



The Planning Inspectorate

Report to Mid Sussex District Council

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Date 12 Mar 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Mid Sussex District Plan 2014-2031

The Plan was submitted for examination on 17 August 2016

The examination hearings were held between 29 November 2016 and 5 February 2018

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Abbreviations used in this report

AADT	Annual average daily traffic
AONB	Area of Outstanding Natural Beauty
AMR	Annual monitoring report
DtC	Duty to Co-operate
GLA	Greater London Authority
HMA	Housing market area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MM	Main modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
SA	Sustainability appraisal
SAC	Special Area of Conservation designated under European Council Directive 92/43/EEC (The 'Habitats Directive')
SCI	Statement of Community Involvement
SPA	Special Protection Area designated under European Council Directive 2009/147/EC (The 'Birds Directive')
SHLAA	Strategic housing land availability assessment
SHMA	Strategic housing market assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Mid Sussex District Plan 2014-2031 provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Mid Sussex District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs concern matters that were considered during the examination either at the hearing sessions or in writing, and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Modifications to the housing requirement to include a revised OAN and an allowance for unmet need in the housing market area;
- The establishment of a stepped housing trajectory relating to the timing of unmet need in the housing market area, the need to identify further housing allocations, and the need to avoid further harm to the Ashdown Forest SAC;
- The introduction of Policy DP5A: Planning to Meet Future Housing Need, containing a commitment to work proactively with other authorities to address the need for housing across the housing market areas, with a commitment to a plan review for submission in 2023;
- Modifications to the spatial strategy in Policy DP6 and the related text to provide a better structure for the distribution of housing;
- Modifications to the economic development policy, Policy DP2;
- Modifications to policies concerning the strategic allocations at Burgess Hill and Pease Pottage;
- The introduction of Policy DP9B: Strategic allocation to the north of Clayton Mills, Hassocks;
- Modifications to ensure that policies and text are clear and practical, relate to the evidence base and reflect government policy and guidance in the NPPF, the PPG and Written Ministerial Statements;
- Modifications to the section on monitoring relating to the implementation and delivery of housing.

Introduction

1. This report contains my assessment of the Mid Sussex District Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The plan which was submitted for examination, in August 2016, comprised the Mid Sussex District Plan 2014-2031, Pre-Submission Version (Document BP2, June 2015) as amended by the Focused Amendments to the Pre-Submission Version (Document BP3, November 2015), both of which were the subject of consultation over 6 week periods in June-July 2015 and November 2015-January 2016 respectively. As a combined document, this will be referred to in this report as the "submitted plan". The list of main modifications appended to this report relates to this version of the plan.
3. Following the consultation, the Council published other versions, including Document BP1, August 2016, which contained further proposed modifications. BP1 was discussed in the hearings, particularly in relation to housing provision, as (with the exception of affordable housing) it represented the Council's most recent thinking at the time. However, the version that is the baseline for this examination is the "submitted plan" referred to in paragraph 2 above.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MMO1, MMO2, MMO3** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Figures 6, 7 and 8. A further (unnumbered) figure relates to Policy DP9B, the strategic allocation to the north of Clayton Mills, Hassocks. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes shown in these plans and this figure.

Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
8. The Council has been proactive in this respect. From May 2014 onwards, Duty to Co-operate meetings were held with 12 different local authorities to discuss cross boundary issues, timetabling and the emerging evidence base, and meetings also took place with the GLA. Memorandums of Understanding were produced which were updated as the evidence base evolved. Studies discussed with other authorities included work concerning the capacity of Mid Sussex to accommodate development, and the sustainability appraisal of cross boundary options. Joint studies with HMA partners Crawley Borough Council and Horsham District Council included the Northern West Sussex Economic Growth Assessment and the Northern West Sussex Housing Market Area – Affordable Housing Needs Model Update.
9. The Council also joined the Coastal West Sussex and Greater Brighton Strategic Planning Board to help secure a broad and consistent approach to strategic planning issues. The Council is one of a group of authorities working on the issue of housing and development needs in the region under the heading of Local Strategic Statement 3 (LSS3).
10. Statements of Common Ground were produced with public bodies including the Environment Agency, Natural England, South East Water Ltd, Thames Water Utilities Ltd, Highways England and West Sussex County Council.
11. The items agreed with nearby local authorities included an aim to meet housing need in the Northern West Sussex Housing Market Area (Crawley Borough Council and Horsham District Council) as far as possible, allowing for constraints, and work on a management and monitoring strategy to mitigate effects on the Ashdown Forest SPA / SAC. Whilst the examination has resulted in the Council undertaking further work on the question of meeting unmet need, and on HRA in respect of Ashdown Forest, this has been necessary to ensure the soundness of the plan, and does not indicate any failure in respect of the Duty to Co-operate.
12. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan, and that the Duty to Co-operate has been met.

Assessment of Soundness

Main Issues

13. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified three main issues upon which the soundness of the Plan depends.
 1. Whether the plan makes adequate provision for new housing and employment.

2. Whether the plan would have an acceptable impact on natural and heritage assets, greenspace and infrastructure.
 3. Whether the strategic allocations are appropriate.
14. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the Plan makes adequate provision for new housing and employment

Objectively assessed housing need (OAN)

15. This matter was discussed in detail in my Interim Conclusions letter of 20 February 2017 (Document ID11), and will not be repeated at length, but the essence is as follows. The submitted plan's proposed housing requirement for 2014 to 2031, as set out in Policy DP5: Housing, was for 13,600 dwellings, at an average rate of 800 dwellings per annum (dpa). The figure of 800 dpa was derived from an OAN baseline of 671 dpa based on 2012 household projections, uplifted by 24 dpa for market signals, resulting in an OAN of 695 dpa, leaving 105 dpa to help meet unmet housing need from other local authorities. Document BP1 updated the figures following the publication of the 2014 household projections; the OAN starting point (including 16 dpa for vacancy rates) rose to 730 dpa which, together with a market signals uplift of 24 dpa, resulted in an OAN of 754 dpa. But as the Council proposed to maintain the overall housing requirement at 800 dpa, the number of dwellings available to meet unmet need in neighbouring authorities dropped to 46 dpa.
16. The examination evidence indicated that this OAN figure was too low. The proposed market signals uplift of 24 dpa, based on analysis of the recession-induced suppression of household formation in the 20-34 age group, would not improve market housing affordability; analysis put to the examination suggested that the affordability ratio would continue to deteriorate. Earlier local plans in the HMA and in Sussex incorporated similar affordability uplifts referencing the 20-34 age group, but their evidence base was notably influenced by the recession, and the later information available for Mid Sussex indicated a significant affordability deterioration. The housing affordability ratio in the District (the ratio of lower quartile house prices to lower quartile earnings), had worsened from 4 in 1997 to 6.91 in 2000, 9.76 in 2009, 10.1 in 2013 and 12.6 in 2015. Government guidance set out in the PPG is that there should be a supply response reflecting the significance of, and trends in, affordability constraints. Affordability analysis based on the OBR house price forecast and University of Reading model, and similar analysis with inputs from Oxford Economics forecasts, suggested that a market signals uplift to somewhere between 854 dpa and 918 dpa was required to improve affordability.
17. The analysis of affordable housing need, like the market signals affordability analysis, also pointed towards a higher OAN than underpinning submitted Policy DP5. The Statement of Common Ground with the Developers' Forum of 7 February 2017 indicated that affordable housing need (based on a 15 year period) would be 258 dpa in respect of reasonable preference groups and 331

for the total waiting list. Net need plus committed housing would result in a need for a range of 1,120 dpa to 1,363 dpa at an affordable housing rate of 30%. This would be well in excess of the realistic range derived through household projections and affordability analysis, and of housing provision past and present, so it would be unlikely to be met in full. Nonetheless, it was clear that the plan should try to meet as much as was realistically possible.

18. Employment projections also indicated that the OAN was higher than that on which Policy DP5 is based. There were acknowledged differences in the projections, but having regard to all the evidence, the appropriate evidence-based range for job growth, agreed between the Council and the Developers' Forum, was considered to be in the range of 424-514 jobs per annum. A range of scenarios based on this range translated to a range of 862 dpa to 945 dpa. This range overlapped substantially with the range derived from household projections and affordability analysis.
19. As my Interim Conclusions letter pointed out, conditions therefore justified an adjustment to the OAN in Mid Sussex in response to market signals, the need to ensure the adequate provision of new affordable housing delivery and the need for sufficient housing to support the forecast growth in employment. Some other local authorities in broadly similar circumstances had adopted an OAN which included a market signals uplift of 20% (ED8 Appendix 3). A comparable uplift in Mid Sussex of 20% from the basic OAN figure of 730 dpa would give 876 dpa, or 14,892 homes over the plan period. This would be compatible with the ranges derived from the market signals work and the employment analysis, and I considered that it was the most well-founded and most realistic figure for the OAN. Evidence indicated that it would counter worsening affordability and would accommodate much of the affordable housing need for reasonable preference groups, whilst meeting the housing need arising from forecast employment growth.
20. Following my Interim Conclusions letter, the Council accepted that the OAN should be established at 14,892 dwellings, or 876 dpa over the 17 year plan period, and this is the component used in calculating the overall housing requirement set in modified Policy DP5 (**MMO4**).

Meeting unmet housing need from other local authority areas

21. This issue was also discussed in my Interim Conclusions letter of 20 February 2017 (Document ID11). Paragraph 47 of the Framework indicates that the full OAN should be met in the housing market area, subject to consistency with other Framework policies. Crawley, like Mid Sussex, is in the Northern West Sussex Housing Market Area and is unable to meet its housing need within its boundaries. The Crawley Borough Plan housing requirement is 5,100 against an OAN of 10,125. Written into its plan is an obligation to work closely with neighbouring authorities to explore all opportunities for meeting its need in sustainable locations. To help meet Crawley's unmet housing need, a requirement of 150 dpa was added to the Horsham District Plan housing total, and my Interim Conclusions indicated that an equivalent number should be incorporated into the Mid Sussex District Plan housing requirement.
22. Further evidence since my Interim Conclusions has changed the position. Firstly, the amount of unmet need has been re-appraised in the light of the

different plan periods. The total plan provision from Crawley and Horsham is 21,100 dwellings, and the OAN figure for Mid Sussex is 14,892, giving total provision in the HMA of 35,992. Comparing this with the total HMA OAN of 38,017 leaves a figure for unmet need of 2,025 dwellings.

23. Secondly, recent evidence indicates that housing delivery in Crawley itself is running ahead of the plan's trajectory, in part because of office to residential conversions under PD rights, even though some allowance has been made for windfalls to arise in this way. There might also be some scope (whilst recognising the constraints, including Green Belt) for accommodating some of Crawley's unmet need in other adjacent authorities outside the HMA. A modest subtraction of 35 dpa (525 dwellings) is therefore applied to allow for these factors. That leaves a figure of about 1,500 dwellings, or 214 dpa, to be added to the housing requirement for Mid Sussex.
24. Thirdly, evidence from Crawley Borough Council demonstrates that it can deliver its annualised OAN in the early years of the plan but that unmet housing need arises after 2023/24. The evidence supports the inclusion in the Mid Sussex District Plan of a housing trajectory that delivers the OAN until 2023/24 and steps up to address Crawley's unmet need over the last 7 years of the plan period, and this is incorporated in MM04. It is reasonable to continue this to the end of the Mid Sussex District Plan period; terminating it in 2030 to coincide with the end of Crawley's plan would lead to a sudden and illogical drop in Mid Sussex's housing trajectory in 2030/31. The requirements of any future rounds of plan making cannot be anticipated now and any adjustments can be made as they are needed. This is a sound way of dealing with unmet housing need in the HMA when it arises. It will provide time for an ongoing call for sites and for additional sites to be included within the Site Allocations DPD which the Council aim to adopt by 2020. The step in the trajectory will start to influence the calculation of the 5 year supply of housing in 2020.
25. The Coastal West Sussex Housing Market Area overlaps with the southern part of Mid Sussex District. Brighton and Hove's total housing need amounts to 30,120 of which its agreed plan target is 13,200, leaving a shortfall of 16,920 or 56% of the total. There is also unmet housing need in other authorities including Adur and Lewes. The relevant local authorities including Mid Sussex and Crawley are collaborating on Local Strategic Statement 3 (LSS3) which will assist in the future planning of the sub-region. Developing a multi-authority spatial strategy based on an understanding of environmental, infrastructure and demographic factors is a complex process. Therefore, whilst acknowledging the work that has been carried out by landowners and developers, there is not enough evidence at the present time to enable conclusions to be reached about the apportionment of housing provision within the sub-region to meet this need, or to support any particular strategy, whether that be a new settlement or some other approach. Progress needs to be made on the LSS3 work to bring an end to the uncertainty.
26. There is unmet housing need in some Surrey authorities including Tandridge, but the first priority should be the unmet need in the same HMA as Mid Sussex.

27. The evidence for London's influence over migration to Mid Sussex is not sufficient to enable clear conclusions to be drawn. It would therefore not be appropriate to include an explicit additional allowance for this within the District Plan.
28. **MM05** introduces Policy DP5a. This indicates that the Council will work with all other neighbouring local authorities on an ongoing basis, under the DtC, to address the objectively assessed need for housing across the HMAs. It prioritises the Northern West Sussex HMA, as this is established as the primary HMA, but it also indicates that the Council will work with the Gatwick Diamond and the West Sussex and Greater Brighton Strategic Planning Board to address unmet housing need in the sub-region. This approach aims to ensure that sites are considered and planned for in a timely manner and tested through the plan review process, which will commence in 2021. **MM32** makes commensurate changes to Chapter 5: Implementation and Monitoring. The approach in MM05 and MM32 is a sound way of considering the pattern of future need within nearby authorities and HMAs that might affect consideration of the future housing requirement in Mid Sussex.

The overall housing requirement and housing trajectory

29. MM04 amends Policy DP5 and its supporting text. It reflects the calculations referred to in the preceding paragraphs, and indicates that the overall housing requirement amounts to a minimum of 16,390 dwellings between 2014 and 2031, comprising an OAN figure of 14,892 and a figure of 1,498 for unmet need in the North Western Sussex HMA (principally Crawley). The requirement is to be delivered as an average of 876 dpa to 2023/24 and an average of 1,090 dpa in the last 7 years of the plan, reflecting the timing of Crawley's unmet need, but as the overall requirement is expressed as a minimum there is scope for delivery to exceed the minimum requirement. The delivery of the full 1,090 dpa in the latter part of the plan period is subject to there being no further harm to the integrity of European Habitat sites in Ashdown Forest; this matter is dealt with in paragraphs 57 to 65 below. The delivery of the amount above 876 dpa would be subject to further HRA.
30. MM04 also includes updated figures for housing completions and housing commitments, and includes the expected delivery from the strategic allocations including the additional strategic allocation on land north of Clayton Mills, Hassocks, and it sets out the broad spatial distribution of the housing requirement in accordance with the settlement hierarchy, including the minimum residual requirement from 2017 onwards.
31. The changes to the housing requirement in MM04 are essential to ensure that the plan makes adequate provision for new housing and are therefore necessary for soundness.

The settlement hierarchy

32. Policy DP6 in the submitted plan included a settlement hierarchy with 5 categories; this is the broad spatial distribution referred to in paragraph 30 above, which MM04 brings under Policy DP5. This hierarchy is a satisfactory reflection of the scale and range of facilities in each of the settlements, but it does not provide sufficient guidance on the numerical distribution of housing. My Interim Conclusions (Document ID11) indicated that the absence of such

guidance was unsound, because it would not provide strategic direction for the Site Allocations DPD, neighbourhood plans, or for development management. There was a significant risk that unbalanced growth could take place in inappropriate locations or that growth in sustainable locations could be suppressed.

33. In order to rectify this position, **MMO6** introduces into the supporting text of Policy DP6: Settlement Hierarchy a section entitled "Neighbourhood Plan Strategy". This includes a table setting out the spatial distribution of the housing requirement with minimum housing requirements for the settlements and an assessment of the minimum residual requirement, to provide a suitable context for the preparation of neighbourhood plans. The position will be updated yearly in the AMR. This is a sound and very helpful approach that has been evolved in consultation with parishes and neighbourhoods. The methodology applied by the Council in this regard, and the resulting distribution, including that to Balcombe and Hassocks, is fair and sound. Hassocks is the largest of the Category 2 settlements and the allocation of site DP9B (see paragraph 80 below), together with other commitments, would not result in the village taking a disproportionate amount of additional housing compared with other such settlements.
34. Policy DP6 allows for small sites of fewer than 10 dwellings to come forward outside built up area boundaries. This is a sound policy which provides the plan with additional robustness and flexibility in the interests of maintaining a rolling 5 year supply of housing land. MMO6 makes some changes to the wording to make clear the criteria that such sites would need to satisfy. This is needed for clarity and is a sound approach.

Five year housing land supply

35. The calculation of the initial 5 year supply of housing land should be based on the new OAN of 876 dpa as set out in Policy DP5 as modified by MMO4, with a 20% buffer brought forward from later in the plan period in recognition of past long term under-delivery. The current shortfall of 218 dwellings, which has built up since the start of the plan period, should be spread over the remainder of the plan period, notwithstanding the preference set out in my preliminary questions (Document ID1) that it should be dealt with in the first 5 years. This is because most of the housing on the strategic allocation north of Burgess Hill will be built after the end of the current 5 year period; it is expected to contribute only 605 dwellings towards the end of the initial 5 year period. In addition, it will take some time for the forthcoming Site Allocations DPD, together with neighbourhood plans, to identify further sites. The 20% buffer itself brings forward a substantial 5 year delivery requirement which will ensure adequate choice, and seeking to accommodate the shortfall on top within that period would lead to an unfeasibly high 5 year housing requirement. Spreading the shortfall over the plan period would be a realistic approach which would have proper regard to the start dates and likely delivery rate of the main strategic sites and the timing of the Site Allocations DPD. This approach would lead to a 5 year requirement, as at 21 July 2017, of 5,352 dwellings.
36. As regards housing supply, the evidence from the developers suggests that the Pease Pottage allocation, which has outline planning permission, will

contribute 350 dwellings within 5 years and the allocation north of Burgess Hill, 605. The addition of the strategic allocation on land north of Clayton Mills, Hassocks would deliver a minimum of another 150 homes within 5 years. These figures appear realistic. With respect to other sources of housing supply, it is necessary in a strategic plan to make assumptions about the number of sites likely to come forward through the Site Allocations DPD, neighbourhood plans and through the Council's call for sites, and the Council's approach in this respect is also realistic. Regarding sites with planning permission, at the time of writing that there is a reasonable prospect of the former Burgess Hill Sewage Treatment Works coming forward for development given the financial support of Homes England, which has subsumed within it the former Homes and Communities Agency. For large sites, there is no adequate evidence to suggest that a lapse rate should be applied. The indications are that the Site Allocations DPD will progress quickly enough to identify a range of sites. The Council's overall assessment of likely housing supply from all sources is sound.

37. The Council's evidence, based on information as at 21 July 2017, indicated that there was 5.2 years' supply of housing. However, the calculation of supply in a strategic plan in which some of the allocations will be made in a subsequent plan or in neighbourhood plans is not an exact science, and there are inevitable uncertainties about start dates, delivery rates and the developability of sites in the 5 year supply schedule. Should the supply fall below 5 years at any time the Council would be less able to direct development through the plan-led system. It is therefore very important that the plan has resilience should, for example, one of the sites takes longer to start or is slower to deliver, and to this end this plan, and the forthcoming Site Allocations DPD, need to ensure not only that a 5 year supply of housing exists at present, but that a rolling 5 year housing supply can be maintained in the future. It should also be borne in mind that the stepped trajectory to 1,090 dpa in MM04 will begin to influence the 5 year supply requirement in 3 years' time. The strategic housing sites, including the site at Hassocks which was introduced into the plan at the Main Modifications stage by the Council, have an important role not only in meeting a proportion of the current 5 year housing supply but in ensuring that such a supply is maintained into the future and that the whole housing requirement is delivered within the plan period.
38. Following my Interim Conclusions letter of February 2017, alternative approaches towards strengthening the 5 year housing land supply were considered by the Council, individually and in combination. One of these was lowering the size threshold for strategic sites in the District Plan. This was rejected for the reasons given in paragraph 73 below. Another possibility considered by the Council was whether provision could be made in Policy DP6 for sites of more than 10 dwellings to come forward adjacent to settlements. The Council rejected this approach on the basis that the supply would not be sufficiently reliable and that larger sites would be better as allocations than windfalls. Given that sufficient strategic allocations have now been made (see paragraph 75), and the Site Allocations DPD is intended to follow soon after this plan, this is a sound position to take. Allocating the additional strategic site at Hassocks would have the benefit of providing a more reliable source of supply and would also enable the infrastructure requirements of the site to be clearly evaluated and provided for, which would be more difficult with a wider range of smaller sites. The plan's approach in this respect is sound.

Housing mix and accessibility

39. Policy DP28 addresses housing mix. The SHMA points to a significant need for smaller housing types with 70% of new households being of one or two persons, a high proportion of need for elderly persons, and 30% of future household growth being for family sized homes. The policy aims to meet the needs of different groups in the community, including older people, vulnerable groups and those wishing to build their own homes. It also seeks permanent pitches for Gypsies and Travellers and Travelling Showpeople on strategic sites. **MM20** introduces additional clarity into the background text in respect of housing mix and allows for the provision of equivalent financial contributions towards off-site provision for Gypsies and Travellers and Travelling Showpeople on suitable, available and achievable sites where they can be made operational within an appropriate timescale. This improves the effectiveness of the plan by providing flexibility both in terms of the selection of suitable sites for these specialist housing needs and the deliverability of housing sites. MM20 also allows for the allocation of specialist accommodation and care homes falling within Use Class C2 through a future site allocations document. Policy DP28 is sound subject to the additional flexibility and clarity provided by MM20.
40. **MM22** modifies Policy DP30: Rural Exception Sites to allow for an element of open market housing in certain circumstances in accordance with the NPPF.
41. Policy DP26: Accessibility applies to all development, but is dealt with here because of the close connection with housing mix. The submitted plan sought Building Regulations Approved Document M Requirement M4(2) for all new residential dwellings with certain exceptions, with 5% of affordable homes to meet M4(3) for wheelchair users. The presence of a higher housing need for older people is acknowledged, but the evidence does not justify the onerous requirement of almost universal provision of accessible and adaptable dwellings or the provision of wheelchair-user dwellings in 5% of cases. **MM18** requires 20% of dwellings (with some exceptions) to meet standard M4(2) and 4% of affordable dwellings to meet M4(3). This more closely reflects evidence of need and with this modification the policy is sound.

Affordable housing

42. Affordable housing need is discussed at paragraph 17 above. Policy DP29 seeks the provision of a minimum of 30% affordable housing on new residential developments of 11 dwellings or more, except in the High Weald AONB, and **MM21** clarifies that provision should be on site. Commuted payments for schemes of 6 to 10 dwellings are allowed for in the High Weald AONB. MM21 also clarifies other aspects of the policy including the matter of re-provision on affordable housing sites, viability assessments and the need for affordable housing to be integrated with market housing. Policy DP29 takes a realistic approach towards the provision of affordable housing and is sound subject to the clarifications in MM21.

Gypsies and Travellers and Travelling Showpeople

43. Policy DP31 sets out how provision is to be made for Gypsies and Travellers and Travelling Showpeople. **MM23** is needed to update the position having regard to the 2016 update of the relevant Mid Sussex Assessment, which

takes into account the revised version of Planning Policy for Traveller Sites. It identifies the need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031 and as regards strategic sites it reflects the changes in MM20 described in paragraph 39 above. The Assessment identified that no additional pitch provision was required for identified households that met the new planning definition, but because it was not possible to determine the travelling status of a total of 15 households, total additional need could increase by 4 pitches as a result of new household formation. As the current plan is a strategic plan only, there is only scope to make provision for Gypsies, Travellers and Travelling Showpeople on the strategic sites; the policy commits the Council to producing a Traveller Sites Allocations DPD to allocate further sites over the plan period. MM23 places emphasis on the need for monitoring to ensure a suitable supply of such sites. Subject to the modifications in MM23, DP31 is sound.

New homes in the countryside

44. Policy DP13: New Homes in the Countryside sets out the circumstances when such development will be allowed, and **MM12** adds a further criterion that the development should meet the requirements of Policy DP6: Settlement Hierarchy. The policy accords with the NPPF and the modification is required to ensure consistency with the modification to Policy DP6.

Housing density, character and design

45. **MM17** deletes Policy DP24a: Housing Density because it did not have sufficient regard to local character and thus did not reflect the NPPF or PPG; in its place, the need to optimise the potential of the site to accommodate development in accordance with NPPF paragraph 58 is added by **MM16** to Policy DP24: Character and Design. MM16 also reinforces Policy DP24 by incorporating more urban design requirements, having regard to the PPG, and stresses sustainability considerations and community interaction in layout and design. With these modifications Policy DP24 is sound.

Employment provision

46. Forecast employment growth and its relationship to housing provision are discussed above. Regarding the amount of employment land to be allocated, there is a substantial existing district-wide supply of such land which, together with that granted planning permission, amounts to over 30ha. This is in excess of that required from most economic forecasts. However, there is unmet need for employment land in Adur, Brighton and Hove, Crawley and Horsham Districts, and Mid Sussex has the potential for enhanced higher-value economic growth within key growth sectors identified by the Gatwick Diamond and Coast to Capital Local Enterprise Partnership.
47. Submitted Policy DP2: Sustainable Economic Development allocates 30ha of land as a business park at Burgess Hill and proposes a science park to the west of Burgess Hill. **MM02** clarifies the requirements for the science park, including the introduction of additional environmental and design safeguards. It also reduces the business park allocation to 25ha to allow for an early phase of additional housing on site DP9 and indicates that further employment sites will be allocated within the Site Allocations DPD. The policy subject to these modifications would ensure that the plan makes adequate provision for

employment growth, accommodates an adequate proportion of the identified unmet need for employment land, addresses the need for a qualitative improvement in employment land and provides an additional 5ha of housing land.

Conclusion

48. Subject to the main modifications described in the foregoing paragraphs, the plan makes adequate provision for housing and employment and is sound in these respects.

Issue 2 – Whether the plan would have an acceptable impact on natural and heritage assets, greenspace and infrastructure

Landscape, countryside and heritage

49. Meeting the housing needs of an area is a core planning principle in the NPPF, and in Mid Sussex this will entail development on greenfield land. Mid Sussex District is endowed with sites and areas of natural and historic interest; it has part of the South Downs National Park, the High Weald Area of Outstanding Natural Beauty (AONB) and various heritage designations. Moreover, many of the undesignated rural areas of the District are attractive countryside. Together, these assets are a central part of the character of the District.
50. However, it is possible to meet housing need without causing undue harm to these valued landscapes and without compromising the District's character. As indicated in my Interim Conclusions letter of 20 February 2017 (Document ID11), the SA made assumptions about negative impacts above 800 dpa without giving positive weight to the benefits of meeting housing need at higher levels. Evidence submitted by the Council, including the Capacity of Mid Sussex to Accommodate Development (EP47), and the Constraints and Capacity Paper (MSDC7), whilst providing a thorough assessment of constraints, did not adequately take into account the potential for directing development away from sensitive areas or mitigating its effects. The evidence did not demonstrate that significant harm would arise from housing provision above 800 dpa.
51. This position has since been re-appraised by the Council; it has left the SHLAA open for other sites to come forward and has produced a further SA which relates to the main modifications. The latest SA recognises the additional social benefits of meeting identified housing needs in the District and a proportion of unmet housing need in the housing market area. Of the 4 options considered, that including 16,390 dwellings scores highly on the provision of decent and affordable homes, access to health, opportunities for education, regeneration, employment and economic growth. It performs less well in respect of the protection and enhancement of the countryside, and road congestion, but this is to be expected because meeting housing need entails a greater amount of greenfield development. But suggestions made during the examination that this level of development will cause significant harm to the AONB and National Park or to heritage assets and ancient woodland are not well founded. Policies DP14: High Weald Area of Outstanding Natural Beauty, and Policy DP16: Setting of the South Downs National Park,

contain a range of criteria which provide adequate protection for these areas over the life of the plan.

52. The strategic sites, which are dealt with in more detail below, demonstrate well that substantial amounts of housing can be provided without harm to character, landscape or heritage. The allocation for about 600 homes at Pease Pottage, which has planning permission, is in the AONB but is a sustainable location and the particular site itself is of lesser landscape quality. The site north of Clayton Mills, Hassocks is distantly visible from the national park but does not harm its character and is itself a relatively unremarkable piece of land; the setting of heritage assets can be protected by a suitable buffer. The strategic sites at Burgess Hill are on flattish areas of land close to the town.
53. Further allocations are likely to be needed in the future Site Allocations DPD to meet the housing requirement. There are locations within the District of lesser landscape value, in relatively sustainable locations near to settlements and close to main transport routes. Some settlements lie within the AONB and may be appropriate for modest housing schemes, but there is no evidence that meeting the housing requirement will necessitate major development in the AONB other than that already permitted by the Council at Pease Pottage, or that it would harm the National Park.
54. The Council has re-appraised its approach to sustainable development in the plan. Policy DP1: Sustainable Development in Mid Sussex is deleted by **MM01** because it did not reflect the description of sustainable development in the NPPF; **MM01** instead adds a section in Chapter 2 "A Vision for Mid Sussex" on the key aspects of sustainable development in the District. This is a sound approach.
55. Policy DP32: Listed Buildings and Other Heritage Assets, Policy DP33: Conservation Areas and Policy DP34: Historic Parks and Gardens deal with heritage assets. Policy DP35 of the submitted plan, which dealt with archaeological areas, did not adequately reflect the approach in the NPPF, so **MM26** deletes that policy in the interests of soundness and **MM24** modifies Policy DP32 and its supporting text to encompass the protection of listed buildings and other heritage assets including archaeology, indicating that proposals affecting such assets will be dealt with in accordance with the NPPF and the PPG. **MM25** adds to the text of Policy DP33 to recognise that the activities within conservation areas can contribute towards their special character. Subject to these amendments, these policies are sound and constitute an appropriate level of protection for heritage assets.
56. Leaving aside the Ashdown Forest issues discussed below, there is no convincing evidence that the housing requirement in **MM04** would cause significant harm to landscape, heritage assets or any other relevant matter.

Ashdown Forest

57. Ashdown Forest lies within Wealden District, and is adjacent to the north east boundary of Mid Sussex. It is a designated SPA because of the presence of breeding populations of Dartford Warbler and European Nightjar, and a designated SAC with qualifying habitats of Northern Atlantic wet heaths and European dry heaths as well as Great Crested Newts. It is also an SSSI.

58. Policy DP15: Ashdown Forest contains an approach in respect of the SPA which includes a small 400m buffer zone where residential development is not permitted, and a 7km zone of influence in which Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) are required for residential development. This is based on the recommendation of the HRA (October 2015), has been agreed by Natural England and is an established and widespread method of avoiding habitat disturbance through increased numbers of visitors and domestic pets. With this policy in place the spatial strategy and the overall housing requirement, as modified by MM04, can be implemented without harm to the SPA.
59. As regards the SAC, the main issue concerns the effect of pollution from road transport on the qualifying heathland habitats. However, the approach taken towards considering impacts on the SAC has changed substantially during the Examination as a consequence of *Wealden v SSCLG* [2017] ("The Wealden judgment"). This casts doubt on the former advice of Natural England that individual plans resulting in an increase of less than 1,000 AADT and less than a 1% increase in traffic can be regarded as not having an impact on the SAC. Now it is necessary to consider impacts in combination with other plans where the increase is below that threshold.
60. The latest version of the HRA, dated September 2017, takes into account both the *Wealden* judgment and the main modifications. It states that the critical load for nutrient nitrogen and acid nitrogen deposition is exceeded across the Forest close to the road network, indicating that significant additional sources of these pollutants generated as a result of proposals in the District Plan should be avoided or mitigated to prevent additional adverse effects on ecological integrity. The Council's position, set out in MSDC 18, is that the only sound position for going forward at the time of writing is to avoid in-combination effects by avoiding any effect at all, ie by no net additional traffic.
61. Mid Sussex's method for assessing in-combination transport impacts on the Forest has been through the use of the Mid Sussex Transport Study, including updates in 2017 in the light of the *Wealden* judgment, which uses a derivative of the West Sussex County Highways Model. Modelling the agreed OAN of 876 dpa, against a new and more robust reference case which takes into account existing planning permissions, and which incorporates growth assumptions for surrounding local authority areas, shows a small increase of traffic on the A275 but a reduction of traffic on most other roads through the Forest, and an overall net reduction. This is because the largest allocations are located at Burgess Hill and at Hassocks, away from the Forest, and because the plan contains a better balance of housing and employment. The HRA concludes that the plan will not result in adverse effects on the ecological integrity of either the SAC or the SPA.
62. The in-combination modelling of impacts from plans for surrounding authorities is accounted for in the Mid Sussex Transport Study. The Mid Sussex District Plan itself has the beneficial effect of reducing overall flows. I am satisfied that the methodology and conclusions of both the HRA and the Mid Sussex Transport Study are appropriate, and Natural England is satisfied with the conclusions of the HRA.

63. The HRA contains an assumption that growth will be delivered in line with the settlement hierarchy based on expected sites beyond the 5 year supply. The difficulty here is that not all housing sites are known, because this is a strategic plan with a long time period. It is difficult at the present time to model the effect of the additional 1,500 dwellings above the OAN for the period 2024/5 to 2030/31. Suspending the Examination, as has been suggested, to enable the Council to identify the additional sites or broad locations for development, and to model their effect on the SAC, would create its own potential problems. There are some additional possible candidates for housing sites, but it takes time to develop an understanding of their infrastructure needs and development impacts. At the same time, the Wealden judgment has left something of a gap as regards guidance. Owing to these uncertainties, the position might not be much clearer even after a delay to the plan to identify further sites.
64. Policy DP5 as modified by MM04 provides a pragmatic solution to the problem. It recognises the full housing requirement; provides for the delivery of the OAN of 876 dpa for the first 10 years, thus meeting the identified housing need during that period; and it contains mechanisms to ensure that the higher figure of 1,090 dpa for the last 7 years of the plan from 2024/5 onwards, to meet the identified part of Crawley's unmet need, will be delivered subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest. This will require a further HRA. In the supporting text to Policy DP5 the Council reasonably anticipates that the uplift to 1,090 dpa will be possible without causing further harm to the integrity of the SAC, but the level of future growth will depend on the identification of further allocations that do not cause such harm.
65. The plan as modified is in compliance with the NPPF, by making an appropriate contribution towards meeting the full OAN in the HMA subject to other NPPF policies, and is equally in compliance with the Habitats Regulations by containing provisions to ensure the SAC's integrity is not harmed.

Infrastructure

66. This heading includes infrastructure of all kinds, including social and green infrastructure.
67. There are some infrastructure constraints in certain localities, such as sewerage and highway capacity, which may be partially dependent on the programmes of other bodies to resolve. But no unresolvable problems have been identified. Site-related development contributions and CIL will assist in future in addressing such constraints. Southern Water has withdrawn its concerns regarding Goddards Green Waste Treatment Works, but there are known capacity issues at Crawley Waste Treatment Works and these are reflected in the modification to DP9A relating to the Pease Pottage strategic allocation, which is dealt with later in this report.
68. **MM13** re-casts Policy DP18: Securing Infrastructure to conform with the CIL regulations and government policy. **MM14** reorganises Policy DP19: Transport so that it is positively prepared, recognises the potential for different requirements in rural areas, clarifies the approach to impacts including the AONB, and is reasonable and compliant with NPPF advice in respect of parking

standards, transport assessments and travel plans; and **MM15** modifies Policy DP21: Communications Infrastructure to remove a test of need which is not in the NPPF.

69. Policy DP38: Green Infrastructure is deleted by **MM28** as it was unclear as to its application and is covered adequately by the NPPF and other policies, and in its place, **MM27** expands Policy DP37: Biodiversity to include a reference to green infrastructure and promotes the restoration, management and expansion of priority habitats. **MM30** modifies Policy DP40: Renewable Energy Schemes by clarifying the approach to wind energy development in accordance with the Written Ministerial Statement of 18 June 2015. **MM29** amends Policy DP39: Sustainable Design and Construction so that it is less prescriptive towards communal heating networks and instead seeks to explore such possibilities subject to viability. **MM03** updates the position on retail capacity requirements and adds some explanatory text to Policy DP3: Town Centre Development to clarify the character and purpose of neighbourhood centres. Given the proximity to Gatwick Airport, **MM19** adds to the supporting text of Policy DP27: Noise, Air and Light Pollution to clarify the position on noise advice for developers and consultants. Finally, **MM31** amends Policy DP41: Flood Risk and Drainage to indicate that sustainable drainage systems should be implemented on all new developments of 10 dwellings or more, or equivalent non-residential or mixed development, unless demonstrated to be inappropriate, to reflect Government policy on flood risk contained in the WMS of 18 December 2014.
70. Subject to the modifications, which are required for soundness, the above policies provide an effective basis for ensuring that appropriate infrastructure is made available at the right time for new development. There is no evidence that the plan will not be sound as a result of difficulties with the provision of, or capacity of, highways, drainage or other infrastructure.

Conclusion

71. Subject to the main modifications described above, the plan's impact on natural and heritage assets, greenspace and infrastructure would be acceptable.

Issue 3 – Whether the strategic allocations are appropriate

72. The submitted plan contained three strategic allocations: two at Burgess Hill (Policies DP8 and DP9, together with overarching Policy DP7), and one at Pease Pottage (Policy DP9A). A further allocation, on land north of Clayton Mills, Hassocks, was added by **MM11** (Policy DP9B). These sites are critical to the achievement of the Plan's objectives and would supply a substantial proportion of the residual housing requirement.
73. Document EP23a: Strategic Site Selection Paper (September 2017), and its earlier incarnation Document EP23 (August 2016), contain an evaluation of candidate sites, drawing on information from the SHLAA and the SA. A site threshold of 500 was chosen as the definition of a strategic site, and one of the points I made in my Interim Conclusions letter was that lowering the size threshold would help with the identification of more sites. I also suggested

that the Council look at allowing developments of larger than 10 units to take place outside settlement boundaries. The Council has chosen not to take either of these routes for this plan, pointing to the potential for larger sites to provide infrastructure benefits, and has instead identified an additional strategic allocation at Hassocks and has committed to bring forward the Site Allocations DPD at an early date. The Council's approach is sound; by their nature, larger sites are capable of accommodating more on-site physical and social infrastructure, and their impacts on the wider area are more easily evaluated and planned for than those from a large number of smaller sites. This latter consideration is especially important in Mid Sussex, because of the potential for development to affect the Ashdown Forest SAC and SPA.

74. Document EP23a considered sites against 15 criteria relating to various aspects of landscape and countryside impact, heritage, flood risk, social facilities and transport, site availability, the timescale for delivery and the ability to meet district needs and unmet needs in the relevant housing market areas. The Council selected those sites with a large number of very positive impacts and few very negative impacts. They are all available, deliverable and in sustainable locations, with limited countryside impact with good access to facilities. The Burgess Hill and Hassocks sites are well located in relation to Brighton and Hove and the Pease Pottage site is close to Crawley, both areas with unmet housing needs (see Issue 1).
75. I commented in my Interim Conclusions that further sites might be made available through a re-evaluation of mitigation measures or other adjustments, but it is clear that the selection process outlined in EP23a is sound, and the evaluation demonstrates that the Council has selected the most eligible strategic sites which together with the inclusion of the Hassocks site will provide sufficient housing for the plan to be effective as a strategic level plan. It will be necessary to make further housing allocations through the neighbourhood planning process and through the forthcoming Site Allocations DPD.
76. Turning to site specific considerations, Policy DP7, concerning the strategic sites at Burgess Hill, provides an overall context for Policies DP8 and DP9. Almost all of its requirements are reasonable and proportionate including those relating to movement, social infrastructure, landscape and ecology. The continuation of the "Green Circle" of linked areas of open space and support for the delivery of the multi-functional green route between Burgess Hill and Haywards Heath are examples of positive planning, and the policy wording does not place the whole onus of provision on the Burgess Hill sites. **MM07** brings the allocations into line with the rest of the plan in respect of affordable housing, corrects the policy's unfeasible requirement in respect of town centre facilities and removes the unnecessary restriction on occupancy in the submitted plan connected with improvements at Goddards Green Waste Water Treatment Works, which Southern Water have confirmed have more than sufficient capacity for the allocations at Burgess Hill and Hassocks. With these modifications the policy is sound.
77. The site allocated by Policy DP8 to the east of Burgess Hill already has planning permission for 480 homes. **MM08** is necessary to clarify the position regarding opportunities for infrastructure provision on the eastern side of Burgess Hill in conjunction with other developments.

78. Policy DP9 allocates a site for approximately 3,500 new homes and associated social, recreation and employment uses to the north and north west of Burgess Hill. The site does not yet have planning permission, but a masterplan is being developed jointly by the three site promoters/developers, with input from the Council and the Homes England, and a planning application is expected. Evidence indicates that the site is capable of delivery at a reasonable pace within the plan period; the site is in a suitable and sustainable location in relation to Burgess Hill and accords with the settlement hierarchy; and the development would not have a significantly adverse effect on the wider landscape. **MM09** reduces the business park allocation from 30ha to 25ha for the reasons given under Policy DP2 above. It also requires the on-site provision of permanent pitches for settled Gypsies and Travellers, or an equivalent financial contribution towards off-site provision on a suitable, available and achievable site; this accords with the evidence on this subject, allows for additional development flexibility and conforms with the requirement in Policies DP28 and 29 as modified by MM20 and MM23 (paragraphs 39 and 43 above). These modifications are required for effectiveness.
79. Policy DP9A allocates a site for approximately 600 new homes at Pease Pottage. This is closely related to Crawley, but on the opposite side of the M23, in the AONB, and it already has outline planning permission for housing development. **MM10** updates the supporting text to reflect the planning permission, makes the affordable housing requirement consistent with that of the rest of the plan, allows for permanent pitches for gypsies and travellers in the same manner as Policy DP9, and removes the restriction on development land south of Parish Lane. It also seeks improved walking and cycling connections to the town across the M23 and links the timing of occupation to Crawley Waste Water Treatment Works which is subject to capacity constraints. These changes are all necessary for consistency and soundness.
80. Policy DP9B, introduced by **MM11**, allocates a strategic site for about 500 dwellings at Clayton Mills, Hassocks. In view of the introduction of this site at the Main Modifications stage, a hearing was held on 5 February 2018 to discuss the relevant issues. The scale of development at Hassocks, in terms of the settlement hierarchy, is discussed in paragraph 33, the importance the site for overall housing provision and the ability to maintain a rolling 5 year supply of housing are referred to in paragraph 37, and alternative approaches to ensure a 5 year supply are referred to in paragraph 38.
81. Hassocks is a relatively large village with a range of shops, social facilities, a bus service and a railway station with regular services to Burgess Hill, Haywards Heath, Brighton, London and beyond. It is a very sustainable location for new development of the scale proposed, including both the housing allocation and the other committed schemes. It is possible to walk or cycle to the centre of the village from the site. The allocation is of a size that would be capable of delivering a new primary school should it be decided that one is needed in the village.
82. The allocation would occupy fields of no special landscape value on the northern side of the village. It would incorporate part of a footpath route that runs out of the village, so it would take longer to reach open countryside on that side. But Hassocks is surrounded by countryside and is close to the

National Park so, taken overall, countryside access would be little affected. The scale of the site would also allow for generous areas of planting and landscaping which would help to assimilate the development into the landscape and village scene.

83. The site can be seen from the crest of the South Downs scarp, which is in the South Downs National Park, but it would be on the opposite side of Hassocks from the Downs so its impact on views would be slight and it would have virtually no effect on the National Park itself. The South Downs National Park Authority does not consider that there would be significant or direct impacts on the National Park.
84. Burgess Hill lies at no great distance from the north of Hassocks. The site cannot be seen from Burgess Hill and vice-versa owing to a well-treed rise, but travelling down the hill from Burgess Hill the built edge of Hassocks would be encountered sooner, and from the South Downs scarp the allocation would be seen to reduce slightly the gap between the two settlements. The allocation would therefore bring about a perceived reduction in the gap, but the effect would be small and enough open land would remain to avoid coalescence.
85. The listed Grade II* Ockley Manor and its outbuildings are on the opposite side of Ockley Road from the housing allocation. References to the manor in this section also include the other parts of the listed complex. The site, and some longer range views, can be seen from the front of the house, but it does not follow that the wider countryside makes an important contribution to its setting. That does not reflect the nature of the building or its relationship to the landscape. The functional relationship with the land has long gone and the manor house, though attractive, is not grand and does not have a high profile presence in the landscape; it is a manor house, not a country house. The rather ordinary fields that comprise the site exhibit very little in the way of landscape, layout or design features that relate to the house. However, it would not be appropriate to locate housing close to the manor house since its frontage and outbuildings need to be seen in an open setting, and open land should be visible from within the house.
86. It is reasonable to conclude that the open part of the eastern side of the allocation site falls within its setting, but not the wider site or the broader landscape. The site is considerably larger than needed to accommodate 500 dwellings and there would be enough space to accommodate a substantial undeveloped area in front of the manor to preserve its setting. In these circumstances there is no reason to suppose that the allocation would harm the setting of the heritage assets, even at the level of "less than substantial" harm, to use the terminology of the NPPF. Even if there were "less than substantial" harm, the very significant public benefits arising from the provision of much needed housing, including affordable housing, would outweigh that harm. The detail of the open areas and landscaping would form the subject of a brief and a planning application.
87. The traffic impacts of the allocation were modelled by the Council's highway consultants and further work was carried out at the request of West Sussex County Council. The County Council supports the consultants' conclusion that the overall traffic associated with the development could be handled without unmanageable stress by the existing network subject to some remedial

interventions to mitigate congestion and delay and to control traffic flow increases on the A273 through Hassocks. Having regard to the location of the site and its access, the model's assessment of the distribution of movements from the site is realistically based. Detailed mitigation packages would come forward in transport assessments that support planning applications on the allocated sites. There is a committed improvement to Stonepound Crossroads which would help to alleviate congestion at that junction and mitigate additional impacts on the Air Quality Management Area, and taking this and other measures into account the cumulative impact on the junction of all development including the allocation is not severe.

88. A smaller site north of Clayton Mills was identified by the draft Hassocks Neighbourhood Plan. However, the draft plan was based on the housing figure in the submitted plan rather than the requirement established by MM04 and it was not taken forward, so it carries very little weight. Neighbourhood plans must conform to the strategic requirements of the local plan, including the level of housing provision.
89. The criteria attached to Policy DP9B relate well to the site circumstances and the development requirements. Policy DP9B would play a valuable part in ensuring a robust plan with a rolling 5 year housing land supply. The policy is sound.

Conclusion

90. The strategic allocations are well chosen, relate well to the settlement hierarchy and represent a sustainable approach to the allocation of major growth at the strategic level.

Assessment of soundness: overall conclusion

91. The plan is sound subject to all the above MMs. Other alterations and additions to the policies have been suggested by some representors, but they are not necessary to make the plan sound.

Assessment of Legal Compliance

92. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan has been prepared in accordance with the Council's LDS (February 2016).
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in October 2011. Consultation on the Local Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out for the submission plan (August 2016) and the main modifications (September 2017) and is adequate.

Climate change adaptation and mitigation	The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Of particular relevance in this respect are the sustainable development objectives, the settlement hierarchy and location of strategic sites, Policy DP19: Transport, Policy DP24: Character and Design, Policy DP39: Sustainable Design and Construction, and Policy DP40: Renewable Energy Schemes.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Assessment (August 2016) and Habitats Regulations Assessment – Main Modifications (September 2017) include Appropriate Assessment Reports. Natural England is satisfied with the conclusions.
National Policy	The Local Plan complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

93. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
94. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Mid Sussex District Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Jonathan Bore

Inspector

This report is accompanied by an Appendix containing the Main Modifications.