

DISTRICT PLAN 2021-2039 – REGULATION 19

REPORT OF: Deputy Chief Executive – Judy Holmes
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Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee - Place and Environment
22nd November 2023

Purpose of Report

1. The purpose of this report is to ask the Scrutiny Committee to consider the submission draft District Plan (Regulation 19) and supporting material. The draft District Plan (Regulation 18) has been amended following consideration of the representations made following consultation in November/December 2022, the outcomes of the cross-party Members Working Group meetings, and further engagement with Town and Parish Councils. All changes are shown as track changes and are reflected in the submission draft District Plan which is attached at **Appendix A**.

Summary

2. This report:
 - Summarises the purpose of the submission draft District Plan and the work carried out in its preparation.
 - Outlines the outcomes of the additional work that has taken place since public consultation (Regulation 18).
 - Sets out the amendments that have been made to the draft District Plan as a result of consultation and the additional engagement.
 - Outlines the next steps towards Regulation 19 stage and beyond.

Recommendations

3. **Scrutiny Committee is recommended to:**
 - (i) **Consider and comment 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 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).**
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Background

Why prepare a Plan?

4. The Mid Sussex District Plan 2014 – 2031 was adopted in March 2018. The adopted District Plan contained a commitment (policy DP4: Housing) to start a review of the Plan in 2021.
5. The planning system should be plan-led, in accordance with the National Planning Policy Framework (NPPF). An up-to-date District Plan should be in place to provide a positive vision for the future and address housing needs and other economic, social and environmental policies. An up-to-date plan means that the Council can:
 - demonstrate that it can meet its housing need and identify deliverable sites sufficient to provide a minimum 5-year supply. Without this, housing policies are deemed 'out of date' and the presumption in favour of sustainable development would apply resulting in speculative development. When the Council did not have an adopted Plan, this resulted in over 3,000 homes approved, at a cost of £720k to the taxpayer at appeal attempting to prevent speculative development;
 - impose policy requirements to ensure sites deliver site-specific mitigation, infrastructure and facilities required to support housing development;
 - provide certainty and ensure statutory providers know where, when and how much development will be delivered;
 - place full weight on its policies when determining planning applications.
6. The importance of plan-making was emphasised in the recent appeal decision at Land south of Henfield Road, Albourne. In concluding that the Council currently has a five-year supply of housing, the Inspector noted that the Council approaches the issue of housing in a positive and proactive manner and that the plan-making process is positive and continuing to progress. This provided the Inspector with confidence that housing delivery will persist as planned and was a sound basis for the five-year supply position put forward by the Council. The appeal decision can be found at <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?CaseID=3319542&CoID=0>

Work to Date

7. The first stage of plan-making is to prepare and consult on a draft plan. This is known as the Regulation 18 stage. Following a recommendation made by Scrutiny Committee, Council approved the draft District Plan for Regulation 18 consultation at its meeting on 2nd November 2022, with a six-week consultation taking place between 7th November and 19th December 2022.
8. At its meeting on 15th March 2023, Scrutiny Committee for Planning, Economic Growth and Net Zero noted the comments received during the Regulation 18 consultation and the additional work required ahead of the Regulation 19 consultation. The Committee Report (see Background Papers) included a Summary of Consultation Responses. The report also set out a summary of the next steps required including further work on the evidence base; assessment of evidence submitted in support of omission sites and review of the sites in the light of this; review of proposed allocations and policies in light of responses; and agreement to continue to work with infrastructure providers and neighbouring authorities.
9. At this meeting, Scrutiny Committee noted the next steps but also recommended that the cross-party Members Working Group was reconvened to review the work outlined above and that further engagement be carried out with Town and Parish Councils.
10. As a result of this additional work and engagement, the draft District Plan has been revised. The revised version of the District Plan is known as the “submission draft District Plan” also known as Regulation 19. Subject to this Committee’s recommendations and Council approval, this version of the Plan will be subjected to a further six-week consultation after which it will be submitted to the Secretary of State for examination.
11. This report provides the Committee with details of the work that has taken place since Regulation 18, how the District Plan has been revised as a result and sets out the next steps.

The Implications of the Levelling Up and Regeneration Act

12. The Government introduced a Levelling Up and Regeneration Bill to Parliament in May 2022. This received Royal Assent, on 26th October 2023 thus becoming the “Levelling Up and Regeneration Act” (LURA).
13. The Act proposes changes to the planning system including a new system for plan making. However, this will require secondary legislation, change to national policy and new guidance. It is not expected that these will be in place until the end of 2024. This means there is significant uncertainty on the content, timing and implications of secondary legislation, national policy, and guidance.
14. For Local Plans currently in progress such as this submission draft District Plan, transitional arrangements are in place. These plans are submitted under the current planning system until 30th June 2025, and they must be adopted by 31st December 2026. It is anticipated that the submission District Plan will be submitted in spring 2024 and adopted by the end of 2024 and will be fully compliant with the transitional arrangements.

15. The Government has urged local authorities to continue plan-making, and currently Local Planning Authorities must continue to comply with current legislation, which requires Local Plans to be updated where required every 5 years. The same sanctions for not complying, including the consequences of not meeting housing need or maintaining a 5-year housing land supply are still in force. Given this and the need for secondary legislation and changes to national policy and guidance before the new planning arrangements are in place it is crucial that the Council continues to submit the District Plan for examination.
16. As a separate matter, the Government consulted on its “Levelling-up and Regeneration Bill: reforms to national planning policy” between December 2022 – March 2023. This related to an interim update to National Planning Policy ahead of the new system coming into force. As yet the Government has not provided a response to the “Levelling-up and Regeneration Bill: reforms to national planning policy” consultation.
17. A revised NPPF was published in September 2023 however the only policy amendment related to on-shore windfarms. It is anticipated that a revised NPPF will be published in November 2023 that deals with the remaining proposed amendments, an update will be provided to the Committee should this occur ahead of its meeting. Any amendments would take effect immediately save for any transitional arrangements.
18. A number of respondents to the Regulation 18 draft Plan suggested that the Standard Method would no longer be mandatory in the light of possible changes to government policy, and that taking an alternative approach would lead to a reduced housing requirement. It is important to note that the consultation did not suggest amendments to the Standard Method formula, and the recently enacted Levelling-up and Regeneration Act (October 2023) does not amend or remove it.
19. Current National Policy and Planning Practice Guidance (PPG) is clear that whilst the Standard Methodology is not mandatory, deviation is only permitted in exceptional circumstance. Whilst no such examples are provided in current guidance, the LURB Consultation suggested that these may be confined to instances such as “islands with a higher percentage of elderly residents or university towns with an above-average proportion of students”. The evidence base supporting the submission draft District Plan concludes there are no such exceptional circumstances for Mid Sussex. Whilst the Council has lobbied for alternative population projection data to be used in the Standard Method calculation, this is still not supported in current policy or guidance. We are not aware of any Councils that have successfully argued exceptional circumstances resulting in a reduction in their housing number post-examination.
20. The Government has reiterated its intention to deliver 300,000 homes per year nationally in light of the pressing requirement for new homes and urges authorities to continue with plan-making to achieve this. Given this and the proposals set out in the consultation, it is not expected that Mid Sussex housing need will significantly change. At this stage, the Council must continue to prepare the District Plan on the basis of the current Standard Method figure.

Outcomes from Regulation 18 Consultation

21. At its meeting on the 15th of March 2023 the Scrutiny Committee for Planning, Economic Growth and Net Zero considered the responses to the Regulation 18 consultation. (See background papers). A total of 2,881 comments were received from 1,365 respondents during the Regulation 18 consultation. This includes responses from Town and Parish Councils, neighbouring authorities, infrastructure providers, individuals, developers, site promoters and organisations/action groups. All consultation responses received were published in full on the Council's website at www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/district-plan-review.
22. All the comments have been carefully considered and many have led to proposed changes which are included in the submission draft District Plan. **Appendix B** sets out a summary of the responses received and officers' responses to the key points raised.

Members' Working Group – Role and Outcomes

23. At its meeting on 28th June 2023, this Committee established a cross-party, politically balanced Members' Working Group for the Regulation 19 stage. The objectives of the Working Group are set out in the Terms of Reference agreed by the Committee (see Background Papers).
24. The Working Group met on two occasions, including a full day. Members of the Working Group were provided with an opportunity to submit comments in writing for consideration by officers. For transparency, the work of the group was observed by other interested Members, including Cabinet Members.
25. With respect to the Working Groups review of Policies, the submission draft District Plan incorporates suggestions by the Members Working Group including:
 - Additions and amendments to policy wording to provide clarity.
 - Additions to supporting text to the Policies to provide further detail, and explanation to justify policy content.
 - Additional supporting text in the Infrastructure chapter to more clearly explain the Council's role and responsibilities in securing infrastructure delivery.
26. With respect to the sites that were not allocated in the draft Plan and the new sites promoted to the Council during the consultation, the Working Group reviewed the sites in the context of the representations, site selection criteria and the evidence base supporting the Plan. The Working Group considered the sites proposed for allocation, including proposed wording changes. No proposed site allocations were suggested for removal and no additional housing sites were proposed for allocation.

Town and Parish Council Engagement – Role and Outcomes

27. At its meeting on 15th March 2023, the Scrutiny Committee for Planning, Economic Growth and Net Zero resolved to recommend to Council that it positively engages with Town and Parish Councils prior to the Regulation 19 consultation. Council agreed with this recommendation on 26th July 2023.

28. A series of meetings with Town and Parish Councils and Ward Councillors with sites proposed for allocation in their area were held during September and October 2023. The purpose of these meetings was to discuss issues raised by the Town and Parish Council during the Regulation 18 consultation and to seek views on proposed on-site and off-site infrastructure that would accompany the proposed sites, particularly focusing on Local Community Infrastructure. The Town and Parish Councils and Ward Councillors were provided with an opportunity to shape the policy requirements for each site, and to input into the Infrastructure Delivery Plan.
29. The meetings form the starting point for ongoing engagement. As a result of the initial meetings, further meetings have taken place with Bolney, Hurstpierpoint & Sayers Common, Albourne and Twineham parishes. Further sessions will continue to be held to support Parishes where requested.
30. This engagement with Town and Parish Councils and Ward Councillors has been valuable in shaping the submission draft District Plan and Infrastructure Delivery Plan. Important amendments have been made to site allocation policy wording to reflect local knowledge such as strengthening policy requirements and mitigation for sites and refining the infrastructure requirements. This will ensure that growth is supported by the necessary infrastructure to address local needs.

Further Evidence Work – Update

31. The report to Scrutiny Committee on 15th March 2023 (paragraph 50) set out a series of evidence base updates that would take place ahead of Regulation 19 stage. An update on these is provided below:

Transport

32. The submission draft District Plan is supported by the Mid Sussex Transport Study. The role of the Transport Study is to document assessment of the impact of development proposals in the Plan using the approved transport model, testing the proposals against a baseline 'reference case' (which includes current traffic levels and growth already permitted, for example planning permissions and allocations in the adopted District Plan and Neighbourhood Plans as well as neighbouring areas). In accordance with the NPPF, development should only be prevented or refused on highways grounds where the additional impact of proposals in the submission draft District Plan would lead to a 'severe' impact on the road network.
33. The transport model and report were produced by transport consultants SYSTRA in accordance with good practice as set out in the Department for Transport's (DfT) transport analysis guidance. The model was validated by West Sussex Council (the Highways Authority) and has been developed in close co-operation with them and National Highways.
34. The transport modelling and reporting is an iterative process which evolves during production of the plan. At Regulation 18, the transport modelling identified 10 junctions which could potentially lead to a 'severe' impact on the network as a result of proposed allocations. Further work has taken place to investigate whether these severe impacts could be mitigated and the transport modelling updated as follows:
 - Updating the reference case to include new permissions and mitigations approved since Regulation 18;

- Updated the modelling in line with the West Sussex Local Transport Plan and latest guidance on transport modelling, adopted since Regulation 18 consultation including taking account of matters such as increased home working and the effects of providing schools on the significant sites.
35. As a result, the transport model has been re-run and the summary results of this work have been published – see Background Papers. The results are positive and show a reduction in the number of ‘severe’ impacts to only three junctions:
- **N8: B2110/B2028 Turners Hill.** Only 1 arm of 4 is impacted in the AM peak.
 - **C7: A272/B2036.** Only 1 arm of 3 is impacted in the PM peak.
 - **S8: A273/B2116 Hassocks.** Only 1 arm of 4 is impacted in the AM peak.
36. Whilst the current transport model indicates there are potential ‘severe’ impacts at these junctions, the impacts are within the reasonable limits of capacity, and it is therefore considered that these impacts could be addressed through a combination of sustainable travel measures and highway mitigation. These results are not sufficiently severe for development to be resisted. Additionally, there is no evidence to suggest the impacts at these junctions are related to any one site, it is likely reflective of overall growth and potential re-routing.
37. Initial indications suggest that as a result of congestion at the Hickstead junction, drivers are seeking alternative routes onto more minor roads initially through Stonepound Crossroads to the south and Ansty to the north and joining the A23 elsewhere. The same is considered to be happening at Turners Hill where traffic is re-routing away from the congested A22/ A264 corridor.
38. Advice from WSCC, in line with the adopted Transport Plan, is that once the impacts of proposed sustainable mitigation measures have been taken into account in the modelling, including those proposed by the Significant Sites (DPSC1 – DPSC3), any necessary highway mitigation should be focused on the Major Road Network (MRN).
39. Focusing physical highway improvements on the MRN may involve delivering capacity improvements at Hickstead, over the more minor routes of Ansty and Stonepound Crossroads to ensure traffic is encouraged along the MRN instead. Similarly, any necessary mitigation to address impacts at Turners Hill should focus on the A22/A264 corridor at the MRN. This route is currently the focus of a capacity and safety study led by Surrey and West Sussex County Council Highway Authorities to determine a package of strategic measures to address issues associated with highway congestion and improved safety.
40. As the submission draft District Plan progresses towards examination work will continue to refine this position and identify any necessary mitigation. Overseen by West Sussex County Council and with National Highways input, further work will take place to:
- Determine the impacts of sustainable mitigation, informed by detailed evidence work with the Significant Site promoters (DPSC1 – DPSC3) which looks at active and sustainable travel proposals to reduce reliance on car-based journeys.
 - Better understand the impacts of re-routing and determining the most appropriate location and measures for highway mitigation to encourage traffic along MRN away from more minor routes.

41. At this stage, there are no indications that the remaining severe impacts cannot be mitigated or that the proposals should not proceed to Regulation 19.

Sustainability Appraisal and Habitats Regulations Assessment

42. It is a legal requirement for the District Plan to be accompanied by a Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) and a Habitats Regulations Assessment (HRA).
43. The SA and HRA are iterative, with updates published at each formal stage. The draft District Plan was accompanied by SA and HRA at Regulation 18 stage which were both considered by Scrutiny Committee and Council. Comments were invited during the consultation. These comments have informed updated versions of the SA and HRA.
44. The SA assesses all reasonable alternative options (for strategy, policies and sites) against sustainability criteria. The SA at Regulation 18 concluded that the draft District Plan was sustainable given all reasonable alternatives. As a result of the consultation responses, assessment of reasonable alternatives and changes made to the Plan since Regulation 18, the SA has been updated to accompany the Regulation 19 District Plan.
45. As a result of the consultation responses and changes made to the Plan, the Regulation 19 Habitats Regulations Assessment report also draws the same conclusions as the Regulation 18 HRA in that there are no significant impacts arising from the Plan.
46. A draft SA and draft HRA are attached Appendix C Appendix D of this report.

Submission Draft District Plan (Regulation 19)

47. The submission draft District Plan (Regulation 19) is at **Appendix A**. Changes to the Plan resulting from consultation, the Members Working Group, engagement with Town and Parish Councils, Ward Councillors with sites in their areas and further work are shown in track changes.
48. A summary of the content, and key changes since Regulation 18, are set out in the following sections.

Plan Strategy

49. Scrutiny Committee for Planning, Economic Growth and Net Zero considered the Plan Strategy at its meeting on 5th October 2022. (See Background Papers). In the report it was explained that it was necessary to review the adopted District Plan strategy which focuses development at the three towns (Burgess Hill, East Grinstead and Haywards Heath) with proportionate growth at other settlements.
50. When reviewing the adopted strategy, it became clear that it would not be possible to continue with this strategy given the availability and suitability of sites in the Strategic Housing and Economic Land Availability Assessment (SHELAA), increased housing requirement, and the extended plan period to 2039. A revised Plan Strategy, to guide locations for growth to meet local needs, is therefore required.
51. The revised Plan Strategy is set out in Chapter 6 of the submission draft District Plan. It is based on four themes:

- **Protection of the High Weald Area of Outstanding Natural Beauty;**
- **Making Effective Use of Land;**
- **Growth at existing sustainable settlements where it continues to be sustainable to do so;**
- **Opportunities for extensions to improve the sustainability of existing settlements.**

52. Responses received during the Regulation 18 consultation, particularly from Town and Parish Councils, suggested that the change in strategy and rationale for doing so had not been made clear. Therefore, this was discussed in detail with the Members Working Group and engagement sessions with affected Town and Parish Councils and Ward Councillors. As a result of these discussion additional text is now provided in the submission draft District Plan to add clarity to the new Plan Strategy.

Housing Need

53. The NPPF (paragraph 11) requires strategic policies to provide for objectively assessed needs for housing as a minimum, as well as any needs that cannot be met within neighbouring areas. This is unless other policies within the Framework that protect areas or assets of importance provide a strong reason for not doing so, or adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The starting point for determining housing need is a formula-based approach set out in national policy, known as the Standard Method.

Housing Need – Standard Method

54. The Standard Method confirms a housing need of **1,090 dwellings per annum** which totals **19,620 for the plan period 2021 – 2039**. This figure has reduced since the Regulation 18 was published (previously 1,119 dwellings per annum) due to updated affordability data which the Government has published since Regulation 18.
55. The plan periods for the adopted District Plan (2014 – 2031) and draft Plan (2021 – 2038) overlap, most of the housing need has already been planned for because it is already allocated (in the adopted District Plan, Sites DPD and ‘made’ Neighbourhood Plans) or has planning permission. In addition, completions in this plan period to date (2021/22 and 2022/23) reduce the amount of housing we need to plan for.
56. Therefore, to meet Mid Sussex housing needs up to 2039, an additional **7,459** dwellings need to be found, see the table below.

Total Mid Sussex Need 2021 to 2039	19,620
Completions 2021/22	1,187
Completions 2022/23	1,053
Commitments (existing permissions, plus allocations within the adopted District Plan, Sites DPD and Neighbourhood Plans)	9,921
Total Supply	12,161
Residual “To Find” in District Plan 2021 - 2039	7,459

Meeting Housing Need

57. Paragraph 20 of the NPPF emphasises the need to ensure that the housing supply includes a variety of different sites such as small, medium and large to ensure we are supporting the Government's objective of significantly boosting the supply of homes and to make sufficient provision for housing, looking ahead over a minimum 15-year period from adoption (i.e. to 2039). This is to provide certainty to meet need, and to plan for long-term requirements such as infrastructure.
58. Paragraph 68 requires that local planning authorities have a clear understanding of land available in their area through the preparation of the SHELAA. Given the extent of sites promoted to this Council and the outcome of the assessment of their suitability, availability and deliverability in accordance with the site selection methodology, this enables the Council to allocate sufficient developable sites for the full plan period. This allows the Council to provide certainty to the local community on future growth locations, but also to infrastructure providers who need to plan for growth. The allocations provide a range of larger significant sites and smaller sites.
59. The draft District Plan at regulation 18 stage set out a series of site allocations to meet this need. All consultation responses received on these sites have been carefully considered against the evidence base and the conclusions reached reviewed. The sites were also discussed by the Members' Working Group. As a result, it is not proposed to change the sites proposed for allocation compared to those within the draft District Plan.
60. The draft District Plan included:
- **Sustainable Communities** – these included 'Significant Sites' (e.g. over 1,000 dwellings) that provide on-site services and facilities such as education, health, retail, employment, community buildings and open space. The Significant Sites are the most sustainable way of providing development with the required infrastructure, as well as benefitting existing communities. Development to create Sustainable Communities reflects the Plan Strategy objectives for "*Growth at existing sustainable settlements where it continues to be sustainable to do so*" and "*Opportunities for extensions to improve the sustainability of existing settlements.*"
 - **Housing Site Allocations** – additional housing site allocations ranging from 8 to 350 dwellings.
61. During engagement, Hurstpierpoint & Sayers Common, Albourne and Twineham Parish Councils raised concern that the draft District Plan did not clearly set out how the collection of sites proposed at Sayers Common would meet the "*Opportunities for extensions to improve the sustainability of existing settlements*" element of the Plan Strategy and that these sites should be considered collectively in terms of masterplanning, securing and delivering cohesive infrastructure, and sustainability.
62. In response to this, and to recognise the contribution that all the sites in Sayers Common will make towards growing a sustainable community in accordance with the Plan Strategy, it is proposed to place all the sites proposed at Sayers Common within the Sustainable Communities section of the plan. This enables them to now be supplemented by an overarching "Vision and Objectives for sustainable growth at Sayers Common".
63. As a result of this change the table of sites proposed within the submission draft District Plan are now shown as follows:

Sustainable Communities		
Policy Ref¹	Site	Yield to 2039
DPSC1	Land to the West of Burgess Hill and North of Hurstpierpoint	1,350
DPSC2	Land at Crabbet Park	1,500
DPSC3	Land to the south of Reeds Lane, Sayers Common	1,850
DPSC4	Land at Chesapeake and Meadow View, Reeds Lane, Sayers Common	33
DPSC5	Land at Coombe Farm, London Road, Sayers Common	210
DPSC6	Land to the West of Kings Business Centre, Reeds Lane, Sayers Common	100
DPSC7	Land at LVS Hassocks, London Road, Sayers Common	200
Table 1		Total
		5,243

Housing Site Allocations		
Policy Ref	Site	Yield to 2039
DPA1	Batchellor's Farm, Keymer Road, Burgess Hill	33
DPA2	Land south of Apple Tree Close, Janes Lane ² , Burgess Hill	25
DPA3	Burgess Hill Station	300
DPA4	Land of West Hoathly Road, East Grinstead	45
DPA5	Land at Hurstwood Lane, Haywards Heath	36
DPA6	Land at junction of Hurstwood Lane and Colwell Lane, Haywards Heath	30
DPA7	Land east of Borde Hill Lane, Haywards Heath	60
DPA8	Orchards Shopping Centre, Haywards Heath	100
DPA9	Land to west of Turners Hill Road, Crawley Down	350
DPA10	Hurst Farm, Turners Hill Road, Crawley Down	37

¹ Note: as a result of the changes set out in paragraphs 61-62, this has led to a change to the Policy reference numbers for site allocations compared to the Regulation 18 version of the District Plan.

² At Regulation 18 stage this site was known as "Hillbrow"

DPA11	Land rear of 2 Hurst Road, Hassocks	25
DPA12	Land west of Kemps, Hurstpierpoint	90
DPA13	The Paddocks, Lewes Road, Ashurst Wood	8
DPA14	Land at Foxhole Farm, Bolney	200
DPA15	Ham Lane Farm House, Ham Lane, Scaynes Hill	30
DPA16	Land at Ansty Fields and rear of Challoners, Ansty	30
DPA17	Land to the west of Marwick Close, Bolney Road. Ansty	45
Table 2		Total 1,444

64. Whilst the proposed sites are unchanged since Regulation 18, changes have been made to their yield, due to additional evidence work carried out by the Site Promoters.
- **DPSC1: West of Burgess Hill and North of Hurstpierpoint.** This site was proposed for 1,400 dwellings at Regulation 18 stage. As a result of detailed landscape led masterplanning by the site promoter, the yield has reduced to 1,350.
 - **DPA16: Land at Ansty Fields and rear of Challoners, Ansty.** This site was proposed for 37 dwellings at Regulation 18 stage. The site promoter has now suggested a revised boundary for the site which has resulted in a reduced yield to 30 dwellings.

DPA3: Burgess Hill Station and DPA3a: Nightingale Lane Allotments.

65. The draft District Plan included an allocation at Burgess Hill Station (DPH7, now DPA3) for a comprehensive development scheme including 300 dwellings, mixed use development and relocated station entrance and multi-modal transport hub to create a gateway to Burgess Hill. This builds on the Mid Sussex Local Plan (2004) and Burgess Hill Neighbourhood Plan (2016) allocations at this site.
66. Approximately 0.85ha of the 3.5ha site contains the Chantonbury Road allotments, with 63 pitches of various sizes. This land is owned by Network Rail and leased to Burgess Hill Town Council, however the allotments do not have statutory status and the lease can be terminated with a year's notice.
67. At Regulation 18, policy DPH7 (now DPA3) included the requirement to "secure the provision of an equal number of allotments in Burgess Hill in line with policy DPI5: Open Space, Sport and Recreation Facilities". This obligation would need to be met at planning application stage.
68. To strengthen this position and to secure the allotment provision longer-term, the Council (as landowner) has identified a site for alternative provision at Nightingale Lane which is in the Council's ownership. The site is 0.15ha larger than the Chanctonbury Road allotment site which provides an opportunity to increase allotment provision at the town. These allotments would be statutory, securing its long-term future.

69. The site has been included in the submission draft District Plan as policy DPA3a: Nightingale Meadows Allotments. A change has also been made to DPA3: Burgess Hill Station to strengthen the requirement for re-provision to require that the re-provided allotments at Nightingale Meadows must be operational before any redevelopment can occur on the Chantonbury Road allotment site.
70. It is recognised that this site is within the Burgess Hill Green Circle. However, at 1ha, it is only approximately 6% of the Land south of Nightingale Lane portion of the Green Circle and only 0.7% of the Green Circle in its entirety, it does not impact on the principle of the Green Circle to create an accessible, multi-functional circle around the town. Allotments are considered Green Infrastructure and provide access to nature, health and wellbeing, nature recovery and climate change mitigation. Policy requirements have been included in DPA3a to ensure that the allotment re-provision is sympathetic to its surroundings and supports the principles of DPN3: Green and Blue Infrastructure.

Consideration of Alternative Site options: 'Omission' and 'New Sites'

71. To determine the most suitable and sustainable sites for allocation, a Site Selection Methodology was established (see Background Papers). This is based on the same methodology used for the adopted District Plan and Site Allocations DPD and developed in consultation with Town and Parish Councils, neighbouring authorities and the Mid Sussex Developer Liaison Group. The methodology was overseen by the Members Working Group at the Regulation 18 stage.
72. A total of 260 sites which had been promoted to the Council were assessed against the Site Selection Methodology at the Regulation 18 stage, with the results of the assessment published within the 'Site Selection: Conclusions' report. During the Regulation 18 consultation, responses were received from representatives of 56 sites who objected to their site being rejected for allocation, and therefore querying the conclusions reached, these are referred to as 'omission sites'. In addition, nine new sites not previously known to the Council were submitted for consideration.
73. The assessments for the 56 omission sites have been revisited in light of the comments received and evidence submitted by site promoters during the consultation. In some instances, this has led to an amendment in scoring against one or more of the assessment criteria. However, none of the amendments support a change to the overall conclusion and these sites remain rejected for allocation when considered against all criteria as a whole.
74. The nine new sites have been assessed against the Site Selection Methodology and Sustainability Appraisal. None of the nine new sites are considered to be suitable for allocation and therefore are rejected.
75. The result of this exercise was shared with the Members Working Group. In conclusion, there is no justification for allocating any of the Omission or New sites following careful consideration against the evidence base and Site Selection criteria.
76. The Site Selection: Conclusions paper (see Background Papers) has been re-published to include the re-assessment of omission sites, assessments of the newly promoted sites, and the Council's response to the issues raised during consultation. The changes made to site assessments are clearly set out within this report.

Housing Supply: Conclusion

77. As a result of the allocations in the Plan, policy DPH1: Housing sets out the updated position with regards to housing supply. It demonstrates that the Council can meet its identified housing need with an over-supply of 996. This will be necessary for resilience to ensure that housing need will still be met should site yields reduce, or sites are removed, following consultation and examination by the Planning Inspector. The same approach was taken when preparing the adopted Site Allocations DPD.

Sustainable Communities Sites DPSC1 – DPSC7	5,243
Housing Sites DPA1 – DPA17	1,444
Windfall Allowance	1,768
Total Housing Supply 2021 – 2039	8,455
Residual “To Find” in District Plan 2021 - 2039	7,459
Total Over-Supply for resilience and Unmet Need	996

Table 3

Duty to Co-Operate: Unmet Need

78. The Council has a legal Duty to Co-Operate with its neighbouring authorities. This includes a duty to fully consider whether unmet need arising from neighbouring authorities can be met within Mid Sussex. Mid Sussex is primarily located within the Northern West Sussex Housing Market Area (NWSHMA). The Strategic Housing Market Assessment (available in the Evidence Library) confirms that this remains the primary Housing Market Area (HMA) and includes:
- Mid Sussex District Council
 - Crawley Borough Council
 - Horsham District Council
79. There is also an overlap with the Coastal West Sussex HMA (which includes Brighton & Hove) in the southern part of the district.
80. Both Crawley and Horsham are in the process of reviewing their Local Plans. Crawley submitted their Crawley Local Plan 2024-2040 for examination in July 2023, with their first examination hearing sessions commencing 21st November 2023. The submitted plan shows an unmet housing need of approximately 7,050 dwellings. Horsham are progressing their Local Plan Review to a similar timescale as this Council, with Regulation 19 to be published for consultation in January 2024 subject to Council approval in December.
81. In July 2023, the three NWSHMA authorities agreed two Statements of Common Ground (SoCG) – the Northern West Sussex SoCG and a Northern West Sussex Housing Needs SoCG. The Housing Needs SoCG confirms a priority order, based on the evidence base, for assisting with unmet need if they can meet their own need and have capacity to meet the needs of the other areas in the Housing Market Area(s).
- **Priority 1:** Northern West Sussex HMA
 - **Priority 2:** Coastal West Sussex HMA

- **Priority 3:** Other adjacent and nearby HMAs where it is justified by each individual authority.
82. The Housing Needs SoCG also confirms an agreed approach to site selection across the HMA. This considers sustainability, environmental constraints and infrastructure constraints. The Mid Sussex Site Selection Process fully accords with this agreed approach, the SoCG confirms broad cross-authority support for the principles underpinning site assessments.
 83. The suitability of sites for inclusion in the District Plan is led by the site selection process and performance against the agreed Site Selection Methodology and accompanying evidence base (including Sustainability Appraisal, Air Quality assessment and Transport modelling). Application of the methodology results in an over-supply of 996 dwellings which provides resilience through the plan-making process, this has increased from 302 set out in the draft District Plan.
 84. Any provision over and above meeting Mid Sussex housing need serves as a contribution towards unmet need arising in the Northern West Sussex HMA in accordance with the agreed priority order. The Council will continue to engage with the Northern West Sussex authorities on this strategic matter as plans progress towards adoption, and with all other neighbouring authorities and prescribed bodies, in order to satisfy its obligations under the Duty to Co-Operate.

Policies

Site Allocation Policies

85. All site allocations are accompanied by policy requirements that set out the infrastructure required to accompany the development (both on-site and off-site), mitigations expected, and further evidence required to support a planning application.
86. Consultation responses received during Regulation 18 identified additional mitigation requirements and other suggested changes to policy wording. In addition, the Members Working Group suggested wording changes to improve robustness and consistency and to reflect local knowledge. Ongoing engagement with Town and Parish Councils and Ward Councillors provided further advice to assist in strengthening policies and identified local infrastructure needs necessary to accompany planned growth.
87. All suggestions have been carefully considered and where feasible and justified by evidence have been incorporated into the submission draft District Plan. These are shown as track changes in **Appendix A**.

Other Development Management Policies

88. The draft District Plan contained 58 planning policies that, on adoption, will be used in the determination of planning applications. Over 800 comments were submitted in relation to these policies during the Regulation 18 consultation.

89. All comments received have been reviewed and, where appropriate, have informed the policy wording in the submission draft District Plan. This has included strengthening policy requirements, making minor wording adjustments to improve clarity and robustness, amendments to reflect changes in the evidence base or national policy since the draft District Plan was published, to reflect suggestions from statutory consultees (such as Natural England and the Environment Agency) and advice from the Council's Kings Counsel. All changes to policy wording are shown as track changes in the submission draft District Plan (**Appendix A**).
90. The Members Working Group considered the proposed amendments to Development Management policies. In particular, the Working Group focussed on the following policies which have significantly changed since Regulation 18:
- **DPS1: Climate Change** and **DPS2: Sustainable Design and Construction** – these policies have been amended to reflect the findings of the Ricardo Sustainability Study which was commissioned in 2023. Both have been strengthened to support reduction in greenhouse gas emissions, increase resilience to climate change and to improve sustainability.
 - **DPI1: Infrastructure Provision** – this policy has been significantly amended to better reflect the requirements set out in the accompanying Infrastructure Delivery Plan, strengthening wording to reflect national guidance regarding viability and to support co-location of services and joint delivery of infrastructure (also known as the 'dig once' approach).
 - **DPI2: Planning Obligations** – this policy has been significantly amended to make clear the statutory tests for securing infrastructure and the types of infrastructure that will be required to support development supported by a detailed appendix to the Plan setting out the contributions required.
91. A new policy is proposed in the submission draft District Plan. **DPS5: Water Neutrality** has been added to reflect the ongoing Water Neutrality issue arising in the Sussex North water supply zone which covers the majority of neighbouring Crawley and Horsham districts. A small part of Mid Sussex (in the Twineham area) falls within this zone. No development is planned in this area. The affected authorities have produced a joint strategy to address water neutrality, and this includes drafting a joint policy for inclusion in emerging Local Plans. DPS5: Water Neutrality reflects the joint policy and has been included for consistency.
92. The District Council adopted Supplementary Planning Documents (SPDs) to provide supplementary guidance on a range of matters including the District Wide Design Guide; the Town Centre Masterplans; Affordable Housing; Development and Infrastructure and Development Viability. As a result of changes to National Policy and Guidance, it has been necessary to transpose the guidance set out in the Development and Infrastructure SPD and Development Viability SPD into the submission draft District Plan. Upon adoption of the District Plan, these two SPDs will therefore have been superseded and will subsequently be revoked. The LURA sets out the government's intention to eventually replace SPD with Supplementary Documents which will have the same status as the District Plan when making planning decisions.
93. No evidence was provided during the Regulation 18 consultation to justify removal of any development management policies. However, in response to comments and to improve readability, all requirements in draft policy "DPH4: General Principles for Housing Allocations" have now been included under individual site allocations policies and **DPSC-GEN: General Principles for Sustainable Communities**.

Infrastructure

94. To ensure development is supported by the necessary infrastructure, the submission draft District Plan is accompanied by an Infrastructure Delivery Plan (IDP). This sets out the types of on-site and off-site infrastructure required and indicative costs, based on ongoing collaboration and engagement with infrastructure providers. The housing site policies in the District Plan also set out the on-site and off-site infrastructure requirements for each site, which are based on the IDP.
95. The IDP has been updated since Regulation 18 to reflect ongoing engagement with infrastructure providers, site promoters and Town and Parish Councils. Town and Parish Councils and Ward Councillors were provided with the opportunity to set out their local infrastructure needs so that these could be reflected in site allocation policies and the accompanying IDP. Where possible, these suggestions have been included in the IDP. Further engagement will continue between the Council, site promoters and Town and Parish Councils on this matter. In addition, there is active engagement with Crawley Borough Council regarding cumulative and cross-boundary impacts and infrastructure requirements for the proposed site at Crabbet Park (DPSC2).
96. The IDP is an organic document which will evolve between now and submission of the Plan for examination. It is intended to maintain a live IDP so that it reflects any changes to infrastructure demand and need in the future.

Conclusions

97. The Council must only submit a Plan to the Secretary of State for examination when it believes it has a sound plan that meets all legal requirements.
98. Officers are confident that the submission draft District Plan has been prepared in accordance with all legal requirements. This includes the Duty to Co-operate, statutory consultation in accordance with the adopted Statement of Community Involvement, prepared in general accordance with the Local Development Scheme and accompanied by a full and robust evidence base (including Sustainability Appraisal and Habitats Regulations Assessment).
99. The Plan will be examined against the Tests of Soundness set out in the NPPF:
 - **Positively Prepared:** the submission draft District Plan sets out a strategy to meet the district's housing need in full, meets other needs, and makes a contribution towards unmet need arising in the Northern West Sussex Housing Market Area in accordance with agreed Statements of Common Ground.
 - **Justified:** the submission draft District Plan proposes an appropriate strategy which has been considered against alternatives and is accompanied by a full and robust evidence base.
 - **Effective:** the submission draft District Plan is deliverable over the plan period as set out in the evidence base, and is based on effective joint working with neighbouring authorities and statutory bodies. Additional Statements of Common Ground will be prepared ahead of submission to set out the effective processes and outcomes reached.
 - **Consistent with national policy:** the content of the submission draft District Plan enables delivery of sustainable development in accordance with the policies in the NPPF and other statements of national policy and guidance.

100. Subject to the recommendations by this Committee and Council, and Regulation 19 consultation, Officers are confident that the submission draft District Plan is sound and compliant with legal requirements and therefore should be submitted to the Secretary of State for examination.

Next Steps

101. Subject to Scrutiny Committee agreeing the recommendations in this report, the submission draft District Plan will be considered by the Council at its meeting on 13th December 2023.
102. Subject to Council approval, the submission draft District Plan will be subject to a 6-week consultation commencing in January 2024 in accordance with the approach set out in the Community Involvement Plan (Appendix F). Although the Regulation 18 consultation is about helping to shape the content and scope of the District Plan, the Regulation 19 submission draft District Plan is the version of the Plan that the Council believes meets legal requirements and is 'sound' in accordance with the Tests of Soundness set out in National Planning Policy Framework (and above in paragraph 99). As such there is limited scope at this stage of the plan-making process to influence the content of the Plan, and responses at this stage must focus on whether the Plan meets legal and soundness tests set out in National Planning Policy. Further detail is set out in the CIP.
103. Responses received will be collated by the District Council and submitted to the independent Inspector appointed by the Secretary of State alongside the submission District Plan, statutory documentation, and full evidence base. At Regulation 19, responses must follow the format required by the Planning Inspectorate and be framed around the Tests of Soundness and legal compliance. More details are provided in the CIP. Following consultation, it is anticipated that Submission will take place in April 2024.
104. The Council's approach to consultation is set out in the Statement of Community Involvement (SCI), which is a 'code of practice' for how the council will engage in planning processes. The SCI can be viewed at <https://www.midsussex.gov.uk/planning-building/consultation-monitoring/#topic-the-statement-of-community-involvement>
105. The SCI commits the Council to prepare a 'Community Involvement Plan' for all planning policy documents. The Community Involvement Plan sets out how the document will be produced, how and when community involvement will take place and what happens to the results of community involvement. There are a number of statutory actions which the Council must take at this stage, and these are identified in the list below. However, in line with the SCI, the Council goes further than these statutory requirements. The consultation methods include:
- Press release;
 - Email alert to subscribers to the Planning Policy alert list and those who made a response at Regulation 18;
 - Social media;
 - Documentation available on Council website including an on-line response form (A Statutory Requirement);
 - The publication of an interactive document and Policies Map;
 - Hard copies of documents available at the district's libraries, District, Town and Parish Council offices and help points (A Statutory Requirement);

- Letters or emails to specific consultation bodies (statutory consultees) and to other organisations listed in the Community Involvement Plan (A Statutory Requirement);
- All District and Town and Parish Council briefings, as well as individual briefings where requested;

106. Examination of the District Plan commences upon Submission. The Planning Inspectorate will appoint the Inspector, who will hold examination hearings in public. The timescale for this is dependent on the Planning Inspectorate, however it is anticipated that the hearing sessions will take place in summer/autumn 2024. Following the close of the hearings, the Inspector will write their report. Subject to the Inspector finding the District Plan sound and legally compliant, the Council will be recommended to adopt the District Plan. It will then have full weight in decision making.

Policy Context

107. The review (and subsequent update) of the District Plan is a corporate priority identified within the Corporate Plan and Budget 2023/24 and Service Plan for Planning and Sustainable Economy. It aligns with the Council's priorities for Sustainable Economic Growth and Strong and Resilient Communities.

Other Options Considered

108. There is a legal and national policy requirement to review the Plan and update where necessary. There is also a Council commitment within its currently adopted District Plan to do so. The Council could decide not to review or update the Plan, however this would have significant impacts on its ability to maintain a five-year supply and to implement a plan-led approach to development leading to unwanted speculative development. There is potential for development to be brought forward on appeal, without delivering the benefits set out in Plan (such as infrastructure provision, site-specific mitigation or meeting proposed sustainability standards).

Financial Implications

109. Preparation of the District Plan review and update is funded by a specific reserve, as agreed in the Corporate Plan and Budget 2023/24. This reserve has funded evidence base studies to support the work and will continue to be required to fund future evidence, legal advice and examination costs.

Risk Management Implications

110. There is a legal and national policy requirement to review and update local plans to ensure that they continue to be effective and carry full weight when making planning decisions. Without an updated plan, there is a risk that policies would be deemed out-of-date and could not be used when determining planning applications.

111. Implications associated with the recent Levelling-up and Regeneration Act and potential changes to the planning system have been set out in paragraphs 12-20 above.

Equality and Customer Service Implications

112. An Equality Impact Assessment has been prepared to ensure opportunities to promote equality and/or barriers to service are considered and addressed. This is at Appendix E.

Other Material Implications

113. There are no other material implications.

Sustainability Implications

114. The submission draft District Plan (Section 3) outlines the sustainability considerations taken into account during the drafting, which includes alignment with the UN Sustainable Development Goals and national policy requirements related to social, economic and environmental impacts.
115. The site selection process includes sustainability criteria, including the rejection of sites that would not contribute to sustainable development. The submission draft District Plan includes a range of sustainability policies. It is a legal requirement for the District Plan to be accompanied by a Sustainability Appraisal (incorporating Strategic Environmental Assessment) at each formal stage of the plan-making process which documents the impacts of proposed policies, strategy and sites against the sustainability criteria and informs the plan-making process by ensuring the plan is as sustainable as possible given all reasonable alternatives.

Appendices

- Appendix A – Submission Draft District Plan (Regulation 19)
- Appendix B – Response to Regulation 18 Consultation
- Appendix C – Draft Sustainability Appraisal (SA)
- Appendix D – Draft Habitats Regulations Assessment (HRA)
- Appendix E – Equalities Impact Assessment (EQIA)
- Appendix F – Community Involvement Plan (CIP)

Background Papers

Evidence Base: <https://www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/district-plan-2021-2039-evidence-base/>

Site Allocations Evidence Library (note: this will be maintained between now and the examination): <https://www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/district-plan-2021-2039-site-allocations-evidence-library/>

Previous Reports:

- **Scrutiny Committee - 5th October 2022:** Strategy and Non-Housing Site Policies. <https://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=284&MId=3037&Ver=4>
- **Scrutiny Committee - 18th October 2022:** Consultation Draft District Plan (Regulation 18) <https://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=284&MId=3112&Ver=4>
- **Council – 2nd November 2022:** Consultation Draft District Plan (Regulation 18) <https://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=139&MId=3040&Ver=4>
- **Scrutiny Committee - 15th March 2023:** Summary of Responses to the Regulation 18 Consultation. <https://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=284&MId=3070&Ver=4>