

**Minutes of a meeting of Scrutiny Committee Place and Environment
held on Wednesday, 22nd November, 2023
from 7pm.**

Present: J Belsey (Chairman)
K Berggreen (Vice-Chair)

M Avery	J Henwood	A Peacock
R Bates	J Hitchcock	A Rees
J Edwards	T Hussain	G Zeidler

Also Present: Councillors P Chapman, A Eves, M Kennedy, P Kenny,
G Marsh and M Miah

Also Present Councillors A Bennett, A Cook, R Eggleston, I Gibson, C Hobbs
As Cabinet
Member:

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

None.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

No apologies were received as all Members were present.

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

None.

**4 TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE
PREVIOUS MEETING HELD ON 18 OCTOBER 2023.**

The Committee agreed the minutes and they were signed by the Chairman.

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

None.

6 DISTRICT PLAN 2021 - 2039 - REGULATION 19.

Introduction

Judy Holmes, Deputy Chief Executive introduced the report, noting the complex, lengthy and prescribed process started in November 2021. She highlighted the

importance of plan making, the input from the member working groups and the engagement with town and parish councils.

Members discussed the Plan in relation to the proposed changes to the National Planning Policy Framework (NPPF) and the Levelling Up and Regeneration Act, noting that the act had not changed the housing number.

The Deputy Chief Executive confirmed a King's Counsel has been involved throughout the process to ensure the Plan complies with current legislation. Sally Blomfield, Assistant Director Planning and Economy advised the revised NPPF, when published, will have provision for transitional arrangements, however the Plan can be modified if necessary, during the examination process.

Evidence Base, and Regulation 19 Plan Strategy and Housing Number

Andrew Marsh, Head of Planning Policy and Housing Enabling confirmed the evidence base library was available on the Council's website, highlighted that the Regulation 19 plan strategy had changed compared to the current adopted Plan and the standard method was used to calculate the district's housing need.

The Head of Planning Policy and Housing Enabling directed Members to the accompanying Sustainability Appraisal and Habitats Regulations Assessment which are legal requirements and appended to the Committee report.

Members discussed the modelling of highways junctions, impact on settlements, and cycle networks. The Head of Planning Policy and Housing Enabling advised the level of modelling for the Regulation 19 stage of plan making was different to the evidence required to support a planning application. The NPPF advises the local plan must have a proportionate evidence base that supports the plan at a strategic level; at application stage more detailed modelling would be required and this would indicate detail mitigation measures if required. It was also confirmed that the Plan is underpinned by the 20-minute neighbourhoods principle.

Meeting Housing Need

The Assistant Director confirmed there had been no changes to the sites since Regulation 18 stage. She noted that the site allocation policies continued to set out the detailed site and infrastructure requirements, housing mix and affordable housing. The new general policy for guiding principles for sustainable communities, which includes the requirement for Significant Sites to prepare a site-specific Masterplan and Infrastructure Delivery Plan for the Council to agree was highlighted.

Members discussed developments on agricultural land, applications on unallocated sites and protected habitats. The Head of Planning Policy and Housing Enabling advised much of the District is grade 3 agricultural land and additional metrics are used to classify if the land is grade 3a or 3b. It is not possible to distinguish sites as grade 3a or 3b without detailed site assessment. The officers were confident that the site selection process is sound. He confirmed a site that had previously been promoted within Horsham and Mid Sussex districts near Sayers Common had been withdrawn.

Duty to Cooperate

The Head of Planning noted it is best practice to include an oversupply / buffer above the housing need through the plan making process for resilience; the Council can then consider its ability to assist with the unmet need of neighbouring Councils. Any supply above meeting Mid Sussex housing need could be a contribution towards unmet need within the Northern West Sussex Housing Market Area.

Members discussed the consequences of using the oversupply to assist with unmet need and receipt of Section 106 funding for sites that were identified as assisting with unmet need. The Deputy Chief Executive confirmed the oversupply had increased as the housing need figure had reduced between Regulations 18 and 19. The Council should plan to meet their own need and if possible unmet need arising from Councils in the housing market area. She confirmed that Section 106 funding would be received by this Council for any sites delivered within the District.

Other Development Management Policies

The Committee were advised there are a suite of policies for Site Allocations and Development Management. The new policy DPA3A relates to allotments at Nightingale Lane which are required as part of the development of the Burgess Hill Station site (DPA3). More development management policies have been added since Regulation 18 as a result of representations received during consultation. Significant changes were highlighted, including changes to DPN1 on Biodiversity, Geodiversity and Nature Recovery, and DPT4 Parking and Electric Vehicle Charging Infrastructure. Policy DPT3 will sign post developers to important documents for active sustainable travel which are outside the Plan.

Members discussed the use of air conditioning units to prevent overheating in developments, water neutrality, construction in ancient woodland buffer zones and the protection of habitats. In response to Members' concern for more assertive wording, the Head of Planning Policy and Housing Enabling noted that the documents must mirror the wording used in the NPPF. He noted that only a small part of the District is affected by water neutrality issues therefore the Water Neutrality policy would only apply to that area.

The Committee were advised that the distance for ancient woodland buffer zones was set by Natural England. The policy will give the Council powers to enforce through the use of conditions. Officers agreed to review the wording of DPN4 to clarify and strengthen reference to the use of buffers in respect to ancient woodland.

The Deputy Chief Executive advised that the Water Neutrality policy has been drafted in conjunction with neighbouring Crawley and Horsham Councils to ensure a consistent approach is taken.

The Assistant Director confirmed the use of grey water is covered by policy DPS2, Sustainable Design and Construction; it includes measures to reduce water use and to reuse water. It was noted that the Council cannot be prescriptive with regard to the inclusion of air conditioning; the external accreditation system looks at a scheme as a whole and the use of cooling systems will be considered as part of that. With regard to infrastructure within ancient woodland buffer zones, she confirmed each application is looked at on a case-by-case basis. The Committee were also advised that developers have to make long term arrangements for any biodiversity features they install during the construction phase.

Discussion was held around the inclusion of swift bricks. A further amendment was requested which Officers agreed to consider.

Infrastructure

The Assistant Director introduced the section on infrastructure, highlighting the range of policies which require on-site and off-site provision of infrastructure. Infrastructure requirements are set out in Site Allocation policies and the Infrastructure Delivery

Plan which was produced in consultation with infrastructure providers and town and parish councils.

Members discussed allotments and expressed concern regarding delivery of off-site infrastructure by statutory bodies. The Assistant Director confirmed policy DPN3 on green and blue infrastructure contains broad based definitions which include allotments however for robustness and clarity it was agreed that the reference to allotments would be reinstated in policy DPI5.

The Chairman advised that the officers will amend the wording of policies in consultation with the Leader and it was noted that the updated District Plan is sufficiently robust, to ensure the Council can hold statutory bodies and developers to account.

Next Steps

The Deputy Chief Executive drew attention to the Community Involvement Plan, noting that the Council would run the consultation for Regulation 19 on behalf of the Planning Inspectorate. Officers will consider the comments made by several Members and may make further amendments. Additional text is proposed for policy DPN1, DPN4 and DPI5 and these amendments will be reported to Council when it considers the Regulation 19 Plan in December.

The Leader of the Council thanked the officers for their diligent work, noting that officers, members and town and parish councils had worked collaboratively to ensure the Plan provides the right homes in the District whilst protecting the landscape, nature and increase biodiversity.

The Chairman took the Members to a vote on the recommendations which were agreed unanimously.

RESOLVED

The Scrutiny Committee:

- (i) Considered and commented on the submission draft District Plan (attached in Appendix A) and supporting documentation including the draft Sustainability Appraisal, draft Habitats Regulations Assessment, the Equalities Impact Assessment and the Community Involvement Plan (attached in Appendices C to F);
- (ii) Recommend that Council approves the submission draft District Plan, along with all supporting documentation, for six-weeks public consultation starting in January 2024;
- (iii) Recommend to Council that, after the conclusion of the public consultation, the submission draft District Plan, along with supporting documentation and all the representations (including those to all the supporting documentation), is submitted to the Secretary of State for examination;
- (iv) Recommend to Council that authority should be given to the Assistant Director Planning and Sustainable Economy, in consultation with the Leader as the appropriate Cabinet Member, to make any necessary minor typographical and factual changes to the submission draft District Plan prior to public consultation; and

- (v) Recommend to Council that authority should be given to the Assistant Director Planning and Sustainable Economy, in consultation with the Leader as the appropriate Cabinet Member, to suggest any necessary modifications to the submission draft District Plan during the examination process to help secure its soundness (pending further public consultation as required).

7 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 8.39 pm

Chairman