions, Commitments, Strategic Allocations and Windfalls the residual figure of dwellings still required was 2,439 as at March 2017. She highlighted that the Inspector required the Council to commit to the preparation of this Sites DPD in order to allocate sites to meet the residual figure. She confirmed the importance of allocating sites for the

purpose of a five year housing land supply. The Sites DPD, in ensuring the five year housing land supply, will ensure that the District Plan remains the starting point for considering applications.

The Divisional Leader confirmed that the preparation of the Sites DPD is guided by legislation, the NPPF and Planning Practice Guidance, it is a prescribed, lengthy and complex process. The Site Allocation Working Group had met 16 times to review the work undertaken. The Council had involved stakeholders, town and parish councils, land owners and site promoters in the process to assess the methodology. She highlighted that they had a chance to be involved and comment, and the Scrutiny Committee were here to look at the proposed output from the process. She also advised that the Council had retained Paul Brown QC to critically review the process at every stage.

The Divisional Leader noted Appendix 2 which summarised the five stages of the Site Selection Methodology. She highlighted that stage two included application of the Spatial Strategy which had been considered by the Inspector and fixed in the District Plan by Policies DP4 and DP6. The aim of the spatial strategy is to locate the majority of the growth in the top tier category settlement (Category 1) as this is the most sustainable way to accommodate growth. Following the high level assessment the number of sites reduced from 233 housing sites to get a palette of 142, which were then subject to a further detailed assessment that reduced the number of potential sites to 47. She again referred Members to Appendix 2 which summarised the review processes. The Committee were reminded that the residual figure of 2,439 (April 2017) had been reduced to 1,507 due to more completions, changes in commitments and a reassessment of windfalls. The Divisional Leader confirmed this was good news as the reduced residual figure would reduce the number of sites required.

The Committee was advised that at stage four of the process the Council had to consider all reasonable alternatives before reaching their decision, the alternative options came from the palette of 47 sites. She highlighted that following assessment, 20 sites were common to all three options – allocating the 20 sites is Option 1. Option 2 included two additional sites in Burgess Hill and Option 3 included the Golf Course site in Haywards Heath.

The Divisional Leader noted that Paul Brown, QC had advised that, in line with the adopted Spatial Strategy, if sites were not available in a tier the shortfall should be sought in the upper tiers. As insufficient sustainable sites had been found in Category 3 settlements they were sought from category 1 settlements. Option 2 and 3 proposed additional growth in Category 1 settlements.

The Scrutiny Committee were informed that Option 1 did not provide a satisfactory buffer above the minimum residual figure should any sites be removed from the process following consultation or further work, therefore the robustness of choosing this option would be challenged at examination. Option 3 would yield a greater buffer than necessary and the site was not appropriate in the terms of size and scale of growth. The Divisional Leader confirmed therefore that Option 2 was the preferred option which had been thoroughly tested and was set out in the Draft Site Allocation DPD. This option provides a robust buffer, complies with DP4 and DP6, and increases the 5 year land supply from 5.64 years to 6.47 years.

The Chairman reminded Members that they are were representing the whole district and not just their Ward.

The Divisional Leader noted that all selected sites are listed in the DPD and each site is accompanied by a policy that sets out guidance to aid the development.

Members asked questions on the selected sites, expected yield of units per site, the size of dwellings and the 5 year land supply.

The Divisional Leader advised that the yield per site has been carefully tested through site assessments and visits, and confirmed that the officers considered constraints and other factors. She noted therefore that following this scrutiny the yields in the Sites DPD may be different to the original estimate when the sites were promoted. The District Plan sets out a number of policies including Housing Mix, the Mid Sussex Design Guide which is also to be consulted upon. Both would be taken into account when applications are considered. She confirmed that the District Plan had allocated a number of strategic allocations and the Site Allocation DPD was seeking to allocate suitable sites to meet the residual need. The Committee was advised that the Plan period was up to 2031 and the 5 year land supply was a rolling 5 years looking forward, as detailed in the Annual Position Statement. She confirmed that the revised residual figure had taken into account that some dwellings from the Northern Arc site will be delivered outside of the Plan period.

Several Members commented on the amount of work completed by the officers.

Several Members commented on the congestion on the highway in the District. Andrew Maxted, Business Unit Leader for Planning, Policy and Economy confirmed that site developers had provided information on the impact of proposed developments on the highway and mitigation to resolve the impact.

In response to a Member's concern the Divisional Leader stated that the public can comment on everything during the consultation, sites that have been included or excluded and the proposed additional planning policies.

A member of the Working Group confirmed the vast amount of work completed by the Working Group over the last 18 months and he thanked the officers. He noted it was the Council's legal responsibility to deliver these units and it is the Government's agenda to deliver growth. He confirmed that the process had been officer led, the Working Group had been checking facts and that no choice was an easy choice. The price of an average property was high in Mid Sussex and affordable homes were needed, the Site Allocation DPD will meet the need. He commented on the anticipated cost of improvements to the infrastructure and that Tandridge District Council's District Plan goes to examination next month. He concluded that he fully supported the process and recommendations.

Following several questions the Divisional Leader confirmed to the Committee that the library of background documents would be placed on the Council's website, in the Member's Room and deposited in key deposit locations for the public to view. She noted that the Working Group had met in April to consider the options of the 47 sites and the last meeting on 27 August reviewed the technical work and the final 3 options. The Committee was informed that the officers had taken legal advice on constituting a new Working Group but Paul Brown, QC had advised to continue with the remaining members of the group and complete the process. Andrew MacNaughton, Cabinet Member for Housing and Planning confirmed that all work to date had already been thoroughly scrutinised by the Committee. The work had rightly come back to Scrutiny at the end of the process and to start again would be counterproductive.

Andrew Marsh, Senior Planning Officer confirmed that the criterion of new developments being no more than 150ms from an existing settlement boundary was a guide. It was felt by officers more than 150ms was a significant distance and that there were sufficient sites to choose from that were better connected to existing settlements. The criteria were established within Site Selection Paper 1, which had been scrutinised by this committee in September 2018. The Business Unit Leader, in response to a specific question, noted that other sites may be identified through a future local plan process that might extend the boundary away from the existing built up area.

A Member stated that she had missed the last meeting of the Working Group due to a holiday but confirmed that she had been sent the papers to be reviewed. She expressed concern that her comments had not been put forward. She informed the Committee that it was a cross party group and each area had been represented, but felt her geographical area had not been represented at the last meeting. She noted that the Friar's Oak site had been included but the decision from the current Planning Inquiry had not been released and this could be misinterpreted by the public. She then asked for clarity over the access arrangements for Site SA13 (Land East of Keymer Road).

The Divisional Leader assured the Member that her concerns had been received, reviewed and were included in the schedule of additional comments. The officer noted that the Member did represent the south of the District and noted that no decision had been made on the Inquiry for the Friar's Oak site. However she confirmed that there were different processes for considering a planning appeal and for considering a site through a plan making process. She confirmed that Site SA 13 comprised the two sites in Keymer Road which had originally be promoted independently but then had been combined and the site was shown to have two accesses onto - Keymer Road. However, she confirmed that amendments to SA13 would be made to make vehicular access matters clear.

A Member showed concern over more developments on the edge of towns leading to isolation of those new developments, citing Northern Arc as an example, and the impact of the anticipated increase in traffic movements.

The Divisional Leader noted the Sites DPD was applying the Spatial Strategy set out in the District Plan and reminded the Committee that the Council were required to identify sufficient sites to meet the residual need. In addition, she confirmed that the development at higher tier settlements was sustainable because of the access to goods and services in these locations. Regarding the Northern Arc she outlined the work of the wider Burgess Hill Programme and the proposed new policies to improve accessibility at Wivelsfield Station and secure sustainable transport networks.

A Member highlighted the Transport Assessment and that all landowners must produce a detailed transport assessment to link with the existing network and include mitigation for the impact on the highway. He noted that the Council was working in partnership with neighbouring district and county councils to deliver these sites including solutions to mitigate any severe impact on the highway.

The Business Unit Leader confirmed that the transport evidence was correct and included a comprehensive assessment on the impact of additional traffic from the additional houses on the highway network. He advised that he was aware that the network at East Grinstead is already constrained and highway improvements will be required even if more houses are not built in the area. He confirmed partnership working with District and County Councils and a proposed policy in the draft Sites

DPD for improvements to the junctions of the A22 and A264 corridor. He confirmed that the policy SA19 would be amended to make it clear that there would be a need for ongoing collaboration with both highway authorities. He confirmed that Tandridge District Council were developing proposals to improve the junction at Felbridge and that additional housing has the potential to assist in contributing funding to help deliver the junction upgrades. A Member queried why the Dukes Head junction on the A264 had not been included, the Business Unit Leader confirmed that the whole highway network in the district was considered during the transport modelling work and any improvements required were included in the Sites DPD.

For the benefit of new Members the Divisional Leader confirmed that the Regulation 18 consultation is the first of a two stage consultation process and all representations made to the Regulation 18 consultation will be carefully considered by the officers and then by this Scrutiny Committee. She confirmed receipt of a letter regarding a site in Horsted Keynes, the site had originally been submitted as a large site and the promoter then asked for it to be considered in three sections. She noted that one of the plans in the Site Selection Paper 3 was incorrect and explained that the Site Selection Paper 3 would be updated. She confirmed that all three sites had been assessed and were listed as such in the accompanying table in Site Selection Paper 3. The landowner has been advised to make any other comments at the consultation stage.

The Business Unit Leader commented that following consideration of the representations made to the Regulation 18 consultation by this Committee, the Council can amend the Plan before the second consultation. Representations made to the second consultation are reviewed by the Inspector as part of the independent public inquiry. This second stage of consultation is planned for mid-2020.

A Member wanted reassurance about the consultation process and noted that it was difficult to find your way around the documents. He wanted to know what weight the Plan had in the assessment of planning applications.

The Divisional Leader advised that the Plan gathers more weight as it goes through the process. She noted that Appendix A to the Committee Report assisted with finding information but that a library of documents would be made available in the Members Room and on the Council's web pages.

The Business Unit Leader reminded the Committee of the four purposes of the Site Allocation DPD and confirmed that there is need for an additional 10 to 15 hectares of employment land. He noted that this had been simpler in comparison to the housing sites process as 18 sites were promoted and these were carefully considered in detail using the criteria and scrutinised by this Committee. The Site Allocation DPD identifies 7 employment sites for allocation and there are policies for each site. He confirmed the commitment for the Science and Technology Park was established in policy DP1 of the District Plan. The need had been identified and a broad location west of Burgess Hill. He noted 2 sites had been promoted and considered with the northern site proposed for allocation. The Business Unit Leader confirmed the additional strategic policies would protect the existing 66 employment sites in the district; safeguard land to deliver highway schemes at certain junctions, safeguard land required to deliver enhancements at Wivelsfield Station, and Burgess Hill multifunctional network link; and the air quality policy would reflect new guidance across Mid Sussex to ensure robust and up to date policies.

A Member commented that policy SA 34 would add extra protection and allow flexibility for businesses to expand, and SA 35 would safeguard land for future highway work.

In response to a Member's question on the calculation of net biodiversity gain, the Business Unit Leader advised the Committee that the work had been informed by a comprehensive process involving a range of stakeholders, specialist consultants and landowners. The process has been tailored on a site by site basis and the consultation process would provide an opportunity to revisit some sites. In the light of this question officers will amend the wording to the general principles of the plan to explain how net biodiversity gain is measured.

The Cabinet Member for Housing and Planning noted that all sites are investigated for the opportunity to improve the habitat for wildlife. He confirmed that there would be public open space in the Northern Arc development with areas left for wildlife to flourish. A Member noted that the HRA report and Sustainability Appraisal included a section on biodiversity.

In response to a question, the Divisional Leader confirmed policy SA 37 would safeguard the cycle scheme for the link from Burgess Hill to Haywards Heath. She noted this is part of a larger network looking to deliver sustainable transport improvements as part of the Burgess Hill programme but governance for this work lies outside the Sites DPD work.

The Committee was advised by the Divisional Leader that the next step would be the six week consultation which was detailed on page 24 of the report and the Council's approved Statement of Community Involvement.

The Chairman noted the constructive questioning by the Committee and confirmed the importance of this document.

The Chairman took Members to the recommendations. The recommendations were approved with 10 votes in favour and 4 Members abstained.

RESOLVED

The Committee:

i) Considered and commented on the Draft Site Allocations DPD and supporting documentation; and

(ii) Recommended to Council the Draft Site Allocations DPD, along with supporting documentation, for six-weeks public consultation commencing 9th October 2019.

8 SCRUTINY COMMITTEE FOR HOUSING, PLANNING AND ECONOMIC GROWTH - WORK PROGRAMME 2019/20.

Tom Clark, Solicitor to the Council, introduced the report which presented the Committee's Work Programme for the year. He noted the items at the next two meetings and advised that the Site Allocations DPD report would come back to the Committee and the date was dependent on the number of replies from the consultation

The Committee noted the Committee's Work Programme as set out at paragraph 5 of the report.

9 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10, DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 8.24 pm

Chairman