

## 7. Policies

The following sections contain planning policies which will be used by the District Council when determining planning applications.

The policies are supported by the conclusions reached within the evidence base and in compliance with national policy requirements. The background to each policy/section and the supporting evidence used to justify such a policy is set out.

### Strategic and Non-Strategic Policies

The NPPF (paragraph 21) requires Local Plans to clearly indicate which policies are “Strategic” and “Non-Strategic”. This is indicated next to each policy. The definition is as follows:

- **Strategic Policies:** should set the overall strategy for the pattern, scale and design quality of places and make provision to meet needs (e.g., housing, employment and retail), infrastructure, community facilities and the conservation and enhancement of natural and built environment. Strategic policies should look ahead over a minimum 15-year period from adoption – it is anticipated this Local Plan will be adopted in 2024, therefore strategic policies look forward to 2039.
- **Non-Strategic Policies:** these policies set out more detail for specific areas, neighbourhoods or types of development and can include allocating sites, provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and set other development management policies.

Policies within this District Plan should be read in conjunction with national policy and other policies within the Development Plan. This includes Neighbourhood Plans. Whilst Neighbourhood Plans cannot set Strategic Policies, they can include Non-Strategic Policies. Non-Strategic policies within the latest plan to be adopted/made take precedence where there is a conflict.

### Policy Review Status

The District Plan Review indicated which of the current adopted policies required an update, which were still up-to-date and therefore do not need updating and highlighted additional areas where a new policy is required. For completeness, all District Plan policies that will form part of the development plan upon adoption are completed within this updated District Plan.

The review status is indicated next to each policy. Appendix 1 sets this out in summary form and also indicates which current policy it will supersede upon adoption. The review status is one of the following:

- **No Update:** The policy continues to comply with national policy and the evidence base has determined it is still effective as it stands.
- **Minor Update:** The Policy only requires minor amendments (such as factual updates) that do not change the overall meaning or direction of the policy.

- **Major Update or New Policy:** Changes in national policy or updated evidence suggests that the policy may require updating in full or that new Policies are required.

## Policy Themes

The District Plan policies are contained within the following themed sections:

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| <b>Sustainability</b>                               |
| <b>Natural Environment and Green Infrastructure</b> |
| <b>Countryside</b>                                  |
| <b>Built Environment</b>                            |
| <b>Transport</b>                                    |
| <b>Economy</b>                                      |
| <b>Sustainable Communities</b>                      |
| <b>Housing</b>                                      |
| <b>Infrastructure</b>                               |

## 8. Sustainability



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|-----------------------|---|
| <b>Sustainability</b> | <b>DPS1:</b> Climate Change<br><b>H4:</b> Sustainable Design and Construction<br><b>DPS3:</b> Renewable and Low Carbon Energy Schemes<br><b>DPS4:</b> Flood Risk and Drainage<br><b>DPS5:</b> Water Infrastructure and the Water Environment<br><b>DPS6:</b> Health and Wellbeing |
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### DPS1: Climate Change

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|---|---|
| <b>Policy:</b><br><b>Review Status:</b><br><b>Strategic Objectives:</b> | <b>Strategic</b><br><b>New Policy</b><br><b>1 – Sustainable Development and Adaptation to Climate Change</b><br><b>5 – Create and Maintain Green Infrastructure</b> |
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The impacts of climate change are seen in both the built and natural environment. The planning system is a tool that provides an opportunity to minimise vulnerability to the effects of climate change. Policy DPS1 is an overarching policy that sets out principles and signposts to other more detailed policies. It sets out that the Council will take an integrated and holistic approach to address the causes of climate change and to increase resilience to the effects of climate change.

All development can play its part in taking action on climate change, however, the opportunities and measures available may vary depending on the type of development.

Applicants will need to consider climate change at an early stage and incorporate measures to:

- Reduce carbon emissions
- Maximise carbon sequestration
- Adapt to and mitigate for climate change

### DPS1: Climate Change

The Council will take an integrated and holistic approach to address the causes of climate change and to increase resilience to the effects of climate change. This will be achieved by:

## Reducing carbon emissions

- a. Development will be expected to demonstrate that take measures have been taken to reduce carbon emissions, including improvements in energy efficiency and in the design and construction of buildings. This includes new buildings and the conversions of existing buildings. Detailed requirements are set out in Policies DPS2: Sustainable Design and Construction, DPS3: Renewable and Low Carbon Energy Schemes, and the Design Guide SPD.
- b. The Council will support renewable and low carbon energy schemes in line with the requirements set out in Policy DPS3: Renewable and Low Carbon Energy Schemes.
- c. Development should adopt the principles of the 20-minute neighbourhood and prioritise active travel such as walking and cycling and sustainable transport such as public transport to reduce reliance on private modes of transport and to facilitate healthy lifestyles. Detailed requirements are set out in Policies DPT1: Placemaking and Connectivity; DPT3: Active Travel/Cycling; and DPB1: Character and Design.
- d. Development likely to be sources of other greenhouse gas emissions (methane, nitrous oxide and fluorinated gases) will be expected to demonstrate that take opportunities have been taken to reduce these emissions. This includes proposals that may use these other greenhouse gases in their design and operation, for example, refrigerants and air conditioning systems.

## Maximising carbon sequestration

- e. Development should protect existing trees, woodland and hedgerows and seek opportunities to plant appropriate species of trees in appropriate places. Detailed policy requirements are set out in Policy DPN4: Trees, Woodland and Hedgerows.
- f. Development will be expected to protect existing carbon sinks and take opportunities to provide nature-based solutions for carbon capture.
- g. Development will be expected to take opportunities to improve soil health and minimise disturbance to soils in order to protect soil biodiversity and carbon storage. Detailed policy requirements are set out in Policies DPN1: Biodiversity, Geodiversity and Nature Recovery, and DPS2: Sustainable Design and Construction.

## Climate change adaptation and mitigation

- h. Development must be designed to minimise vulnerability from the effects of climate change particularly in terms of overheating, flood risk and water supply. Detailed policy requirements are set out in Policies DPS2: Sustainable Design and Construction; DPS4: Flood Risk and Drainage; and DPS5: Water Infrastructure and the Water Environment.
- i. Development will be expected to incorporate green infrastructure and nature-based solutions to moderate surface and air temperatures, increase biodiversity and as part of sustainable drainage systems. Detailed requirements are set out in Policies DPB1: Character and Design; DPS4: Flood Risk and Drainage; and DPN3: Green Infrastructure.
- j. Development will be expected to achieve a net gain in biodiversity and contribute to ecological networks. Detailed policy requirements are set out in Policies DPN1: Biodiversity, Geodiversity and Nature Recovery, and DPN2: Biodiversity Net Gain.

- k. The Council will seek adaptation and mitigation measures that improve resilience to climate change and allow communities, businesses, buildings, infrastructure and ecology to adapt to the impacts of climate change.

## DPS2: Sustainable Design and Construction

**Policy:** Strategic  
**Review Status:** Major Update  
**Strategic Objectives:** 1 – Sustainable Development and Adaptation to Climate Change

All development in its design, construction, operation and use will be expected to contribute to the reduction of carbon emissions, increase resilience to the impacts of climate change and improve sustainability. Applicants will need to consider:

- Measures that move towards zero carbon development;
- Energy use;
- Preventing overheating;
- Water resources and water efficiency;
- Soil protection; and
- Minimising waste.

To help ensure development design and construction contributes to the reduction of carbon emissions and delivers a sustainable development, the BREEAM sustainability assessment method will be utilised and applied.

BREEAM is an industry recognised sustainability assessment and rating methodology. Assessment and rating certification is delivered through accredited third-party assessors. BREEAM assessments consider a wide range of sustainability factors and are completed throughout the lifecycle of the development. The assessments include an analysis of energy use, health and wellbeing, innovation, land use, materials, management, pollution, transport, waste and water.

Where applicable, consideration of how the appropriate design standard will be achieved must start at the inception stage of the design process in order to maximise the developments potential to more easily achieve the highest scores and details should be set out in the accompanying Design and Access Statement, including evidence of registration of the project with BRE. Unless otherwise agreed, compliance with BREEAM and Home Quality Mark (HQM) standards shall be demonstrated via formal certification. Equivalent standards for buildings by nationally recognised certification bodies may also be accepted, such as Passivhaus or AECB standards.

According to the Department for Environment Food & Rural Affairs (UK Statistics on Waste July 2021) the development industry made up over half (62%) of the UK's total waste production in 2018 from construction, demolition and excavation. In addition, a notable proportion of materials delivered to building sites are never used and go straight to waste.

In order to help move away from a linear economy where products are made to be used and sent to waste, and towards a circular economy which looks to minimise waste production; all

developments will be expected to demonstrate how they will follow the waste hierarchy and avoid any avoidable waste production and disposal. This can be achieved by:

- prioritising the use of previously developed land and buildings,
- reusing and recycling of appropriate materials that arise through demolition and refurbishment, including the reuse of non-contaminated excavation soil and hardcore within the site,
- prioritising the use of locally sourced and/ or sustainable materials and construction techniques, and
- using resilient, low maintenance materials

~~Opportunities should be taken to retain or retrofit other existing buildings or structures to capture the embodied energy associated with the building's original construction and avoiding the wider environmental costs linked with demolition and redevelopment.~~

## **DPS2: Sustainable Design and Construction**

All developments ~~are required to submit a Sustainability Statement to demonstrate how~~ through ~~in~~ its design, construction, operation and use it will be expected to ~~contribute to the~~ reduction of carbon emissions, increase resilience to the impacts of climate change and improve sustainability.

Prioritise retention and retrofit of existing buildings or structures to capture the embodied energy associated with the building's original construction, unless it can be demonstrated to be unviable to do so.

All ~~d~~Development, as defined below, will be required to meet the relevant minimum defined standards ~~set out below~~ until they are superseded by higher national standards.<sup>2\*</sup>

### **Assessment frameworks**

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~~Planning applications should be accompanied by a pre-assessment, demonstrating how the BREEAM Technical Standards, or any future replacement standards, will be met.~~

### **Towards zero carbon development**

Unless it can be demonstrated that doing so is not technically feasible or unviable, development will be required to achieve the minimum standards below:

| <u>Development Type</u>                      | <u>Scale of Development</u> | <u>Minimum Standard</u>   |
|--|-----------------------------|---------------------------|
| <u>Residential new build</u>                 | <u>Up to 150 dwellings</u>  | <u>HQM 3 Star*</u>        |
| <u>Residential new build</u>                 | <u>&gt; 150 dwellings</u>   | <u>HQM 3.5 Star*</u>      |
| <u>Residential Refurbishment</u>             | <u>Major</u>                | <u>HQM 3 Star*</u>        |
| <u>Non-residential new build<sup>3</sup></u> | <u>All</u>                  | <u>BREEAM Excellent**</u> |

<sup>2</sup> References to major development are as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 or as amended.

<sup>3</sup> Defined as development falling outside of Use Class C3 as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended).

|   |                              |   |
|---|------------------------------|---|
| <u>Non-residential Refurbishment</u>  | <u>Over 500m<sup>2</sup></u> | <u>BREEAM Excellent - Refurbishment and Fit-Out Technical Standards**</u> |
| <u>Significant site allocations – Residential new build - DPSC1 – DPSC3</u> | <u>1000+</u>                 | <u>HQM 4 Star*</u>  |

~~All new build residential and non-residential development must meet at least ‘Excellent’ in BREEAM New Construction Technical Standards and must make reasonable endeavours to achieve an ‘Outstanding’ rating.~~

~~Specific BREEAM Technical Standards requirements will be required for significant sites and are detailed in those policies.~~

~~Proposals for major residential development involving the refurbishment of existing buildings and conversions must meet at least ‘Excellent’ in BREEAM Refurbishment and Fit-Out Technical Standards and must make reasonable endeavours to achieve an ‘Outstanding’ rating.~~

~~All non-residential development for refurbishment of existing buildings and conversions over 500m<sup>2</sup> must meet at least ‘Excellent’ in BREEAM Refurbishment and Fit-Out Technical Standards and must make reasonable endeavours to achieve an ‘Outstanding’ rating.~~

~~\* Developments must achieve a minimum score of 50 credits in the energy category and 12 in the water category.~~

~~\*\*Developments must achieve an ‘Outstanding’ rating in energy and water categories and demonstrate reasonable endeavours to achieve an ‘Outstanding’ rating overall.~~

### **Assessment frameworks**

~~Planning applications should be accompanied by a pre-assessment, demonstrating how the BREEAM Technical Standards and/or Home Quality Mark (HQM) Star rating, or any future replacement standards, will be met. Evidence demonstrating the project has been registered with BRE during the design stage shall be submitted with any application and conditions will be imposed to secure appropriate certification to demonstrate compliance with this policy.~~

### **Householder development**

Proposals for householder development are encouraged to be as energy efficient and sustainable as possible incorporating the principles of both this policy and Policy DPS1: Climate Change.

### **Energy use**

All new developments should follow the energy hierarchy to contribute to reducing carbon emissions: being lean (using less energy), being clean (supplying energy efficiently) and being green (using renewable energy).

Demonstrate how Opportunities for incorporating decentralised, renewable and low carbon energy schemes have been taken into all new development ~~should be considered~~ in line with Policy DPS3: Renewable and Low Energy Carbon Schemes.

### **Prevent overheating**

All new development ~~shall demonstrate how should incorporate~~ design measures have been incorporated to:

- ~~\_~~ -minimise potential overheating such as through the layout, orientation and design of buildings;:-
- ~~Opportunities should be~~ maximised for passive cooling through natural ventilation and other passive means. Reliance on air conditioning systems should be avoided. Green and blue infrastructure should be incorporated in line with Policy DPN3: Green Infrastructure to provide natural cooling and shading.

### **Water resources and water efficiency**

New development proposals must accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water resources, water quality, water supply and wastewater treatment. ~~Development must meet the following water consumption standards:-~~

- ~~Residential units should meet a maximum water consumption standard of 100 litres per person per day (including external water use);~~
- ~~Non-residential buildings should meet the equivalent of an 'Excellent' standard as a minimum and make reasonable endeavours to achieve an 'Outstanding' rating, with regard to the BREEAM Technical Standards water consumption targets for the development type.~~

To achieve the sustainable water consumption rates above all development must demonstrate that opportunities have been taken to incorporate measures to reduce water use and reuse water including:

- Water efficient fittings and appliances;
- Rainwater harvesting;
- Greywater recycling; and
- Sustainable drainage systems in accordance with Policy DPS4: Flood Risk and Drainage.

All development will be required to meet the relevant minimum standards set out above until they are superseded by higher national standards.

Specific water consumption and efficiency requirements will be required for significant sites and are detailed in those policies.

### **Soil**

Best practice should be complied with to protect soils during construction from compaction, pollution and erosion. Undisturbed soils should be protected and measures should be taken to minimise sterilisation of soils by permanent impermeable surfaces.

### **Minimise waste**

~~In accordance with relevant policies in the West Sussex Waste Local Plan, A~~all development will be required to support the circular economy by minimising construction, demolition and excavation waste disposed of in landfill and follow the waste hierarchy ~~to minimise the~~ to maximise recycling and re-use of material.

~~amount of waste disposed to landfill and incorporate facilities that enable and encourage high rates of recycling and re-use of waste and materials.—~~

~~New development shall be designed with adequate and easily accessible storage space that supports separate collection of dry recyclables and food waste, as well as residual waste taking account of guidance in the Mid Sussex Design Guide SPD. The Council will seek to secure recycling facilities for new developments via planning conditions and/or planning obligations in line with Policy DPI2: Planning Obligations.~~

~~New development should minimise construction waste and maximise the recycling and re-use of demolition materials.~~

~~\* References to major development are as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 or as amended.~~

### DPS3: Renewable and Low Carbon Energy Schemes

**Policy:** Strategic  
**Review Status:** Minor Update  
**Strategic Objectives:** 1 – Sustainable Development and Adaptation to Climate Change

Carbon emissions in Mid Sussex reduced by 38% between 2005 and 2018<sup>4</sup>, supported by a reduction in fuel consumption and an increase in cleaner sources of energy. Over the same 13-year period, fuel consumption in Mid Sussex fell by 9.5% to 3,048.4 GWh. The largest consumer sector remains the Domestic sector followed by Road Transport and Industry & Commercial.

The Mid Sussex Sustainable Energy Study (2014) assessed the potential for renewable energy schemes in Mid Sussex and concluded that the level of technical and capacity constraints in the District were likely to prevent major new renewable energy schemes from coming forward over the Plan period. Renewable energy schemes were likely to be relatively small-scale and the local community could have a key role through Neighbourhood Plans or other local initiatives. Such projects could help support energy security, respond to fuel poverty, reduce carbon emissions and provide a longer-term financial return for communities.

The National Planning Policy Framework (paragraph 155, NPPF) lists the use of renewable resources, including the development of renewable energy, as a core planning principle. Paragraphs 155 and 156 of the NPPF requires local planning authorities to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily and support community-led initiatives for renewable and low carbon energy.

In relation to Gatwick Airport, any proposed development would need to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. Schemes such as large banks of solar panels will need to be assessed at an early stage as they have the potential to impact on navigational aids at the airport.

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<sup>4</sup> Source: Department for Business, Energy & Industrial Strategy, 2020 (CO2 emissions estimates 2005-2018 in Mid Sussex (tonnes per capita))

## DPS3: Renewable and Low Carbon Energy Schemes

Proposals for new renewable and low carbon energy projects (other than wind energy development – see below), including community-led schemes, will be permitted provided that any adverse local impacts, including cumulative, can be made acceptable, with particular regard to:

- i. Landscape and visual impacts such as on the setting of the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and the appearance of existing buildings;
- ii. Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites;
- iii. Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access.

Proposals for wind energy development involving one or more wind turbines will ~~only~~ be granted if:

- the development site is in an area identified as suitable for wind energy development in the 2014 Sustainable Energy Study, or as updated;
- the development is of an appropriate scale; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Assessment of impacts will need to be based on the best available evidence, including landscape capacity studies.

Opportunities for incorporating decentralised, renewable and low carbon energy schemes into all new development should be considered from the outset utilising the Mid Sussex Design Guide SPD.

For all new proposals, there should be appropriate plans and mechanisms in place for the removal of the installation on cessation of generation and restoration of the site to either its original use or an acceptable alternative use.

## DPS4: Flood Risk and Drainage

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|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>No Update</b>  |
| <b>Strategic Objectives:</b> | <b>1 – Sustainable Development and Adaptation to Climate Change</b> |

The district is generally an area of low flood risk. The main flood risk is from surface water (pluvial), followed by risk from rivers and streams (fluvial). The Strategic Flood Risk Assessment identifies areas that are at risk from flooding from a range of sources and has been used to inform the preparation of the District Plan. Strategic Flood Risk Assessment mapping is kept up-to-date with new flood events and updated releases of information from the Environment Agency.

The Strategic Flood Risk Assessment provides information on the use of Sustainable Drainage Systems (SuDS) to avoid increased flood risk or adverse impact on water quality.

Well-designed SuDS rarely function with only a single purpose and should be considered early in the design process due to their relationship with other design considerations. The Mid Sussex Design Guide SPD contains advice and examples of incorporating SuDs into developments.

Guidance on the potential benefits, suitability and feasibility for different SuDS types is available in the 'Water. People. Places.' document prepared for South East England authorities. This guidance should be used as part of the initial planning and design process for all types of residential, commercial and industrial development.

Development proposals in areas at risk of flooding will be considered in accordance with the National Planning Policy Framework (paragraphs 166, 167 and 168). Development proposals in areas at risk of flooding should be supported by site-specific flood risk assessments in accordance with paragraphs 167 and 168 of the NPPF.

The 2020 Gatwick Sub Region Water Cycle Study provides an assessment of the capacity of current water infrastructure to accommodate growth without adversely affecting the environment. The Study sets out a number of recommendations that address capacity and quality issues identified in the Study, summarised in Section 13.2. The use of Sustainable Drainage Systems (SuDS) continue to have an important role in managing flood risk, with added potential benefits on water resources, climate resilience, water quality, biodiversity and amenity.

#### **DPS4: Flood Risk and Drainage**

Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development<sup>5</sup> unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality.

Arrangements for the long-term maintenance and management of SuDS ~~should~~must also be identified through a maintenance and management plan, to be secured by condition at planning application stage.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

<sup>5</sup> As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

The preferred hierarchy of managing surface water drainage from any development is:

1. Infiltration Measures,
2. Attenuation and discharge to watercourses; and if these cannot be met,
3. Discharge to surface water only sewers.

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.

## DPS5: Water Infrastructure and Water Environment

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|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>1 – Sustainable Development and Adaptation to Climate Change</b><br><b>6 – Infrastructure to Support Sustainable Communities</b> |

Mid Sussex District is located in an area of serious water stress. Development must be positively planned to minimise its impact on water resources and water quality and to provide resilience against the impacts of climate change including security of water supply ~~and the reduction of carbon emissions.~~

A growing population and an increase in development will place pressure on wastewater treatment works, with some having limited available capacity to meet these needs.

Developers will be required to demonstrate that there is adequate capacity or additional infrastructure can be provided in time both on and off the site to serve the development and that it would not lead to problems for existing users. Developers will need to show that they have engaged with service providers at the earliest opportunity to establish the proposed development's demand for water supply and wastewater infrastructure and how this can be met. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing water and wastewater infrastructure.

It is essential to ensure that infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems. Where there is a capacity constraint and no improvements are programmed by the statutory undertaker the developer will need to contact the statutory undertaker/s to agree the improvements required and how these will be funded prior to any occupation of the development.

## DPS5: Water Infrastructure and Water Environment

Development should protect and enhance water resources and water quality and take measures to control pollution of the water environment. Development will only be permitted where it can be demonstrated that it would not result in an unacceptable risk to or adversely affect the quality, quantity, levels and ecology of surface water and groundwater resources including reservoirs.

### Water infrastructure

Development proposals which increase the demand for off-site water service infrastructure will be permitted where the applicant can demonstrate:

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, proposals must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and
- that there is adequate water supply infrastructure to serve the development. Where water supply infrastructure is not sufficient or available, proposals must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation.

Planning conditions and/ or obligations will be used to secure necessary infrastructure provision.

Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.

The development or expansion of water supply or sewerage/ sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long-term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised.

## DPS6: Health and Wellbeing

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|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>New Policy</b>   |
| <b>Strategic Objectives:</b> | <b>1 – Sustainable Development and Adaptation to Climate Change</b><br><b>5 – Create and Maintain Green Infrastructure</b><br><b>6 – Infrastructure to Support Sustainable Communities</b><br><b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b><br><b>14 – Create Accessible Environments</b><br><b>15 – Provide Cultural, Leisure and Sporting Facilities</b> |

The built and natural environment is a determinant of health and wellbeing. The places where people live and work can affect health and wellbeing both positively and negatively. The design and quality of neighbourhoods can create opportunities to facilitate healthy lifestyles such as through the provision of green space, inclusive design, adopting which embeds the principles of a 20 minute neighbourhood and supporting the ability to choose to walk and cycle over-rather than the use of the private car. The design and quality of neighbourhoods can also exacerbate health inequalities such as through the convenience of unhealthy food choices or high levels of pollution or crime.

Whilst Mid Sussex is one of the least deprived areas in the country, there are opportunities to improve health and wellbeing through the creation and management of a high quality built

and natural environment. This policy sets out the measures that development must take to ensure a positive impact on health and wellbeing and to enable healthy lifestyles.

This policy primarily relates to new residential and commercial development, however, all development, including householder development, can contribute to enabling healthy lifestyles such as by incorporating measures to reduce crime and to provide resilience against the effects of climate change.

Proposals for major residential and commercial development need to undertake a screening for a Health Impact Assessment (HIA). A Health Impact Assessment is a useful tool that helps to identify the health impacts of a proposed plan or project and can ensure future health and wellbeing needs are met. An HIA makes recommendations to maximise the positive health and wellbeing impacts, minimise the negative health and wellbeing impacts and reduce health inequalities.

## **DPS6: Health and Wellbeing**

All new development must be designed to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles and address health and wellbeing needs in Mid Sussex, as identified in the Joint Strategic Needs Assessment and West Sussex Joint Health and Wellbeing Strategy.

In order to maximise opportunities to enable healthy lifestyles, all new development must (where applicable for the type of development proposed):

- i. Be of high quality in its design and construction and be set within an attractive environment;
- ii. Be well-designed to ensure legibility of layout and the public realm including through the use of materials;
- iii. Meet the needs of the community through accessible, inclusive and safe design including incorporating measures to reduce opportunities for crime;
- iv. Prioritise active travel such as walking and cycling and sustainable transport such as public transport;
- v. Incorporate green infrastructure and biodiversity;
- vi. Provide opportunities for both high quality private outdoor space and publicly accessible open and green space;
- vii. Support and facilitate healthy eating including through the provision, where possible, of local and domestic food production such as allotments, community growing spaces and community orchards;
- viii. Be supported by the necessary infrastructure;
- ix. Take opportunities to increase community connectivity and social inclusion such as by providing spaces for the community to gather, socialise and interact;
- x. Take opportunities to improve the factors that can contribute to poor health and social inequalities such as noise, air quality, crime, access to education and employment, and local amenity; and
- xi. Incorporate measures to provide resilience against the effects of climate change including overheating, flood risk and drought.

Detailed policy requirements are set out elsewhere in this Plan.

Proposals for major residential and major commercial developments\* must set out how they address the requirements of this policy as part of a planning application. In order to satisfy this policy requirement, applicants will need to undertake a screening for a Health Impact Assessment (HIA). If necessary, a full HIA proportionate to the development

proposed, will need to be prepared to demonstrate the health outcomes on the health and wellbeing of communities.

\*As defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 or as amended.

## 9. Natural Environment and Green Infrastructure



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|---|--|
| <b>Natural Environment and Green Infrastructure</b> | <b>DPN1:</b> Biodiversity, Geodiversity and Nature Recovery<br><b>DPN2:</b> Biodiversity Net Gain<br><b>DPN3:</b> Green Infrastructure<br><b>DPN4:</b> Trees, Woodland and Hedgerows<br><b>DPN5:</b> Historic Parks and Gardens<br><b>DPN6:</b> Pollution<br><b>DPN7:</b> Noise Impacts<br><b>DPN8:</b> Light Impacts and Dark Skies<br><b>DPN9:</b> Air Quality<br><b>DPN10:</b> Land Stability and Contaminated Land |
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### DPN1: Biodiversity, Geodiversity and Nature Recovery

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|---|--|
| <b>Policy:</b><br><b>Review Status:</b><br><b>Strategic Objectives:</b> | <b>Strategic</b><br><b>Major Update</b><br><b>3 – Protect Valued Landscapes</b><br><b>5 – Create and Maintain Green Infrastructure</b> |
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Biodiversity and geodiversity are important natural capital assets and provide benefits as part of ecosystem services. Nature recovery is important for delivering improvements to nature, ecological networks and green infrastructure.

The District has a number of valued landscapes, habitats and species that need to be protected and enhanced. There are :

- 13 Sites of Special Scientific Interest (SSSI)
- 50 Local Wildlife Sites (LWS)
- 6 Local Nature Reserves (LNR)
- Over 1,400 areas of ancient woodland covering over 5,200Ha.
- Priority habitats found in Mid Sussex including ancient woodland, coastal & floodplain grazing marsh, deciduous woodland, ghyll woodland, lowland calcareous grassland, lowland fen, lowland heathland, lowland meadow, reedbed, traditional orchard, and wood-pasture & parkland.

Although the Whilst designated nature conservation sites and priority habitats are of significant value, the overall ecological network of habitats and species is important for biodiversity and nature recovery. The fragmentation of habitats and deterioration of the wider ecological network is a threat to biodiversity and nature recovery particularly in the context of climate change.

Soil is a valuable natural resource and is under threat from loss and degradation. The structure and health of soil is important for food production, biodiversity and carbon storage. Development should protect and enhance soils. Soils will also be protected and enhanced since they are important for biodiversity and carbon storage.

All development can contribute to biodiversity improvements and nature recovery and it is expected that development incorporates biodiversity features; restores, enhances and creates ecological networks; and delivers green infrastructure. Development should align with the objectives and priorities of the Local Nature Recovery Strategy and other relevant local strategies.

## **DPN1: Biodiversity, Geodiversity and Nature Recovery**

Biodiversity and geodiversity are important natural capital assets and provide benefits as part of ecosystem services. Nature recovery is important for delivering improvements to nature, ecological networks and green infrastructure.

Development proposals will also need to be in accordance with DPN2: Biodiversity Net Gain.

Biodiversity will be protected and enhanced by ensuring development:

- Protects existing biodiversity by retaining features of interest, including connecting routes as part of wider ecological networks, and ensuring the appropriate long-term management of those features;-
- Takes aAppropriate measures ~~should be taken~~ to avoid and reduce disturbance to sensitive habitats and species in accordance with the mitigation hierarchy set out in national policy. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances and as a last resort);
- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments;
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience;
- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Local Wildlife Sites, Local Nature Reserves and irreplaceable habitats such as Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including priority habitats, wildlife corridors, ancient, aged or veteran trees, Biodiversity Opportunity Areas, areas identified for nature recovery, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks and nature recovery.

Soils are important for biodiversity and carbon storage. Soils will be protected and enhanced, including the best and most versatile agricultural land, by development

avoiding soil disturbance, compaction and erosion. Development should not result in soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.

Development should seek to meet the objectives of the Local Nature Recovery Strategy, taking opportunities to deliver ecological networks and green infrastructure. Development will need to demonstrate that it will not harm or adversely affect an area or areas identified as opportunities for nature recovery.

## DPN2: Biodiversity Net Gain

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>New Policy</b>   |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b><br><b>5 – Create and Maintain Green Infrastructure</b> |

The requirement for mandatory biodiversity net gain was introduced by the Environment Act 2021. Biodiversity net gain seeks to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be delivered on-site, off-site or through a combination of on-site and off-site measures, however, the implementation of biodiversity net gain should align with the local objectives and priorities for biodiversity improvements and nature recovery.

The mitigation hierarchy set out in the National Planning Policy Framework should be followed: firstly by avoiding harm to biodiversity, then providing mitigation with compensation as a last resort.

The Council will encourage development to maximise opportunities to deliver higher levels of biodiversity net gain especially where development is located in or in proximity to the Biodiversity Opportunity Areas or priority habitats.

## DPN2: Biodiversity Net Gain

Development (as defined in the Environment Act 2021 or its secondary legislation or as amended by the government) will need to deliver a net gain in biodiversity which will contribute to the delivery of ecological networks, green infrastructure and nature recovery.

Development will need to demonstrate through a Biodiversity Gain Plan that measurable and meaningful net gains for biodiversity will be achieved and will be secured and managed appropriately.

### Principles of Biodiversity Net Gain

Development will need to demonstrate that good practice principles for biodiversity net gain have been followed.

Development will need to demonstrate that the mitigation hierarchy has been followed.

Proposals for biodiversity net gain will also need to be in accordance with Policies DPN1: Biodiversity, Geodiversity and Nature Recovery; DPN3: Green Infrastructure; and DPN4: Trees, Woodland and Hedgerows, and avoid harm to irreplaceable habitats, ~~and~~ protected sites and priority habitats.

Biodiversity net gain, including off-site biodiversity net gain, should align with the objectives and priorities of the Nature Recovery Network, Local Nature Recovery Strategy and other relevant local strategies, contributing and connecting to wider ecological networks and green infrastructure. Consideration should be given to landscape character when developing proposals for biodiversity net gain.

It is expected that development proposals will enhance existing biodiversity and incorporate features to encourage biodiversity and pollination within and around the development.

### **Level of Biodiversity Net Gain**

Biodiversity net gain will be calculated and assessed using the Government's published biodiversity metric. The biodiversity net gain calculation and assessment should be completed by a suitably experienced and qualified ecologist and submitted in full with the application for development.

The minimum percentage of biodiversity net gain required will be 10% as set out in legislation (or as amended by the government) or greater where it is required in another policy or a Supplementary Planning Document. The Council will encourage a higher level of biodiversity net gain and developments should seek to maximise opportunities, especially where development is located in or in proximity to the Biodiversity Opportunity Areas or priority habitats.

A minimum percentage of biodiversity net gain of 20% will be required on Significant Sites (DPSCx-x).

The Council will publish further guidance on delivering biodiversity net gain on its website. This guidance will be reviewed periodically to ensure it reflects local priorities and opportunities.

## **DPN3: Green Infrastructure**

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>New Policy</b>   |
| <b>Strategic Objectives:</b> | <b>5 – Create and Maintain Green Infrastructure</b>           |
|                              | <b>6 – Infrastructure to Support Sustainable Communities</b>  |
|                              | <b>15 – Provide Cultural, Leisure and Sporting Facilities</b> |

Green infrastructure (including blue infrastructure) delivers a range of environmental, social and economic benefits including resilience to climate change, positive health and wellbeing effects, nature-based solutions and supporting nature recovery.

Existing green infrastructure assets, links and the overall multi-functional network will be protected and new green infrastructure will be encouraged as part of development

proposals. To ensure the existing green infrastructure network is protected, important green infrastructure assets and links will be safeguarded from development.

Land which will be required to create and deliver a multi-functional 'Green Circle' around Burgess Hill will be safeguarded from development. In particular, the following areas as shown on the Policies Maps will be safeguarded as green infrastructure and allocated for informal open space:

- Batchelors Field;
- Land south of Greenlands Drive;
- Nightingale Lane Meadows/ Nightingale Lane Open Space;
- Hammonds Ridge Meadows;
- Maltings Farm;
- Malthouse Lane Meadows;
- Eastlands Farm;
- Grassmere Meadow;
- Pangdene Lane Meadows;
- Land north of Sussex Way;
- Land to the north of Sheddingdean and Leylands Park;
- Bedelands Farm Local Nature Reserve;
- Land along the railway line to the north and south of Wivelsfield Station; and
- Land in the Northern Arc.

The following areas as shown on the Policies Maps will be safeguarded as green infrastructure and allocated for informal open space or linear open space:

- Land from Turvey Wood/ Franklands Wood to the Scrase Valley, Haywards Heath
- Ashenground and Bolnore Woods, Haywards Heath
- Ashplats Wood, East Grinstead
- Spring Copse, East Grinstead
- St. Margaret's Loop, East Grinstead
- Worth Way
- Forest Way

### **DPN3: Green Infrastructure**

Green infrastructure (including blue infrastructure) delivers a range of environmental, social and economic benefits including resilience to the effects of climate change, positive health and wellbeing effects, nature-based solutions and supporting nature recovery.

Green infrastructure assets, links and the overall multi-functional network will be protected and enhanced by ensuring development:

- Responds to and incorporates existing on-site and off-site green infrastructure into the development design; and
- Provides new green infrastructure integrated into the development design; and
- Contributes to the wider green infrastructure network by taking opportunities to improve, enhance, manage and restore green infrastructure, and providing links to existing green infrastructure including outside the development's boundaries.

Applicants should consider from the outset the landscape assets of the site and how they may be used to create part of a coherent landscape structure that links to existing and proposed landscapes to form open space networks whenever possible, revealing existing landscape features.

Green infrastructure design proposals will be expected to demonstrate that opportunities have been taken to:

- Strengthen connectivity and resilience of ecological networks; and
- Improve resilience to the effects of climate change; and
- Support health and wellbeing by providing access to green space, nature and rights of way.

Green infrastructure design proposals should be informed by and respond to existing evidence and guidance on the multi-functional green infrastructure network including Biodiversity Opportunity Area statements, priority habitats, green infrastructure mapping, ecological surveys and landscape character assessments.

Appropriate arrangements and funding for the future long-term management and maintenance of green infrastructure should be identified and implemented. Where appropriate, the Council will seek to secure this via planning conditions and/or planning obligations.

To help deliver a multi-functional green infrastructure network and to protect existing green infrastructure assets and links, the Council has identified land to be safeguarded from development as shown on the Policies Map.

Land which will be required to create and deliver a multi-functional 'Green Circle' around Burgess Hill will be safeguarded from development and the 'Green Circle' will be allocated for informal open space as shown on the Policies Map.

Important green infrastructure assets and links will be safeguarded and allocated for informal open space or linear open space as shown on the Policies Maps.

## DPN4: Trees, Woodland and Hedgerows

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>                                |
| <b>Review Status:</b>        | <b>Minor Update</b>                                 |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b>                |
|                              | <b>4 – Protected Built and Historic Environment</b> |
|                              | <b>5 – Create and Maintain Green Infrastructure</b> |

Trees, woodland and hedgerows make a valuable landscape, amenity and biodiversity contribution to the District, both in urban and rural areas. Mid Sussex is a heavily wooded district with two thirds of this being ancient woodland.

Trees, woodland and hedgerows form part of the District's green infrastructure, and in particular, are important for health and well-being, biodiversity, and increasing resilience to the effects of climate change.

Ancient woods are irreplaceable wildlife habitats with complex ecological conditions that have developed over centuries. They contain a wide range of wildlife including rare species,

however, because the resource is limited and highly fragmented, ancient woodland and their associated wildlife are particularly vulnerable and must be protected from damaging effects of adjacent and nearby land uses that could threaten the integrity of the habitat and survival of its special characteristics.

The District Plan recognises this contribution and will support the protection of trees, woodland and hedgerows, as well as encouraging new planting. Development will be required to incorporate trees, woodland and hedgerows into the design and landscaping scheme.

All hedgerows on farmland and open land are protected and consent is required from the District Council to remove them. The Hedgerow Regulations 1997 also define 'important' hedgerows as being of particular archaeological, historical, wildlife or landscape value.

The District Council will make Tree Preservation Orders or attach planning conditions, in line with national guidance, to protect specific trees, a group of trees or woodlands in the interests of amenity or where they are threatened by development. The amenity value of trees will take into account visibility and characteristics relating to the individual, collective and wider impact including:

- Size and form; and
- Future potential as an amenity; and
- Rarity, cultural or historical value; and
- Contribution to, and relationship with, the landscape; and
- Contribution to the character and appearance of a conservation area.

## **DPN4: Trees, Woodland and Hedgerows**

Trees, woodland and hedgerows are valuable natural capital assets including for biodiversity, nature recovery, green infrastructure, health and wellbeing, and increasing resilience to the effects of climate change.

### **Protection of trees, woodland and hedgerows**

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and ancient, aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Development (including construction and operational activities) resulting in the direct or indirect deterioration or loss of irreplaceable habitats including ancient woodland and ancient, aged or veteran trees will not be permitted unless there are wholly exceptional reasons and in such circumstances, appropriate compensation measures will be provided.

### **New trees, woodland and hedgerows**

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Proposals for new woodland creation will need to follow best practice guidance and take into account a range of considerations including:

- The biodiversity and amenity value of the existing habitat; and
- The landscape and its character; and
- Heritage and archaeology features; and
- Protected species; and
- Opportunities for natural regeneration; and
- Opportunities to connect to and extend existing woodland; and
- The long-term management arrangements for new woodland planting; and
- Resilience to the effects of pests, disease and climate change.

### **Development and trees, woodland and hedgerows**

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme;
- prevents damage to root systems and takes account of expected future growth; and where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management;
- has appropriate protection measures throughout the development process;
- secures appropriate long-term management arrangements;
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
- does not sever ecological corridors created by these assets.

### **Works to trees**

Proposals for works to trees, including felling, will be considered taking into account:

- the condition and health of the trees; and
- the contribution of the trees to the character and visual amenity of the local area; and
- the amenity and nature conservation value of the trees; and
- the extent and impact of the works; and
- any replanting proposals.

Inappropriate or excessive works to trees that will damage their health and/or amenity value will be resisted.

Proposals for works to trees, including felling, may be refused if sufficient information is not provided to justify why works are necessary.

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

### **Use of buffer zones**

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary. A buffer will also be required for ancient, aged and veteran trees and should be at least 15 times larger than the diameter of the tree or 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. The size of a required buffer zone may vary according to the nature of the site and the proposed development, and if there are other impacts likely to extend beyond the minimum buffer zone distance. Buffer zones should contribute to green infrastructure and wider ecological networks and consist of a semi-natural habitat with appropriate planting. These requirements for an ancient woodland or tree buffer will apply unless superseded by a more environmentally favourable national standard set out in legislation or guidance.

## DPN5: Historic Parks and Gardens

**Policy:** Non-Strategic  
**Review Status:** No Update  
**Strategic Objectives:** 3 – Protect Valued Landscapes  
11 – Support Mid Sussex as a Visitor Destination

There are 9 Registered Parks and Gardens of Special Historic Interest in Mid Sussex. In addition there are a large number of historic parks and gardens which are unregistered but which appear on the West Sussex Historic Environment Record. The need to protect such landscapes is also recognised.

## DPN5: Historic Parks and Gardens

The character, appearance and setting of a registered park or garden, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park or garden, or park or garden of special local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.

## DPN6: Pollution

**Policy:** Non-Strategic  
**Review Status:** New Policy  
**Strategic Objectives:** 3 – Protect Valued Landscapes  
12 – Support Safe, Healthy and Inclusive Communities

To protect people, their health and quality of life, and the natural environment, a suite of policies has been developed to prevent development resulting in pollution or hazards. This policy makes clear that aAll forms of pollution are included with more detailed policy requirements for noise impacts, light impacts, air quality, land stability and contaminated land. This policy also makes clear that mitigation measures may be necessary for development likely to increase levels of pollution.

The Council will publish detailed guidance on its website.

## DPN6: Pollution

Development should not result in pollution or hazards, including air, noise, vibration, light, water, soil, odour, dust or other pollutants, which negatively significantly adversely impact on people, including health and quality of life, and the natural environment, including nature conservation sites.

Mitigation measures may need to be implemented for development that is likely to increase levels of pollution, taking into account any cumulative impacts.

Development proposals will need to take into account the Council's published guidance<sup>6</sup>.

Detailed policy requirements are set out in Policies:

- DPN7: Noise Impacts
- DPN8: Light Impacts and Dark Skies
- DPN9: Air Quality
- DPN10: Land Stability and Contaminated Land

## DPN7: Noise Impacts

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b><br><b>12 – Support Safe, Healthy and Inclusive Communities</b> |

New development needs to be managed to protect the natural environment and people's health and quality of life from unacceptable levels of noise.

Development proposals will need to take into account the Council's published guidance on noise impacts.

## DPN7: Noise Impacts

The natural environment and people's health and quality of life will be protected from unacceptable levels of noise.

Areas valued for tranquillity for recreation and amenity reasons, including protected landscapes and their setting and nature conservation sites, will be protected from unacceptable levels of noise.

Development will only be permitted where it:

- avoids significant adverse impacts on health and quality of life; and
- mitigates and minimises adverse impacts on health and quality of life; and
- where possible, contributes to the improvement of health and quality of life.

Development will be expected to be located, designed and controlled to avoid or minimise any potential significant adverse impacts from noise. Development should have good acoustic design including orientating or organising buildings (including consideration of the internal layout of buildings) to locate more noise sensitive areas, such as the principal

<sup>6</sup> [Air Quality and emissions mitigation guidance for Sussex \(2020\)](#)

habitable rooms, away from potential sources of noise. Parking arrangements should be carefully considered to avoid noise and headlight nuisance.

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise, or other sources of high levels of noise such as commercial/ industrial sites or transport sources, unless adequate sound insulation measures, as supported by a noise assessment, are incorporated within the development.

Noise generating development will be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will significantly adversely affect the amenity of existing and future users.

If required by the local planning authority, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or
- an assessment of the effect of noise by an existing noise source upon a proposed development.

Development proposals will need to take into account the Council's noise guidance.

## DPN8: Light Impacts and Dark Skies

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|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b><br><b>12 – Support Safe, Healthy and Inclusive Communities</b> |

New development needs to be managed to protect the natural environment and people's health and quality of life from unacceptable levels of light pollution.

It is important that artificial light does not contribute to sky glow, glare and light spillage which impacts on the visibility of the night sky, biodiversity and local character. Dark night skies including those in protected landscapes should be valued and protected from light pollution.

## DPN8: Light Impacts and Dark Skies

The natural environment and people's health and quality of life will be protected from unacceptable levels of light pollution.

Development proposals must demonstrate that all opportunities to reduce light pollution (including sky glow, glare and light spillage) have been taken including minimising impacts on local amenity, intrinsically dark landscapes including protected landscapes and areas important for nature conservation and nature recovery.

Artificial lighting proposals (including outdoor lighting, floodlighting and new street lighting) should be minimised in terms of intensity and number of fittings. The applicant should demonstrate that:

- the minimum amount of lighting necessary to achieve its purpose is specified or otherwise justified on safety or security grounds; and

- the design and specification of the lighting would minimise sky glow, glare and light spillage in relation to the visibility of the night sky, local amenity and local character; and
- the means of lighting would be unobtrusively sited and well-screened by landscaping; and
- low energy lighting is used; and
- there would not be an adverse impact on wildlife such as through consideration of the appropriate colour of lighting.

Where lighting of a landmark or heritage feature is proposed, the level and type of illumination used would enhance the feature itself.

Development proposals will need to take into account the Institute of Lighting Professionals guidance and other relevant guidance.

## DPN9: Air Quality

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|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update (to policy SA38 Site Allocations DPD)</b>   |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b>                        |
|                              | <b>12 – Support Safe, Healthy and Inclusive Communities</b> |

Air quality monitoring and modelling undertaken by the Council indicates that there is good air quality within most of the District. The main source of air pollution in the District is road traffic emissions mostly from major roads. Air pollution is associated with a number of adverse health impacts.

Mid Sussex District has one Air Quality Management Area (AQMA) at Stonepound Crossroads in Hassocks. It was declared in 2012 due to high levels of nitrogen dioxide and exceedances are attributed to the topography of the area and the volume of road traffic. Since the AQMA was declared there has been an overall reduction in measured nitrogen dioxide and various measures have been implemented designed to limit the exceedance of the nitrogen dioxide air quality objective.

## DPN9: Air Quality

The natural environment and people's health and quality of life will be protected from unacceptable levels of poor air quality.

The use of active and sustainable travel measures and green infrastructure to reduce pollution concentrations and exposure is encouraged.

Development proposals will need to take into account the Council's air quality guidance.

The Council will require applicants to demonstrate that there is not an unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2021 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or candidate Air Quality Management Areas (AQMAs) or designated nature conservation areas sensitive to changes in air quality, will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan where it is relevant and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the integrity of the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.

## DPN10: Land Stability and Contaminated Land

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|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>New Policy</b>   |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b><br><b>12 – Support Safe, Healthy and Inclusive Communities</b> |

It is important to consider ground conditions when preparing development proposals and any risks from land instability or contamination. Adequate and effective measures will be required to protect land stability and land quality, including measures to protect the natural environment and people from unacceptable risks.

## DPN10: Land Stability and Contaminated Land

Development proposals should consider if a site is suitable for its proposed use taking into account ground conditions and any risks from land instability or contamination.

Investigations and assessments of sites located in or in close proximity to potentially unstable or contaminated land will be required to be submitted as part of a planning application. The investigations and assessment work should consider the nature and extent of the risk, and potential impacts to human health, adjacent land uses and the natural environment.

Adequate and effective measures will be required to protect land stability and land quality, including measures to protect the natural environment. In particular, measures should be taken to avoid:

- unacceptable risks to the health of future users and occupiers of the development or people in the locality;
- risks to the structural integrity of buildings or structures on or adjoining the site;
- contamination to soil, watercourses, water bodies, groundwater or aquifers;
- harm to wildlife and the natural environment.

## 10. Countryside



|                    |   |
|--------------------|---|
| <b>Countryside</b> | <p><b>DPC1:</b> Protection and Enhancement of the Countryside</p> <p><b>DPC2:</b> Preventing Coalescence</p> <p><b>DPC3:</b> New Homes in the Countryside</p> <p><b>DPC4:</b> High Weald Area of Outstanding Natural Beauty</p> <p><b>DPC5:</b> Setting of the South Downs National Park</p> <p><b>DPC6:</b> Ashdown Forest SPA and SAC</p> |
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### DPC1: Protection and Enhancement of the Countryside

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|---|---|
| <p><b>Policy:</b> Strategic</p> <p><b>Review Status:</b> Minor Update</p> <p><b>Strategic Objectives:</b></p> | <p><b>3</b> – Protect Valued Landscapes</p> <p><b>11</b> – Support Mid Sussex as a Visitor Destination</p> <p><b>15</b> – Provide Cultural, Leisure and Sporting Facilities</p> |
|---|---|

Mid Sussex is a rural District, and the countryside is an asset that is highly valued by the Council and local residents and is recognised as having social value in enhancing the health and wellbeing of residents and visitors. The countryside is a working environment that needs to be managed in a way that enhances the attractiveness of the rural environment whilst enabling traditional rural activities to continue. The rural economy will be supported by other policies within this Plan that permit small-scale development and changes of use that will further economic activities that are compatible with the District's rural character. Its environmental worth will be protected and enhanced by the policies in this Plan.

The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment.

The Capacity of Mid Sussex District to Accommodate Development Study (June 2014, paragraph 2.138) describes high quality soil as an invaluable and non-renewable natural resource and identifies provisional Agricultural Land Classification Grades across the District which suggest only 455.7 hectares of Grade 2 land (1.4% of the District) and no Grade 1 land within Mid Sussex. A large proportion of the District (63.8%) is Grade 3 land with the potential to be classified as Grade 3a (i.e. best and most versatile agricultural land). Not all land has been surveyed in detail and more detailed field surveys may be required to inform decisions about specific sites. Where identified, Grade 1, 2 and 3a agricultural land should

be protected from development due to its economic importance and geological value. This is the land which is most flexible, productive and efficient and can best deliver future crops for food and non-food uses.

Minerals are a finite resource and can only be worked where they are found. Therefore it is important to use them in the most efficient manner to secure their long term conservation. Where a development is sited in a West Sussex Minerals Consultation Area, further work will be required in conjunction with West Sussex County Council as the Minerals Planning Authority to identify whether minerals are accessible in sufficient amounts to be economically viable to extract.

## DPC1: Protection and Enhancement of the Countryside

The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

The best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from non-agricultural development proposals and will be protected from being covered by artificial surfaces that will prevent future use of the soils. Where significant development of any grade of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

Development proposals should demonstrate they are informed by landscape character. The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Development Plan Document produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.

## DPC2: Preventing Coalescence

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Non-Strategic</b>                                     |
| <b>Review Status:</b>        | <b>No Update</b>   |
| <b>Strategic Objectives:</b> | <b>2 – Maintaining Settlement Identity and Character</b> |

The settlement pattern of Mid Sussex makes an important contribution to the distinctive character of Mid Sussex and therefore a strategic objective of the Plan is to promote well located and designed development that reflects the distinctive towns and villages, retains their separate identity and character and prevents coalescence.

## DPC2: Preventing Coalescence

The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.

Provided it is not in conflict with Policy DPC1: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.

Local Gaps can be identified in Neighbourhood Plans or a Development Plan Document produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection.

## DPC3: New Homes in the Countryside

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non - Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b><br><b>10 – Support Strong and Diverse Rural Economy</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

The National Planning Policy Framework is clear that the development of isolated homes should be avoided (paragraph 80). However, it is recognised that exceptional circumstances may exist that justify new homes in the countryside. The policy below provides clear guidance on how proposals for such developments will be considered. It also contains criteria on the re-use of rural buildings and replacement dwellings in the countryside.

## DPC3: New Homes in the Countryside

1. New homes in the countryside, defined as areas outside the built-up area boundaries, will be permitted in specific circumstances, as set out below:
  - i. Accommodation is essential to enable the operation of an agricultural, forestry or similar rural enterprises requiring full time rural workers to live at, or near, their place of work;
  - ii. In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality, is truly outstanding and would significantly enhance its immediate setting and is sensitive to the character of the local area;
  - iii. Development would involve the subdivision of an existing residential building;
  - iv. The proposed development meets the requirements of Policy DPH2: Sustainable Development – Outside Built-Up Area;
  - v. The proposed development is not in conflict with Policy DPC1: Protection and Enhancement of the Countryside; or
  - vi. Affordable housing in accordance with Policy DPH38: Rural Exception Sites.

2. Permanent agricultural (includes forestry and similar land-based rural enterprise requiring full time rural workers) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:
- i. The need cannot be fulfilled by another existing dwelling on, or any other existing accommodation near to, the agricultural unit; and
  - ii. It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and
  - iii. It can be proven that the rural enterprise is economically viable. This should include demonstrating that the enterprise has been established continuously for the previous three years and profitable for at least one of them; and
  - iv. It can be proven that the size and location of the dwelling is commensurate with the established functional requirement of the agricultural unit.

Temporary agricultural dwellings essential to support a new rural enterprise either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation.

Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up-to-date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding.

New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above.

### 3. Re-use of rural buildings for residential use

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed<sup>7</sup> agricultural building which has not been or has been little used for its original purpose and:

- i. the re-use would secure the future of a heritage asset; or
- ii. the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.

### 4. Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

- i. The residential use has not been abandoned;
- ii. Highway, access and parking requirements can be met;
- iii. The replacement dwelling is of equivalent size, scale and massing and within the same or similar position of the existing dwelling, unless there are demonstrable benefits in relocating the dwelling; and
- iv. The scale, size and massing of the replacement dwelling should maintain or where possible enhance the quality of the natural and/or built landscape, particularly in the High Weald Area of Outstanding Natural Beauty.

New dwellings, including conversions, located within the Ashdown Forest 7km Zone, will be required to comply with Policy DPC6: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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<sup>7</sup> The term 'recently constructed' will generally be held to apply to buildings constructed within five years of a planning application for their re-use or adaptation.

## DPC4: High Weald Area of Outstanding Natural Beauty

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>3 – Protect Valued Landscapes</b><br><b>11 – Support Mid Sussex as a Visitor Destination</b> |

An Area of Outstanding Natural Beauty (AONB) is an area of land protected by the Countryside and Rights of Way Act 2000 for its outstanding natural beauty. The purpose of the landscape designation is to conserve and enhance the natural beauty of the area.

The High Weald AONB was designated in 1983. It has an area of 1,461 sq km and covers four counties and 11 districts. Nearly 50% of Mid Sussex District is within the High Weald AONB; there are 163.6 sq km of AONB land within Mid Sussex District which is approximately 11% of the High Weald AONB.

The High Weald AONB is a historic landscape characterised by a deeply incised, ridged and faulted landform of clays and sandstone, with numerous gill streams and woodlands. Small irregularly-shaped and productive fields typically used for livestock grazing are often bounded by hedgerows and woodland. Dispersed historic settlements of farmsteads and late Mediaeval villages are characteristics as are historic routeways.

The High Weald AONB Management Plan is the strategy for looking after the High Weald AONB in order to achieve the statutory purpose of conserving and enhancing the High Weald AONB. The Management Plan can be used to guide environmental land management and assess the impact of development or other changes on the High Weald AONB. The High Weald AONB Statement of Significance sets out what comprises the natural beauty of the High Weald.

### DPC4: High Weald Area of Outstanding Natural Beauty

Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves and enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;
- the traditional interaction of people with the landscape and nature, and appropriate land management;
- the historic landscape, character and local distinctiveness, historic settlement pattern, sense of place and setting of the AONB; and
- the conservation of wildlife and cultural heritage.

Development should demonstrate a positive contribution to the objectives of the High Weald AONB Management Plan and take account of the High Weald Housing Design Guide including applying a landscape-led design approach that reflects High Weald character; using high quality architecture; responding to the historic pattern and character of settlements; and protecting dark skies.

Proposals which support the land-based economy and social well-being of local communities within the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the landscape character and views into and out of the AONB by virtue of its location or design.

## DPC5: Setting of the South Downs National Park

**Policy:** Strategic  
**Review Status:** No Update  
**Strategic Objectives:** 3 – Protect Valued Landscapes  
11 – Support Mid Sussex as a Visitor Destination

The South Downs was established as a National Park in 2010 and over 10% of Mid Sussex District is within the South Downs National Park. The areas of land surrounding the South Downs National Park contribute to the setting of the South Downs National Park.

The statutory purpose for National Parks is set out in the Environment Act 1995. Section 61 provides for the two purposes of National Parks:

- i) To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
- ii) To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Mid Sussex District Council works in partnership with the South Downs National Park Authority to conserve and enhance the landscape and scenic beauty of the South Downs National Park.

## DPC5: Setting of the South Downs National Park

Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.

Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and South Downs Local Plan and other adopted planning documents and strategies.

## DPC6: Ashdown Forest SPA and SAC

**Policy:** Strategic

**Review Status:** Minor Update  
**Strategic Objectives:** 3 – Protect Valued Landscapes

The District Council has undertaken a Habitats Regulations Assessment to test whether the District Plan, in combination with other plans and projects, is likely to have an adverse impact on the integrity of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The main potential impacts arising from the District Plan that are likely to have a significant effect on Ashdown Forest are recreational disturbance to protected breeding birds from an increase in visitors to Ashdown Forest and atmospheric pollution affecting the heathland habitat from increased traffic and associated nitrogen deposition.

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest. Mitigation measures are necessary to counteract the effects of potential increasing recreational pressure on the Ashdown Forest SPA arising from new residential development within a 7km zone of influence around the Ashdown Forest SPA. Mitigation measures will help to ensure that the conservation objectives for the Ashdown Forest SPA and SAC are met which will prevent a deterioration of the conservation status of qualifying species for which the SPA has been classified and the qualifying habitats and species for which the SAC has been designated.

There are two parts to the mitigation: Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). The SANG and SAMM mitigation approach set out in Policy DPC6 aligns with the strategic solution for recreational disturbance on the Ashdown Forest SPA which is supported by Natural England. This strategic solution ensures the requirements of the Habitats Regulations are met with regard to the in combination effects of increased recreational pressure on the Ashdown Forest SPA arising from new residential development.

The purpose of SANG is to provide alternative greenspace to attract visitors away from the Ashdown Forest SPA. It aims to reduce overall visitor and recreational pressure on Ashdown Forest, and to provide for the needs of dog walkers in particular. Relevant development will need to either provide a SANG or make a financial contribution to a strategic SANG.

The second part of mitigation is to provide a financial contribution towards a SAMM strategy. This aims to manage visitors on-site at Ashdown Forest. The Joint SAMM Strategy is a strategic co-ordinated approach to mitigation in partnership with Lewes, Sevenoaks, Tandridge and Wealden District Councils, Tunbridge Wells Borough Council, Natural England, and the Conservators of Ashdown Forest. The SAMM Partnership for Ashdown Forest is actively working to deliver access management projects to address issues arising from visitor pressure and undertake monitoring at both Ashdown Forest and the four operational SANG sites.

In terms of atmospheric pollution, no further measures are necessary at this stage, however, all planning applications will need to be assessed to consider any air quality impacts and to prevent adverse effects on the [integrity of the](#) Ashdown Forest SAC.

## **DPC6: Ashdown Forest SPA and SAC**

In order to prevent adverse effects on the [integrity of the](#) Ashdown Forest SPA and SAC, new development likely to have a significant effect, either alone or in combination with

other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

### **Recreational pressure**

Mitigation requirements for recreational pressure impacts will be sought in accordance with the strategic solution for the Ashdown Forest SPA and SAC in force at the time of the application. The zone of influence and mitigation requirements may be subject to revision to take account of new evidence on visitor patterns or monitoring.

Within a 400 metres buffer zone around Ashdown Forest, mitigation measures are unlikely to be capable of protecting the integrity of the SPA and, therefore, residential development will not be permitted.

Within a 7km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in units will be required to contribute to mitigation through:

- 1) The provision of Suitable Alternative Natural Greenspace (SANG) to the minimum level of 8Ha per 1,000 net increase in population; or a financial contribution to a strategic SANG acceptable to provide mitigation for the development; and
- 2) A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.

Development proposed adjacent or close to the boundary of the 7km zone of influence may require mitigation for the SPA. Such proposals for development will be dealt with on a case-by-case basis and assessed through a site-specific Habitats Regulations Assessment at the application stage.

### **Air quality**

New development likely to result in increased traffic will need to be assessed through a site-specific Habitats Regulations Assessment at the application stage to consider any air quality impacts and to prevent adverse effects on the integrity of the Ashdown Forest SAC.

## 11. Built Environment



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|--------------------------|---|
| <b>Built Environment</b> | <b>DPB1:</b> Character and Design<br><b>DPB2:</b> Listed Buildings and Other Heritage Assets<br><b>DPB3:</b> Conservation Areas |
|--------------------------|---|

### DPB1: Character and Design

|   |   |
|---|---|
| <b>Policy:</b><br><b>Review Status:</b><br><b>Strategic Objectives:</b> | <b>Strategic</b><br><b>Minor Update</b><br><b>1</b> – Sustainable Development and Adaptation to Climate Change<br><b>2</b> – Maintaining Settlement Identity and Character<br><b>3</b> – Protect Valued Landscapes<br><b>4</b> – Protected Built and Historic Environment<br><b>5</b> – Create and Maintain Green Infrastructure<br><b>12</b> – Support Safe, Healthy and Inclusive Communities<br><b>14</b> – Create Accessible Environments |
|---|---|

Mid Sussex has a high quality built and natural environment and this requires the design of new development to respect the character of towns and villages as well as the character of the buildings. This policy requires high quality in design with new development that contributes positively to the private and public realm (including streets and open spaces), protects valued townscapes, creates accessible and inclusive environments whilst maximising sustainability opportunities.

In relation to Gatwick Airport, any proposed development would need to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. For example there may be restrictions on height, on the detailed design of buildings or on development which might create an aircraft 'bird strike' hazard.

### DPB1: Character and Design

All new development should be of high quality and must respond appropriately to its context, be inclusive and prioritise sustainability. This includes the design and layout of new buildings, alterations to existing buildings and the design of surrounding spaces.

All applicants will be required to demonstrate that development takes the following into account:

### Understanding the Context

- i. reflects the distinctive character of the towns and villages and protects their separate identity and valued townscapes;
- ii. is sensitive to the countryside including the topography;

### Layout, Streets and Spaces

- iii. includes appropriate landscaping and greenspace;
- iv. contributes positively to, and clearly defines, public and private realms and designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- v. incorporates a green infrastructure plan that maximises opportunities to retain existing trees and incorporate new trees (i.e. in parks and community orchards), including delivering tree-lined streets and protects open spaces and gardens that contribute to the character of the area;
- vi. incorporates well integrated parking and servicing areas that do not dominate the street environment, particularly where high density housing is proposed;

### Establishing the Structure

- vii. is organised around green transport principles and creates a pedestrian and cyclist -friendly layout that is safe, well connected, legible and accessible;
- viii. optimises the potential of the site to accommodate development especially on brownfield sites and in locations close to facilities or with good public transport links.
- ix. take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (500+ dwellings) schemes will also normally be expected to incorporate a mixed use element;

### High Quality Building Design

- x. creates a sense of place while addressing the character and scale of the surrounding buildings and landscape through the consideration of the scheme's design, layout, size, scale, massing and views;
- xi. incorporates sustainable construction principles and is designed for adaptation and future weather events; and

### Residential Amenity

- xii. does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policies DPN6, DPN7, DPN8 and DPN9).

Further information and guidance on supporting the delivery of high-quality new development, including design principles, can be found in the [District Council's Mid Sussex Design Guide Supplementary Planning Document](#).

## DPB2: Listed Buildings and Other Heritage Assets

**Policy:** Non-Strategic  
**Review Status:** ~~No~~ Minor Update

## **Strategic Objectives: 4 – Protected Built and Historic Environment**

The heritage assets of the District include over 1,000 Listed Buildings, 25 Scheduled Ancient Monuments which are identified on the policies map and over 500 sites of archaeological interest which appear on the West Sussex Historic Environment Record. The District also includes many other buildings which, whilst not statutorily listed are of architectural merit or of local historic interest, make a valuable contribution to the character of the area.

In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the District Council will have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

### **DPB2: Listed Buildings and Other Heritage Assets**

#### **Listed Buildings**

Development will be required to preserve or enhance listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;
- Special regard is given to protecting the setting of a listed building;
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.

#### **Other Heritage Assets**

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to ~~conserve~~ preserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

## DPB3: Conservation Areas

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Non-Strategic</b>   |
| <b>Review Status:</b>        | <b>No Update</b>   |
| <b>Strategic Objectives:</b> | <b>2 – Maintaining Settlement Identity and Character</b><br><b>4 – Protected Built and Historic Environment</b><br><b>11 – Support Mid Sussex as a Visitor Destination</b> |

The District Council's 36 conservation areas are protected through national planning legislation but are designated locally. They range from the historic town centre of East Grinstead through to smaller villages and settlements. The key characteristics of each of the conservation areas are described in conservation area character summaries on the Council's website. The Council has also produced more detailed conservation area appraisals and management plans for some conservation areas which assess local character and promote environmental enhancements. The conservation area character appraisals will be reviewed where necessary and the Council will support local groups such as local history societies to undertake this work.

## DPB3: Conservation Areas

Development in a conservation area will be required to preserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics and appearance of the area in terms of their scale, density, design and through the use of complementary materials;
- Open spaces, gardens, landscaping and boundary features that contribute to the special character and appearance of the area are protected. Any new landscaping or boundary features are designed to reflect that character;
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics and appearance of the area;
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

## 12. Transport



|                  |   |
|------------------|---|
| <b>Transport</b> | <b>DPT1:</b> Placemaking and Connectivity<br><b>DPT2:</b> Rights of Way and Other Recreational Routes<br><b>DPT3:</b> Cycling<br><b>DPT4:</b> Parking and Electric Vehicle Charging Infrastructure<br><b>DPT5:</b> <u>Off Airport Car Parking</u> |
|------------------|---|

### DPT1: Placemaking and Connectivity

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b><u>Minor</u> <u>Major</u> Update</b>   |
| <b>Strategic Objectives:</b> | <del>5 – Create and Maintain Green Infrastructure</del><br><b>6 – Infrastructure to Support Sustainable Communities</b><br><b>8 – Opportunities to Live and Work within Communities</b><br><b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>14 – Create Accessible Environments</b><br><b>15 – Provide Cultural, Leisure and Sporting Facilities</b> |

Strategic objectives of the District Plan form the principles which seek to support create sustainable communities which are safe, healthy and inclusive, creating environments that are accessible to all members and encourage opportunities to walk, cycle and ride to common destinations. Paragraph 105 of the National Planning Policy Framework (NPPF) encourages significant growth to be focused on location which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, helping to reduce congestion and emissions, and improve air quality and public health.

The District Plan seeks to deliver development which embodies the principles of a 20-minute neighbourhood which make it easier for people to walk, cycle and use public transport in Mid Sussex through and delivery of attractive, healthy places that are well planned places which are designed to be inclusive, safe and equitable and promote clean air, where streets are safe and designed for all users. Strategic ~~o~~**Objective (65)** seeks to ensure that development is accompanied by the necessary infrastructure to support development and the community. ~~The District Plan aim of creating sustainable communities includes supporting delivery of a sustainable local transport network to facilitate ease of access to local services and facilities.~~

The National Planning Policy Framework requires that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or where, 'the residual cumulative (transport) impacts on the road network would be severe' (Paragraph 111). The Mid Sussex Transport Study has been prepared in consultation with

West Sussex County Council (WSSC) in their capacity as the Highway Authority and National Highways (NH) as the Highway Authority for the Strategic Road Network. The Study informs whether the development proposed by the District Plan is practical to deliver in principle; and whether mitigation of any significant impacts arising from the development on the transport network can be cost effectively mitigated. Any transport mitigation that is required to support development, will be included within the Infrastructure Delivery Plan.

The District Plan is in line with and will be delivered in support of the Vision and Objectives of the ~~emerging~~ West Sussex Transport Plan 2022-2036 (WSTP). The WSTP aims to support development which will assist the transition of the transport network towards a path to net zero carbon by 2050 through mass electrification, reduced use of fossil-fuels and local living. The aspiration of better connected communities, which allow residents to live healthy lifestyles and utilise active, public and shared travel modes, whilst minimising adverse impacts such as air pollution and protecting the quality of life of residents, will be delivered through five thematic strategies in the WSTP:

- Active Travel Strategy
- Shared Transport Strategy
- Rail Strategy
- Access to Gatwick Airport Strategy
- Road Network Strategy

The WSTP seeks to move away from a 'predict and provide' approach which historically has focused on building capacity in the network to cater for forecast traffic growth which has often led to exacerbate other impacts, such as health and well-being and achieving climate change mitigation.

The WSTP sets out how the County Council, working with its strategic partners, intends to address key challenges by improving, maintaining and managing the transport network in the period to 2036. The WSTP also sets out the strategy for guiding future investment in across West Sussex to deliver its vision. It sets a framework to guide decisions on how best to address transport, economic, social and environmental challenges to deliver the plan.

The County Council is also a constituent member of the Sub-national Transport Body, Transport for the South East (TfSE) who are developing a strategy for the South East that sets out a strategy for the transport network up to 2050; the strategy is intended to guide future decisions on strategic transport investment. The District Council acknowledge that travel needs and patterns do not obey county boundaries which highlights the need for a continued commitment for affective partnership working with neighbouring authorities and local transport authorities to help deliver strategic improvements to travel. The County Council acknowledge that partnership working will be necessary with other public, private and third sectors to help deliver their strategy and to affect real change to travel in the south east.

As highlighted by the WSTP, Travel within Mid Sussex is currently dominated by car travel; public transport and active travel modes are not seen as viable options for many journeys, although commuting by rail is relatively high in the towns. The district is experiencing issues of congestion on the road network leading to traffic related air quality issues at Hassocks, with monitoring at other locations in the district such as East Grinstead; ~~and the bus~~ services in rural areas isare limited and high frequency services in the three main towns is lacking.

In accordance with paragraph 112 of the NPPF, priority should be given first to pedestrian and cycle movements; and second, so far as possible to facilitating access to high quality

public transport. Travel networks need to be rebalanced in favour of more sustainable modes with developments focusing on trip reduction and the promotion of active and public transport as genuine alternatives to the private car. Transport considerations need to be fundamental throughout the planning process and not retrofitted and the networks on which people will walk, cycle, and use public transport should be considered before any highway layout is planned. Developments should embody the 20 minute neighbourhood principles, enabling local living through provision of advanced digital infrastructure and ensureing that the capacity, layout, and design of these sustainable networks meet the needs of local residents so that new communities have a genuine opportunity to embrace more sustainable travel habits from the outset.

All new developments will be required to demonstrate as a first priority, that all sustainable travel interventions have been fully explored and sustainable mitigation maximised. Any residual impacts shall then be assessed and the need for physical highway mitigation explored. Depending on the size and likely transport impact of development, a Transport Statement or Transport Assessment will be submitted alongside planning applications. In line with Government guidance, developers are encouraged to enter into pre-application discussions at an early stage in order to front-load the planning application process and enable early consideration of all the fundamental issues relating to a development.

## DPT1: Placemaking and Connectivity

Development shall provide appropriate infrastructure to support the vision and objectives of the West Sussex Transport Plan 2022-2036 and meet the requirements of the NPPF.

To meet these objectives:

- a) Development that is likely to generate significant amounts of movement and/or have a significant impact on the transport network shall provide a Transport Assessment / Statement, Sustainable Transport Strategy and Travel Plan to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it and to accord with the requirements of the NPPF.
- b) Demonstrate how Aall relevant sustainable travel interventions (for the relevant local network) ~~sh~~will be ~~fully expl~~maximised ~~red~~ and ~~be~~-taken into account in terms of their level of mitigation before considering physical highway infrastructure mitigation.
- c) Development shall integrate relevant requirements of Chapter 4 of the Mid Sussex Design Guide and be designed to prioritise sustainable and active modes of travel, providing safe and convenient routes for walking and cycling through the development and linking with existing and enhanced networks beyond; before the highway layout is planned.
- d) Create liveable communities which strive to embody the 20 minute neighbourhood concept and deliver attractive, healthy places that have a permeable street network within the site with clearly defined route hierarchies that are safe and designed for all users and supporting desirable opportunities for people to choose not to travel by car.
- e) New streets shall be designed to adoptable standard which can easily incorporate ~~Gigabit capable full fibre or equivalent~~advanced digital infrastructure, including fibre. to expand the Local Full Fibre Network (LFFN) in the district.

## DPT2: Rights of Way and Other Recreational Routes

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Non-Strategic</b>   |
| <b>Review Status:</b>        | <b>No Update</b>   |
| <b>Strategic Objectives:</b> | <b>5 – Create and Maintain Green Infrastructure</b><br><b>15 – Provide Cultural, Leisure and Sporting Facilities</b> |

Mid Sussex District benefits from an extensive, albeit fragmented, network of public rights of way totalling around 600km, including footpaths, bridleways, byways and restricted byways.

Two Sustrans national cycle routes cross the District:

- NCN20 (along the A23) London to Brighton via Crawley.
- NCN21 (Worth Way and Forest Way) Crawley to East Sussex via East Grinstead.

Rights of way, Sustrans national cycle routes and other recreational routes can facilitate healthy lifestyles by providing opportunities for sustainable and active travel as well as recreation.

The protection and enhancement of the rights of way network along with other recreational routes, including signage, is important to provide access to the countryside and green infrastructure links.

## DPT2: Rights of Way and Other Recreational Routes

Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

Access to the countryside will be encouraged by:

- Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;
- Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;
- Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (*Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders'.*)

## DPT3: ~~Cycling~~Active Travel

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>New Policy</b>   |
| <b>Strategic Objectives:</b> | <b>6 – Infrastructure to Support Sustainable Communities</b><br><b><u>12 – Support Safe, Healthy and Inclusive Communities</u></b><br><b><u>14 – Create Accessible Environments</u></b> |

Transport is the largest contributor to UK domestic greenhouse gas (GHG) emissions, responsible for 27% in 2019<sup>8</sup>. The past 30 years have seen other sectors GHG emissions decline however transport has remained fairly constant and efficiency improvements to vehicles has been matched by increasing number of journeys. The Government's plan to decarbonise transport in Britain is linked to their commitment for the UK's emissions to be net zero by 2050<sup>9</sup>.

In support of the government's target to achieve net zero carbon by 2050 and reduce emissions associated with car travel, developments need to ensure they provide an environment which makes active travel an easy and attractive choice. Easily accessible, conveniently located, and secure cycle storage, close to the main entrance of a building helps to reduce some of the inconvenience of choosing to cycle. Boosting the number of people in a community choosing to regularly cycle has multiple benefits not only to helping tackle climate change but also improving air quality, reducing congestion and noise pollution on our roads, but also improving health and wellbeing.

Journeys below five miles represented 58% of all private car journeys in 2019 and provide the biggest opportunity for switching to cycling and walking<sup>10</sup>. The WSTP Active Travel Strategy encompasses the needs of pedestrians, cyclists, equestrians, persons of reduced mobility and micro-mobility solutions, focusing on the majority of journeys which are short distance to increase the use of active travel modes accessible for all.

### **DPT3: Cycling Active Travel**

Development will be required to help remove barriers to active travel-cycling and create a healthy environment in which people chose to walk and wheelcycle; facilitated by:

- ~~a) Providing appropriate levels of cycle parking facilities, taking account of WSCC Guidance on Parking at New Developments (2020 and subsequent iterations), well designed and laid out to be under cover, secure, conveniently located and easily accessible, close to the main entrance of the premises and accord with the guidance in the Mid Sussex Design Guide SPD.~~
- a) Where appropriate, providing high quality, fit for purpose cycleways active travel infrastructure, -within the development which ~~wherever possible~~ links to the existing cycle networks and building on the schemes identified in the Mid Sussex Local Cycling and Walking Infrastructure Plan (LCWIP).
- b) Providing appropriate levels of cycle parking facilities (taking account of WSCC Guidance on Parking at New Developments 2020 and subsequent iterations), well designed and laid out to be under cover, secure, conveniently located and easily accessible, close to the main entrance of the premises and in accordance with the guidance in the Mid Sussex Design Guide SPD.

<sup>8</sup> Department for Transport (DfT) Decarbonising Transport – A Better Greener Britain 2021

<sup>9</sup> Climate Change Act 2008 (2050 Target Amendment) Order 2019.

<sup>10</sup> DfT Decarbonising Transport A Better Greener Britain 2021

## DPT4: Parking and Electric Vehicle Charging Infrastructure

**Policy:** Non-Strategic  
**Review Status:** New Policy  
**Strategic Objectives:** 6 – Infrastructure to Support Sustainable Communities

Paragraph 107 of the NPPF identifies that if setting local parking standards, policies should take account of accessibility, type, mix and use of the development, public transport provision, car ownership and the need to ensure adequate provision of spaces charging plug-in and other ultra-low emission vehicles.

Guidance on parking standards are set out in Reference to the West Sussex County Council Guidance on Parking at New Developments (2020) and some Neighbourhood Plans and account will be given to the factors set out in paragraph 107 of the NPPF when considering parking levels in a development.

West Sussex Transport Plan and the Council's Sustainable Economic Strategy (SES) 2022 support increased use of electric vehicles and reduced use of fossil-fuels and provision of the infrastructure to support their use. The Council fully supports recent changes to Building Regulations Schedule 1 Part S and will seek to ensure developments are designed to be able to accommodate the relevant requirements for residential development. Where feasible higher standards for non-residential development in line with Policy DPT4 below, unless or until higher standards are required nationally.

~~is referenced in respect of the number and type of parking spaces required to support a development. The WSCC Guidance does not relate to Electric Vehicle Charging standards on the basis policy DPT4 requirements exceed those of the WSCC Guidance.~~

~~Gatwick Airport Limited (GAL) are progressing plans to bring the existing standby runway into routine use. This is known as the Northern Runway Project. As part of this project GAL are developing a Sustainable Transport Strategy to facilitate a shift to sustainable transport modes when travelling to and from the airport. As part of this strategy GAL are looking at opportunities to reduce the number of parking spaces per passenger travelling through the airport. Controlling the extent of airport related parking, on and off airport helps encourage the use of alternatives whilst ensuring sufficient parking is available to passengers who have no other option. The most sustainable location for airport related car parking is within the airport boundary.~~

## DPT4: Parking and Electric Vehicle Charging Infrastructure

Development will be required to:

- a) Provide adequate and well-integrated car parking, taking account of the guidance in the Mid Sussex Design Guide SPD and the WSCC Guidance on Parking at New Developments<sup>11</sup> (2020 and subsequent iterations) and along with the accessibility

<sup>11</sup> **West Sussex Guidance on Parking in New Developments:** referenced in respect of the number and type of parking spaces required to support a development and not to Electric Vehicle Charging standards on the basis policy DPT4 requirements exceed those of the WSCC Guidance.

of the site to services and sustainable travel infrastructure, ~~along with~~ and the type, mix and use of development.

- b) Parking associated with all new residential development shall be laid out to ensure the relevant requirements of Schedule 1 Part S of the Building Regulations regarding Electric Vehicle Charging are met.
- c) All new non-residential buildings with more than 10 associated parking spaces within the site boundary, shall provide a minimum of 2 'Fast' (7kW) or faster, Electric Vehicle Charging points; cable routes shall be provided for 50% of the remaining total number of spaces.

## **DPT5: Off-Airport Car Parking**

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Non-Strategic</b>   |
| <b>Review Status:</b>        | <b>New Policy</b>  |
| <b>Strategic Objectives:</b> | <b>6 – Infrastructure to Support Sustainable Communities</b> |

Gatwick Airport Limited (GAL) are progressing plans to bring the existing standby runway into routine use. This is known as the Northern Runway Project. As part of this project GAL are developing a Sustainable Transport Strategy to facilitate a shift to sustainable transport modes when travelling to and from the airport. As part of this strategy GAL are looking at opportunities to reduce the number of parking spaces per passenger travelling through the airport. Controlling the extent of airport related parking, on and off airport helps encourage the use of alternatives whilst ensuring sufficient parking is available to passengers and staff who have no other option. The most sustainable location for airport related car parking is within the airport boundary.

## **DPT5: Off-Airport Car Parking**

Proposals for additional off-airport car parking facilities or extensions to existing airport related car parking site will not be permitted.  
Proposals for the relocation of existing off-airport parking that result in a net increase in parking will not be permitted.

## 13. Economy



|                |  |
|----------------|--|
| <b>Economy</b> | <p><b>DPE1:</b> Sustainable Economic Development</p> <p><b>DPE2:</b> Existing Employment Sites</p> <p><b>DPE3:</b> Employment Allocations</p> <p><b>DPE4:</b> Town and Village Centre Development</p> <p><b>DPE5:</b> Within Town and Village Centre Boundaries</p> <p><b>DPE6:</b> Development Within Primary Shopping Areas</p> <p><b>DPE7:</b> Smaller Villages and Neighbourhood Centres</p> <p><b>DPE8:</b> Sustainable Rural Development and the Rural Economy</p> <p><b>DPE9:</b> Sustainable Tourism and the Visitor Economy</p> |
|----------------|--|

### DPE1: Sustainable Economic Development

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>Major Update</b>  |
| <b>Strategic Objectives:</b> | <p><b>1</b> – Sustainable Development and Adaptation to Climate Change</p> <p><b>2</b> – Maintaining Settlement Identity and Character</p> |

The District Plan strategy is based on the Council’s aspiration for sustainable economic growth established with a vision to make Mid Sussex a vibrant and attractive place for business and people to thrive. This aspiration will contribute towards enhancing the prosperity of the Gatwick Diamond and Greater Brighton City Region, providing the opportunity for the residents of Mid Sussex to work locally and reduce the need to commute.

The joint Economic Growth Assessment (2020) and subsequent focused update for Mid Sussex (2021) highlights a high degree of economic inter-relationship between Crawley, Horsham and Mid Sussex. Overall economic strength is dependent on ongoing and continued joint-working and effective management of strategic issues across the economic sub-region, particularly with those authorities whose economies are critically interrelated to Mid Sussex. The Council will continue to support the Mid Sussex economy and wider economic sub-region in collaboration with other local authorities and alongside the work of the Coast to Capital Local Enterprise Partnership over the Plan period.

The District Plan reflects the requirements of the National Planning Policy Framework paragraph 82, by setting out a clear economic vision and strategy, identifying strategic sites or setting criteria for supporting local and inward investment to anticipated need whilst

seeking to address potential barriers to investment which might exist, such as inadequate infrastructure. Policy DPE1: Sustainable Economic Development encourages new businesses to the District in order to meet aspirations for economic growth and the wider benefits this would bring.

The Council's ~~current Sustainable Economic Development~~ Economy Strategy (EDSES) (April 2018/2022 - 2025) ~~adopts the aim to make Mid-Sussex a vibrant and attractive place for businesses and people to grow and succeed. sets out the Council's vision for a vibrant district that is attractive, resilient and innovative that balances well-being, environmental protection and sustainable economic growth. The EDStrategy and associated Action Plan sets out a number of success measures, broadly within four priority themes establish a renewed focus on sustainable growth, enabling the economy to grow whilst reducing carbon emissions. This includes: supporting resource efficient consumption; reducing ecological footprints; improving residential skills and health and well-being; promoting green innovation; creating new jobs; attractive investment; and supporting business formation and growth. :~~

The SES focuses on three themes, each of which is underpinned by strategic objectives and performance measures, linked to the most relevant United Nations Sustainable Development Goals:

**People** – protecting and creating better employment (particularly in the new and emerging green economies); developing skills; improving pathways to work; and reducing pay inequality.

**Place** – reducing the Council's carbon emissions; supporting businesses to reduce their carbon emissions and to both recover from the pandemic and to grow; encouraging business start-ups; promoting sustainable business practices; developing digital infrastructure; enhancing biodiversity; providing new homes; creating quality town and village centres which meet local needs; and improving active travel connectivity.

**Partnerships** – The Council's guiding principles of working in partnership are openness, trust, honesty and mutual respect. The Council will agree and deliver shared goals, based on common values and will maintain regular and effective communication with all our partners.

- Places
- People
- Premises
- Promotion

~~The SES and Action Plan EDS is currently being updated by the Council along with the development of a Sustainable Economic Strategy which will support the delivery of Policy DPE1: Sustainable Economic Development in a number of ways; by supporting the economy through attractingve and promoting inward investment private investment, facilitating high value new employment development, effective partnership working to secure key supporting infrastructure including rolling out fibre and 5G infrastructure, the revitalisation of the town centres and development of centres of excellence and clusters of specialist industries. The Strategy enables business growth and resilience through the Council's delivery of effective and responsive services, procuring council contracts locally and improving access to grant schemes. There will be support through the Gatwick Diamond Initiative and working with other partners including the County Council on specific initiatives.~~

The Economic Growth Assessment Update (December 2021) identifies employment need over the plan period based on demographic data and employment growth projections aligned with forecast housing growth set out in policy DPH1: Housing. The latest growth projections identify no outstanding residual employment need, as there is sufficient committed supply (e.g. planning permissions and allocations) already planned for. There is therefore no requirement to allocate additional employment land within this Plan.

The strategy for achieving sustainable economic prosperity and resilience, taking account of the District's role at a sub-regional level within the north west Sussex economic area will focus on; supporting successful delivery of committed development, helping to secure timely delivery of key supporting infrastructure, encouraging inward investment and providing support for existing businesses.

In order to help address identified skills shortages in the district, and working in partnership with the council, Significant Sites allocated in the plan (DPSCxxxx) will be required to demonstrate how they will contribute to and support local employment and skills development and training.

## DPE1: Sustainable Economic Development

Sustainable economic development will be achieved by:

- Ensuring major development proposals (including Significant Sites allocated within this District Plan) demonstrate how they will contribute to addressing identified local skills shortages and support local employment, skills development and training.
- Encouraging high quality-value employment development of appropriate land and premises to meet the needs of 21<sup>st</sup> century businesses which embody sustainable practices, support a circular economy and the achievement of Carbon Net Zero by 2050;
- Supporting existing businesses, and allowing them room to expand;
- Encouraging-Promoting inward investment opportunities, especially the location, promotion and expansion of clusters or networks of knowledge and data driven, creative or high technology industries; and
- Seeking the appropriate infrastructure to support business growth – in particular advanced digital infrastructure including fibre, high-speed broadband connections
- ~~Ensuring major development proposals (including Significant Sites allocated within this District Plan) demonstrate how they will contribute to addressing identified local skills shortages. Opportunities shall be taken to support local employment, skills development and training.~~

## DPE2: Existing Employment Sites

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non- Strategic</b>   |
| <b>Review Status:</b>        | <b>Minor Modification (to policy SA34 Site Allocations DPD)</b>     |
| <b>Strategic Objectives:</b> | <b>1 – Sustainable Development and Adaptation to Climate Change</b> |

The Council's Sustainable Economic Strategy (SES) (2022) Objective 1 seeks to maintain the high employment rate in Mid Sussex and reduce out-commuting and supports a policy framework to meet this need. District Plan Policy DPE1: Sustainable Economic Development sets out the broad policy position related to delivery of high value employment land, promoting inward investment opportunities, supporting existing businesses and securing necessary infrastructure to support growth in the sector whilst addressing local skills shortages.

~~making effective use of employment land and premises. The policy provides broad support for intensification, conversion, redevelopment and/or extension provided it is in accordance with other policies in the plan. It also seeks to protect allocated and existing employment land. The Plan also identifies the need to maintain a range of sites and premises across the district to suit a full spectrum of business needs is vital to achieving the council's vision of: 'A vibrant district that is attractive, resilient and innovative that balances social well-being, environmental protection and sustainable economic growth' (SES 2022). In a district which is under pressure for housing, it is vital to ensure appropriate management of existing employment land.~~

~~The Council's Economic Development Strategy (EDS) (April 2018) 'Premises' priority theme, aims to increase the amount of business floorspace in the District, as well as minimising the loss of floor space. Policy DPE2 seeks to strike an appropriate balance between ensuring protection of valued employment generating sites, whilst enabling sites which are no longer economically viable for continued employment use to be considered for appropriate alternative uses. Protection, intensification and redevelopment of existing employment sites for continued employment use is therefore prioritised in order to provide varied local employment opportunities, help reduce unnecessary travel and support sustainable and balanced communities. The following policy (DPE2: Existing Employment Sites) supplements District Plan Policy DPE1. This policy provides a framework to support consistent decision making in relation to proposals for changes to existing employment sites.~~

~~by providing additional policy requirements relating to the protection of existing sites, whilst supporting their growth where appropriate.~~

The existing employment sites identified by policy DPE2 are located throughout the district and offer a varied portfolio of uses, accommodation and opportunities, which in turn demand different values, all of which help support balanced and sustainable communities which provide both housing and employment opportunities. A number of sites are modest in scale and contain historic uses and older accommodation and may therefore demand lower value rental income but nevertheless remain well used and are affordable. This policy is necessary to prevent the inappropriate loss of employment land motivated by higher value uses such as residential whilst allowing for flexibility in accordance with paragraph 81 of the NPPF, helping to create the conditions in which business can invest, expand and adapt.

In accordance with criteria (i) and (ii) of the policy for proposals involving the loss of employment generating uses, planning applications will need to be accompanied by details of comprehensive marketing and a financial appraisal of the site which demonstrates the continued use of the site for employment is no longer viable. The marketing exercise will need to demonstrate not only the existing site is unviable, but also that any redevelopment for continued and alternative employment use is unviable.

A sequential approach will be applied for development proposals on existing and allocated employment sites identified on the Policies Map. The sequential approach will be to secure employment based redevelopment as a priority, appropriate mixed-use employment second to that and lastly redevelopment for alternative non-employment generating use(s).

## **DPE2: Existing Employment Sites**

### **Existing Employment Sites – Protection, Intensification and Redevelopment**

#### Protection:

Existing Employment Sites, classified as those in use classes E(g), B2: General Industrial or B8: Storage or Distribution (as shown on the Policies Map) are protected; proposals that would involve their loss will be resisted. Proposals on Existing Employment Sites that would involve the loss of employment land or premises will only be supported where it can be clearly demonstrated by the applicant that the site/premises are no longer needed and/or viable for employment use.

Development proposals outside the traditional employment use classes (E(g), B2 and B8) for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses, is not viable, through the provision of:

- (i) Details of comprehensive marketing of the site for at least 12 months and appropriate to the prevailing marketing conditions; and
- (ii) A financial appraisal that demonstrates that the development of any employment generating use is unviable.

Similarly, support will also be given Development proposals outside the traditional employment use classes for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses causes, or would lead to site-specific, environmental problems, such as noise, pollution or disturbance through traffic generation, recognising the environmental benefits to be gained by redeveloping these sites for non-employment generating uses.

#### Intensification and redevelopment:

Proposals for intensification within the boundary of Existing Employment Sites will be supported providing it is in accordance with other development plan and national policies.

Redevelopment for employment use within the boundary of Existing Employment Sites (as shown on the Policies Map) will be supported where it does not result in the overall loss of employment floorspace or where any loss can be fully justified.

Proposals for *alternative uses*, with the exception of residential use, within Existing Employment Sites will only be supported where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment.

### **Existing Employment Areas – Expansion**

*Within the built-up area*, expansion of Existing Employment Sites and premises for E(g)/B2/B8 uses will be supported where the business requirements cannot be met within the existing site/ premises through acceptable on-site expansion or intensification; and that relocation to existing stock is not preferable.

*Outside the built-up area*, expansion of Existing Employment Sites for E(g)/B2/B8 uses will only be supported where:

- Detailed layout and design are in keeping with its countryside location;
- The expansion is contiguous with the boundary of an existing employment site; and
- Where the impacts of expansion are assessed in-combination with the existing site, and the overall impact of existing plus expansion is considered acceptable.

## DPE3: Employment Allocations

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>New Policy</b>   |
| <b>Strategic Objectives:</b> | 1 – Sustainable Development and Adaptation to Climate Change<br>2 – Maintaining Settlement Identity and Character |

The Economic Growth Assessment Update (December 2021) identifies employment need over the plan period. This is based on demographic data and employment growth projections aligned with forecast housing growth set out in policy DPH1: Housing. The latest growth projections identify no outstanding residual employment need, as there is sufficient committed supply (e.g. planning permissions and allocations) already planned for. Whilst there is potential for a deficit in Light/General industrial, this could be met by supply in Mixed B1 which includes Light/General Industrial uses.

| Use                           | Requirement (ha) | Committed Supply (ha) | Over-Supply / Deficit (ha) |
|-------------------------------|------------------|-----------------------|----------------------------|
| Office - E(g)(i)/(iii)        | 3.4              | 4.9                   | +1.5                       |
| Light Industrial - E(g)(iii)  | 29.6             | 12.9                  | -9                         |
| General Industrial - B2       | -7.7             |                       |                            |
| Storage and Distribution - B8 | 1.8              | 18.9                  | +17.1                      |
| Mixed B1                      | n/a              | 7.6                   | +7.6                       |
| <b>TOTAL</b>                  | <b>27.1</b>      | <b>44.3</b>           | <b>+17.2</b>               |

## DPE3: Employment Allocations

[This section will be updated in the next version of the Plan (Scrutiny Committee 18th October – Housing sites)]

## DPE4: Town and Village Centre Development

**Policy:** Strategic  
**Review Status:** ~~Minor~~ Major Update  
**Strategic Objectives:** 9 – Create and Maintain Town and Village Centres

Town and Village Centres play an important role in local communities and development will be supported where it enhances their vitality and viability. The Council supports the regeneration and renewal of the three key town centres of Burgess Hill, East Grinstead and Haywards Heath; these town centres provide a range of shops, leisure attractions and other facilities which play a key role in serving each town and the surrounding villages and rural areas. The Mid Sussex Retail Study Update (2022) has however identified vulnerabilities across each of the three key centres that warrant policy protection from out-of-centre competitors to support redevelopment of town centre sites, in addition to efforts to enhance the vitality and viability of the towns.

The districts village centres also have an important range of services and facilities that supply the day-to-day requirements of local residents, neighbouring small villages and the countryside areas surrounding the villages. ~~People may have to travel further to gain access to some services that are not provided by these villages and~~ The Retail Study Update (2022) found that the village centres are performing above national averages and it is important that these and other smaller centres remain vibrant and successful in order to continue to support their communities, reducing the need to travel and enabling more 'local living'<sup>12</sup>.

In accordance with paragraph 86 of the National Planning Framework and as informed by the Mid Sussex Retail Study Update (2022), Policy DPE4: Town and Village Centre Development defines a hierarchy of the districts town and larger villages. Defining the hierarchy of these centres will assist in supporting development which is proportionate to the status of the centre within the hierarchy and maintains the distinctive character of the centre. The policy also defines the boundary for each of the centres and seeks to support uses which allow them to grow and diversify in order to respond to rapid changes in the retail and leisure industries.

The National Planning Practice Guidance (PPG) sets out that for planning purposes, town centres comprise a location where main town centre uses are concentrated, including city and town centres, district centres and local centres.

Annexe 2 of the National Planning Policy Framework (NPPF) defines a 'town centre' as an:

*Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the*

<sup>12</sup> **Local living:** The term is used in the West Sussex Local Transport Plan 2022 and is a similar concept to that of the 20 minute neighbourhood.

*development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.*

Proposals for retail, leisure and office and other ‘main town centre<sup>13</sup>’ uses (as defined by the NPPF) should be in a defined town centre location in accordance with the sequential test for town centre uses. Where planning applications are for main town centre uses proposed on the ‘edge of centre<sup>14</sup>’ (as defined by the NPPF), outside the town centre or out of town and are not in accordance with the District Plan or Neighbourhood Plan, the Council will apply a sequential test and require an impact assessment as set out in the NPPF.

When assessing planning applications for retail developments outside a town centre, the Retail Study Update (2022) considers that a local impact threshold of 500m<sup>2</sup> would continue to be justified as an alternative to the default threshold of 2,500m<sup>2</sup> identified by the National Planning Policy Framework. The level of detail included within a Retail Impact Assessment should be proportionate to the scale and type of retail floorspace proposed, and should be agreed between the Council and the applicant on a case-by-case basis.

The Retail Study Update (2022) also considered the district’s need for retail and leisure provision. This included quantitative and qualitative assessments of capacity, taking account of population and spending growth across the plan period. Whilst these calculations identified capacity for additional convenience goods floorspace over the plan period, limited capacity was found for additional comparison goods and leisure floorspace over the plan period.

The convenience floorspace capacity was found to have largely resulted from the strong performance of larger out-of-centre store and was not considered to justify new allocations. Given the relative performance of town centre facilities and the availability of vacant retail floorspace across the districts centre, it was concluded that the need could be met through existing and proposed facilities within the Council’s defined centres.

## DPE4: Town and Village Centre Development

Development within a defined Town or Village Centre will be supported where a proposal is proportionate to the status of that centre within the hierarchy as set out in the table below:

|                        |                |
|------------------------|----------------|
| <b>Town Centres</b>    | Burgess Hill   |
|                        | East Grinstead |
|                        | Haywards Heath |
| <b>Village Centres</b> | Crawley Down   |
|                        | Cuckfield      |
|                        | Hassocks       |
|                        | Hurstpierpoint |

<sup>13</sup> **Main town centre uses:** Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)

<sup>14</sup> **Edge of centre:** For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

### **Town and Village Centre Boundaries**

Town and Village Centre Boundaries for each settlement in the hierarchy are defined on the Policies Maps and are [shown-illustrated in](#) Appendix 2

### **Sequential Test for Town Centre Uses**

A sequential test must be applied to planning applications for main town centre uses that are not in an existing defined Town or Village Centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan. The sequential test will require:

- applications for main town centre uses to be located in town centres; or, if suitable sites are not available,
- in edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available,
- at accessible out of centre sites that are well connected to the town centre.

Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.

For the purposes of the sequential test, Neighbourhood Centres do not perform the same function as Town and Village Centres. Proposals in Neighbourhoods should reflect their role in meeting the day to day needs of the local community [in accordance with policy DPE7](#).

### **Local Threshold for Retail Impact Assessments**

Planning applications proposing the construction of 500m<sup>2</sup> or more gross floorspace for the sale of convenience or comparison goods outside a town centre must be accompanied by a Retail Impact Assessment in order to demonstrate that they would not have a significant adverse impact on a town centre, either on their own or cumulatively in the area.

## **DPE5: Within Town and Village Centre Boundaries**

**Policy:** Strategic  
**Review Status:** Major Update  
**Strategic Objectives:** 9 – Create and Maintain Town and Village Centres

Policy DPE5 supports the development of main town centre uses within defined Town and Village Centres with the primary focus of supporting development that will sustain and enhance the vitality and viability of the centre.

Thise policy supports flexibility to amalgamate and subdivide existing units in a centre to ensure it can adapt to the changing needs of existing and future occupiers and create high quality premises. In certain circumstances and subject to consideration of heritage impacts, it may be acceptable to allow a proportionate net loss in floorspace to facilitate a proposal,

providing all resultant units are of a viable to support an occupier's needs, including staff welfare and storage facilities.

The impact of the trend towards online retail, accelerated by Covid-19 has had an impact on our highstreets and many retailers have gone out of business, leaving commercial spaces vacant whilst another occupant is yet to be found. The effect of vacant premises can blight local town and village centres, harming the overall vitality and viability of the centre; particularly where they remain empty for long periods of time.

Support from the Government for temporary and meanwhile uses has been given through changes to planning legislation and in particular the relaxation of changes of use and the introduction of Classes E and F in the Town and Country Planning (Use Classes) Order 1987 (as amended), together with publishing standard leases for the occupation of redundant town centre properties as part of the Government's 'Meanwhile Project' – [www.meanwhile.org.uk](http://www.meanwhile.org.uk)

The term 'meanwhile use' refers to the short-term use of temporarily empty shops or spaces until they can be brought back into commercial use. Meanwhile uses are generally for the benefit of the community in the form of meeting spaces, exhibitions, informal training and learning spaces, rehearsal space, pop-up shops, microbrewery and taproom, and cafes.

The benefit of supporting such temporary uses can counter the harmful impact of the unit remaining vacant, providing opportunities to keep the area vibrant whilst the landlord of the building continues to look for a new commercial occupant.

The installation of delivery lockers have the potential assist in supporting linked trips to a centre where they are sensitively installed to ensure they do not restrict accessibility either physically by the structure or by those seeking to use the lockers. Their location in a centre also needs careful consideration of matters including access by sustainable travel modes, security and design.

## **DPE5: Within Town and Village Centre Boundaries**

Within Town and Village Centre Boundaries as defined on the Policies Map, development of 'main town centre uses', as defined by the NPPF, will be supported, having regard to relevant Town Centre Masterplans. Support will also be given for:

- a) The amalgamation or subdivision of units, subject to meeting the requirements of policies DPB2 and DPB3 relating to heritage impacts.
- b) Temporary 'meanwhile' uses where they deliver community benefits, do not harm amenity and do not compromise the future redevelopment of the site.
- c) Delivery lockers where it can be demonstrated that their installation would enhance the vitality and viability of the centre and would not restrict accessibility.

## **DPE6: Development within Primary Shopping Areas**

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>Major Update</b>                                     |
| <b>Strategic Objectives:</b> | <b>9 – Create and Maintain Town and Village Centres</b> |

Within each of the three Town Centres, as required by paragraph 86 of the NPPF and informed by the Mid Sussex Retail Study (2022), a smaller area is defined as the centres 'Primary Shopping Area' (PSA). The NPPF defines PSAs as a '*...defined area where retail development is concentrated*'. The Village Centre Boundaries are attributed to the same policy recognition as the PSA.

Within the PSAs the Council will seek to maintain a predominance of Class E Commercial, Business and Service Uses as defined by the Town and County Planning (Use Classes) Order 1987 (as amended), that would sustain and enhance the vitality and viability of the Centre and would not result in harm to amenity. When determining applications within defined Town and Village Centres, non-town centre uses are those uses falling outside the NPPF definition of 'main town centre uses'.

Policy DPE6 seeks to ensure the Council maintain an element of appropriate control over new developments within the PSAs through the use of conditions. Where appropriate the policy supports the use of additional control over permitted changes of a new development to avoid over concentration of uses which could harm the vitality and viability.

Where a loss of Class E or main town centre use is proposed, any application must be supported by appropriate marketing over a suitable time period. 'Appropriate marketing' is where a use has been prominently marketed for the existing and alternative Class E Uses, with reasonable terms and conditions, certified by an appropriately qualified professional; ~~where appropriate in some circumstances~~ the Council may require this to be independently verified at the applicant's expense. The time period for marketing will be dependent on-site specific circumstances and in accordance with Government guidance, developers are encouraged to enter into pre-application discussions with the council in order to determine the appropriate parameters. The usual time period is likely to be 12 months of a vacant unit.

## DPE6: Development within Primary Shopping Areas

Primary Shopping Areas (PSAs) are defined on the Policies Map and are illustrated at shown in Appendix 2. For Town Centres, this is a smaller area within the Town Centre boundary. For Village ~~and Local~~ Centres, the PSA corresponds with the Village Centre Boundary.

(1) In order to support thriving Centres in the district, development proposals within defined Primary Shopping Areas, (as shown on the Policies Map), involving the loss of Class E Uses will only be supported where:

- a) a main town centre use is proposed,
- b) it can be demonstrated that the proposed use will sustain and enhance the vitality and viability of the centre,
- c) neighbouring amenity is protected,
- d) an active frontage is maintained at ground floor level, and;
- e) it does not result in a concentration of uses that harm the vitality and viability of the centre.

Residential uses will be supported at upper storeys. Residential at ground floor level will be resisted unless it can be demonstrated that; ~~may in limited circumstances be acceptable~~

a) where the vitality and viability of the centre is not harmed; ~~and~~

- a) ~~where it maintains~~ an attractive and active frontage to the public realm is maintained, and;
- b) ~~does not cause harm to~~ no harm would be caused to the character of the streetscene.

2) New developments for retail, food and beverage, and associated services uses (Use Class E(a), (b), (c)) within the Primary Shopping Area will be supported with the implementation of restrictions to maintain the mix of uses as permitted to ensure the vitality and viability of the centre is not harmed.

- 3) The loss of Class E and/or main Town Centre Uses to alternative non-main town centre uses will only be supported where evidence can be provided that demonstrates:
- a) the existing and any alternative Class E use is no longer viable; this must be demonstrated through evidence of vacancy and proactive marketing for an appropriate period of time,
  - b) the proposed use would enhance the vitality and viability of the centre, and;
  - c) it would not result in adverse impacts on neighbouring amenity.

## **DPE7: Smaller Village and Neighbourhood Centres**

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Major <del>in</del> Update</b>   |
| <b>Strategic Objectives:</b> | <b><u>9 – Create and Maintain Town and Village Centres</u></b><br><b><u>10 – Support Strong and Diverse Rural Economy</u></b> |

The Plan seeks to support a prosperous rural economy in accordance with paragraph 84 of the National Planning Policy Framework.

The Mid Sussex Retail Study Update (2022) focused on the three town centres and the village centres of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield. However, the district’s smaller villages and neighbourhood centres also have an important role to play for their communities and have a range of services and facilities that supply the day-to-day requirements of local residents, neighbouring small villages and the countryside areas surrounding the villages. Although, people may have to travel further to gain access to some services that are not provided by these smaller centres, it is important that they remain vibrant and successful in order that they can continue to support their local communities and reduce the need for unnecessary travel.

## **DPE7: Smaller Village and Neighbourhood Centres**

Outside of defined Town and Village Centre boundaries:

Smaller villages, neighbourhood centres and parades of five or more<sup>15</sup> main town centre uses should be protected to meet the needs of their own communities and countryside areas, except where the existing use is no longer viable, and the proposed use is

<sup>15</sup> **Local neighbourhood parades:** DCLG publication ‘Parades to be Proud of’ defines local neighbourhood parades as: ‘Typically located in the heart of a residential community, urban and rural, often with around 5-10 units, providing walk in convenience shopping and limited local services.’

appropriate in scale and function, will not result in adverse amenity impacts, or is in accordance with a relevant Neighbourhood Plan.

## DPE8: Sustainable Rural Development and the Rural Economy

**Policy:** Non-Strategic  
**Review Status:** Minor Update  
**Strategic Objectives:** 4 – Protected Built and Historic Environment  
10 – Support Strong and Diverse Rural Economy

Although Mid Sussex is a rural district, agriculture only accounts for ~~5%~~a small proportion of all businesses in district. ~~(This is Mid Sussex 2012).~~ The rural area supports a large number of diverse businesses that make an important contribution to the rural economy. Rural economic development should be encouraged where it provides good quality long-term employment, helps to improve local skills and services and contributes towards sustaining a high quality environment and well-being of the local community in accordance with policy DPC1: Protection and Enhancement of Countryside.

This policy conforms to the National Planning Policy Framework, where it relates to Supporting a prosperous rural economy (paragraph 84). Small scale enterprises needed for the processing, distribution and local retailing of local produce should be positively supported along with sustainable growth and expansion of other types of business in rural areas this will allow the District's rural economy to grow and will improve the quality of life and environment for rural communities.

This policy will not apply within the High Weald Area of Outstanding Natural Beauty, where a more restrictive policy approach, Policy DPC4: High Weald Area of Outstanding Natural Beauty, will be adopted (National Planning Policy Framework paragraph 174).

## DPE8: Sustainable Rural Development and the Rural Economy

Provided a development is not in conflict with Policy DPC1: Protection and Enhancement of Countryside and Policy DPC2: Preventing Coalescence, and the rural location (outside the built-up area boundaries on the Policies Maps) of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the NPPF:

- 1) new small-scale\* economic development, and extensions to existing facilities, including leisure and tourism-related development, within the countryside will be permitted provided:
  - it supports sustainable growth and the vitality of all types of businesses in the rural economy; and
  - it involves conversion of existing buildings and /or well-designed new buildings, where possible on previously developed sites; and
  - it maintains or where possible enhances the quality of the rural setting.
  
- 2) diversification of activities on existing farm units and other land-based rural businesses will be permitted provided:

- they are of a scale which is consistent to the location of the farm holding; and
  - they would not prejudice the agricultural use of a farm unit.
- 3) the re-use and adaptation of agricultural and forestry buildings for business or sustainable rural tourism and leisure use in the countryside will be permitted provided:
- the building is genuinely redundant for agricultural or forestry use; and
  - it is not a recently constructed\*\* agricultural building which has not been or has been little used for its original purpose;
  - the building is demonstrated to be structurally sound and capable of conversion without substantial reconstruction or extension;
  - the site is served by an existing suitable access to the local road network; and
  - the appearance and setting are not adversely affected;

Development for accessible local services and community facilities will be supported in line with policy DPI6.

\* Small scale defined as usually being a site area of no more than 350m<sup>2</sup> of floorspace for converted and/or new build development and/or a total site area of 350m<sup>2</sup> for change of use of land applications.

\*\* Recently constructed is defined as being within the previous five (5) years.

## DPE9: Sustainable Tourism and the Visitor Economy

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Non-Strategic</b>   |
| <b>Review Status:</b>        | <b>Minor Update</b>  |
| <b>Strategic Objectives:</b> | <b>7 – Encourage Business and Thriving Local Enterprise</b><br><b>10 – Support Strong and Diverse Rural Economy</b><br><b>11 – Support Mid Sussex as a Visitor Destination</b> |

Tourism makes an important contribution to the economy of Mid Sussex. The District has world-class gardens, historic houses, picturesque villages, international award-winning vineyards and fine cuisine.

The Bluebell Railway, a privately-owned heritage railway, is an important visitor attraction to Mid Sussex. The Bluebell Railway has restored and operated scheduled steam train services on sections of the former Lewes to East Grinstead line since 1960. In view of the Bluebell Railway's value to the local and regional tourist economy and as a public transport link, the Council has supported the completion of the line to East Grinstead. In the long-term, the Bluebell Railway plans to reinstate the disused branch line westwards from Horsted Keynes (via Ardingly) to a terminus at Haywards Heath. The completion of this section will connect the Bluebell Railway with main line rail services at both East Grinstead and Haywards Heath.

The proposed western extension of the Bluebell Railway from Horsted Keynes to Haywards Heath is considered to be a project of District-wide importance and is fully supported by the Council. This policy therefore safeguards the route of the proposed reinstated railway link

between East Grinstead and Haywards Heath railway stations for the Bluebell Railway's operating requirements and passenger facilities, as shown on the Policies Map.

## **DPE9: Sustainable Tourism and the Visitor Economy**

The retention of existing tourism accommodation\* and attractions will be supported where it is well located and, if it is outside of the built-up area boundary, it respects the character of the countryside.

Where development proposals are brought forward for the change of use of existing tourism accommodation\* and attractions, it will need to be demonstrated that there is no realistic prospect of the continued use of the existing provision. The Council will assess such proposals having regard to the market, economy and supply of tourism accommodation\* and attractions at the time of the application. Applicants may need to provide:

- evidence of marketing actively conducted for a reasonable period of time;
- evidence that alternative visitor uses have been fully explored;
- an appraisal indicating that the existing use is no longer viable;
- evidence that the site has not been made deliberately unviable;
- evidence of the suitability of the site to accommodate the alternative visitor use; and
- evidence that the reduction of floorspace or bed spaces in the case of tourism accommodation is the only way of improving the standard of the existing tourist facility.

Development proposals for new tourism accommodation\* and attractions, or expansions or improvements to existing tourism accommodation\* and attractions, will be supported where it is not in conflict with Policy DPE78: Sustainable Rural Development and the Rural Economy and Policy DPC1: Protection and Enhancement of the Countryside, and where it is demonstrated that:

- It increases the range and/or quality of tourist facilities;
- There would be no harm on highway safety or severe residual cumulative impacts on the road network;
- It encourages sustainable travel opportunities;
- It will not adversely affect the character, landscape, historical significance, appearance and amenity of the area;
- Opportunities are taken to use existing buildings where possible;
- The design and layout of the proposals, including ancillary facilities, are sensitive to the existing character and setting;
- It does not have an adverse effect on residential amenity in the local area;
- It will not have an adverse effect on the vitality and viability of existing facilities in the locality or relevant assets of community value; and
- It meets the requirements of other relevant development plan policies.

The route of the proposed reinstated Bluebell Railway link between East Grinstead and Haywards Heath railway stations (as shown on the Policies Map) will be safeguarded from any development which could prevent its completion.

In particular, land along the route of the railway corridor between Horsted Keynes and Haywards Heath railway stations which will be required to deliver the proposed reinstated railway link and associated facilities for the Bluebell Railway will be safeguarded from development.

\* Tourism accommodation includes hotels, guesthouses, bed and breakfast establishments, self-catering accommodation and outdoor accommodation such as caravan sites, camping sites and glamping sites (including yurts, log cabins and pods).

## 14. Sustainable Communities

*[The full draft Revised Plan to be presented to Scrutiny Committee 18<sup>th</sup> October will include policies relating to allocation of Significant Sites]*

## 15. Housing



|                |   |
|----------------|---|
| <b>Housing</b> | <p><b>DPH1:</b> Housing</p> <p><b>DPH2:</b> Sustainable Development - Outside BUA</p> <p><b>DPH3:</b> Sustainable Development - Inside BUA</p> <p><b>DPH26:</b> Older Persons Housing and Specialist Accommodation</p> <p><b>DPH29:</b> Gypsies, Travellers and Travelling Showpeople</p> <p><b>DPH30:</b> Self and Custom Build Housing</p> <p><b>DPH331:</b> Housing Mix</p> <p><b>DPH32:</b> Affordable Housing</p> <p><b>DPH33:</b> First Homes</p> <p><b>DPH34:</b> Rural Exception Sites</p> <p><b>DPH35:</b> Dwelling Space Standards</p> <p><b>DPH36:</b> Accessibility</p> |
|----------------|---|

### DPH1: Housing

*[The full draft Revised Plan to be presented to Scrutiny Committee 18<sup>th</sup> October will include policy DPH1: Housing]*

### DPH2: Sustainable Development – Outside the Built-up Area

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Strategic</b>  |
| <b>Review Status:</b>        | <b>New Policy</b>   |
| <b>Strategic Objectives:</b> | <p><b>12</b> – Support Safe, Healthy and Inclusive Communities</p> <p><b>13</b> – Provide Housing to Meet Community Needs</p> |

It is recognised that in order for the villages to continue to grow and thrive, in many cases, it is necessary to expand beyond the existing built-up area boundaries, as defined on Policies Maps. In addition to the allocation of additional for land for housing, there are opportunities for small scale (fewer than 10 dwellings) windfall or unplanned development on the edge of settlements.

## DPH2: Sustainable Development – Outside the Built-up Area

Outside defined built-up area boundaries, as defined on the Policies Map, the expansion of settlements will be supported where it meets identified local housing, employment and community needs and:

1. The site is allocated in the District Plan, a Neighbourhood Plan or Development Plan Document or where the proposed development is for fewer than 10 dwellings; and
2. The site is contiguous with an existing built-up area of the settlement, as defined on Policies Maps; and
3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy

The developer will need to satisfy the Council that:

- The proposal does not represent an underdevelopment of the site with regard to Policy DPB1: Character and Design and Mid Sussex Design Guide SPD; or
- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.

## DPH3: Sustainable Development – Inside the Built-up Area

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>New Policy</b>  |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

Most settlements in the District have built-up area boundaries which are defined on Policies Maps. Within these settlements there are opportunities for infilling and redevelopment of land to maximise the potential of these areas to accommodate further development. Such sites provide opportunity for sustainable development, often well located to existing services and public transport networks, reducing both the need to travel and pressure to build on the countryside. Whilst such sites are not normally allocated for development, they are a source of 'unidentified' or 'windfall' sites which make an important contribution to the overall housing land supply.

## DPH3: Sustainable Development – Inside the Built-up Area

With defined built-up area boundaries, as defined on Policies Maps, development will be permitted within towns and villages. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale with particular regard to DPB1: Character and Design and Mid Sussex Design Guide SPD (2020).

In areas with good accessibility to shops and services or good public transport links that minimise the need to travel and/or reliance on private cars, there may be an opportunity to deliver a greater concentration of development.

## DPH26: Older Persons' Housing and Specialist Accommodation

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>New Policy</b>  |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

People are living longer and the proportion of older people within the district is growing. With this comes an increase in the number of people with long-term health and mobility problems. The 2021 Mid Sussex Strategic Housing Market Assessment (SHMA) sets out that the district is likely to see a significant increase in those aged 65 and over to 2038. It also shows a substantial rise in the number of older people with dementia and mobility problems. In those aged 16 to 64, other disabilities, including impaired mobility, are also projected to increase over the Plan period. The provision of suitable accommodation, including type and tenure, capable of supporting an older population and range of disabilities is therefore important in delivering sustainable, mixed and balanced communities.

Whilst more attention may need to be paid towards matters of design, neighbouring land uses and security, proposals for older persons' housing are considered to usually have a lesser impact on existing communities, for instance through lower vehicle usage levels and reduced parking requirements. For this reason, provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision-making process.

Under this Policy, the loss of such facilities for the redevelopment to alternative uses would be prevented unless the scheme or a replacement scheme was proved to be no longer viable or suitable for its intended use; or that there is an existing duplicate facility in the locality that can accommodate the impact of the loss of the facility; or that a replacement facility will be provided in the locality.

It is acknowledged that some existing older persons' housing and specialist accommodation are relatively small in size, and if such schemes were closed on grounds of the suitability for their intended use, then there might be significant doubt on the viability of redevelopment of the site to another specialist scheme. In such cases, the Council will consider alternative provision such as accessible flats for older people.

## DPH26: Older Persons' Housing and Specialist Accommodation

### Older Persons' Housing Need

Over the Plan Period there is an estimated need for 1,887 additional dwellings with support or care and 211 additional bedspaces. The need by type identified by the 2021 SHMA is set out below:

*Older Persons' housing need to 2038 (2021 SHMA)*

| Accommodation Type and Tenure  |            | Need (units/ bedspaces) |
|--|------------|-------------------------|
| Housing with Support ( <i>retirement living or sheltered housing</i> ) | Market     | 801                     |
|  | Affordable | 15                      |
| Housing with Care ( <i>extra care</i> )                                | Market     | 857                     |
|  | Affordable | 214                     |

|                            |     |                 |
|----------------------------|-----|-----------------|
| Residential Care Bedspaces | n/a | 300             |
| Nursing Care Bedspaces     | n/a | 0 <sup>16</sup> |

### Site Allocations

*[This section will be updated in the next version of the Plan (Scrutiny Committee 18<sup>th</sup> October – Housing sites)]*

### New developments

Proposals for new older persons' housing and those with specialist accommodation needs will be supported where the following criteria are met:

- i. The site is allocated for such a use within the District Plan, Site Allocations DPD or Neighbourhood Plan, or the site is located within or contiguous to the Built-Up Area Boundary, as defined on the Policies Map;
- ii. The site is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network;
- iii. The planning application is accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes for residents, staff and visitors;
- ~~iv. Where the site is outside the Built Up Area Boundary, the scale of the development respects the setting, form and character of the settlement and surrounding landscape.~~

### Extensions to ~~Housing for Older People~~ Older Person's Accommodation and Specialist Housing

Proposals for extensions, upgrades and/or annexes to older person's housing and specialist accommodation will be supported where:

- ~~v-iv.~~ There is a demonstrable need ~~and function of the extension/ annex~~ to support the existing accommodation; and
- ~~vi-v.~~ The design respects the character and appearance of the host building and local area and is sub-servient to the existing building; and
- ~~ii-vi.~~ The cumulative additions are not disproportionate to the original building; and
- ~~ii-vii.~~ It does not result in an unacceptable loss of privacy for existing or neighbouring residents.

### Loss of ~~Housing for Older People~~ Older Persons' Accommodation and Specialist Housing

The loss of existing specialist forms of accommodation for older people and those with specialist housing needs will not be supported unless it is demonstrated to the Council's satisfaction that:

- ~~viii.~~ There is no longer an identified need for the type of housing;
- ~~x-ix.~~ Suitable alternative provision is, or will be, provided locally so that there is no net loss; or
- ~~xi-x.~~ The accommodation no longer meets minimum standards required to provide acceptable care and it is not practicable or viable to improve the accommodation to minimum standards or adapt for alternative specialist accommodation.

<sup>16</sup> The Council's 2021 SHMA shows that there is currently an oversupply of 89 Nursing Care Bedspaces in the district, therefore provision should be focussed on other forms of older persons' accommodation, unless latest evidence indicates otherwise.



The housing need for Older People and Specialist Housing Accommodation has been established through the SHMA and is set out above. The provision of older persons' and specialist accommodation is provided by specialist providers and to some extent is market driven by demand for particular specialist 'products' and the business operations of the providers. The District Plan can facilitate the delivery of specialist accommodation through the allocation of suitable sites, but it will be for the providers to deliver.

Very few sites have been submitted to the call for sites for specialist accommodation that are in sustainable locations that deliver the spatial strategy of the Plan. However, there are a number of sites that will be allocated to meet this need.

## DPH29: Gypsies, Travellers and Travelling Showpeople

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>Major Update</b>  |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

The Government has an overarching aim to ensure the fair and equal treatment of Gypsies and Travellers that facilitates their traditional and nomadic way of life whilst respecting the interests of the settled community.

National Planning Policy for Traveller Sites (2015) requires Local Planning Authorities to set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople to address the identified accommodation needs of Travellers in their area.

The 2022 Mid Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) considers the accommodation needs of Gypsies, Travellers and Travelling Showpeople and sets out the amount of permanent Gypsy and Traveller accommodation required within the district for the period to 2038. The majority of the identified need, outside the South Downs National Park, is already committed through the saved Northern Arc strategic site allocation; ~~however,~~ the residual need will be required expected to be met by the Significant Site allocations within this Plan.

The Assessment GTAA does not indicate a need ~~to consider for further~~ transit provision at this time as there is an operational public transit site in Chichester which serves the need of the West Sussex local authorities. In the event that a proposal comes forward it will be considered against the below criteria, taking into account the short-term nature of transit accommodation. Levels of unauthorised encampments in Mid Sussex by Gypsies, Travellers and Travelling Showpeople will be monitored over the plan period to identify any additional requirement for such provision.

## DPH29: Gypsies, Travellers and Travelling Showpeople

The Mid Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2022) identifies a need for 4 net permanent pitches for Gypsies and Travellers who still travel<sup>17</sup> and 12 net permanent pitches for Gypsies and Travellers who no longer travel<sup>18</sup>, for the period 2021 to 2038. Part of the 16-pitch need will be met by the delivery of existing commitments<sup>19</sup>, as shown in the table below.

### *Gypsy and Traveller Provision*

<sup>17</sup> For Gypsies, Travellers and Travelling Showpeople who meet, or considered may meet, the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- PPTS (2015)

<sup>18</sup> For Gypsies, Travellers and Travelling Showpeople who do not meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- PPTS (2015)

<sup>19</sup> Commitments here relate to pitches with planning permission.

| Gypsy and Traveller Pitch Provision                | No longer travel | Still Travel |
|--|------------------|--------------|
| Minimum Permanent Pitch Requirement (2021 to 2038) | 12               | 4            |
| Commitments (as at 1 April 2021)                   | 13               | 0            |
| <b>Total residual requirement</b>                  | <b>0</b>         | <b>4</b>     |

To ensure that a sufficient amount of suitable permanent accommodation for Gypsies, Travellers and Travelling Showpeople is delivered to meet identified needs within an appropriate timescale, the Council requires that on-site provision is made on Significant Site allocations to contribute to the overall need.

#### New and extensions to Gypsy, Traveller and Travelling Showpeople sites

In guiding the allocation of Gypsy, Traveller and Travelling Showpeople sites<sup>20</sup> (permanent and transit) and the considering consideration of planning applications, proposals will be supported provided that:

- i. The site or extension satisfies a clearly defined need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment, or the best available evidence;
- ii. The site is reasonably accessible to schools, shops, health and other local services and community facilities;
- iii. The site has or will have safe vehicular and pedestrian access to and from the road network and will have adequate provision for parking, turning space, servicing and emergency vehicles;
- iv. The development is appropriately located and designed ~~to~~, or capable of being designed to, in the case of outline applications, to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the ~~Travellers~~residents;
- v. The sites are compatible with neighbouring land uses, and minimise impacts on adjacent uses ~~and~~, built form and landscape character;
- vi. In rural and semi-rural areas sites should not dominate the nearest settled community;
- vii. Each pitch should be capable of accommodating 1 mobile home, 1 touring caravan, 2 car parking spaces, an amenity building and amenity space;
- viii. Sites for Travelling Showpeople should include adequate space for storage and/ or keeping and exercising any animals associated with Travelling Showpeople's needs;
- ix. Any site within the 7km zone of influence around Ashdown Forest will require an assessment under the Habitats Regulations to be undertaken and appropriate mitigation provided as required (Policy DPC6: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) refers); and
- x. In the case of proposals within the High Weald AONB, Policy DPC4: High Weald Area of Outstanding Natural Beauty will apply.

<sup>20</sup> For Gypsies and Travellers who meet the definition of a Gypsy, Traveller and Travelling Showperson for planning purposes, provided in Annex 1 – PPTS (2015) i.e. Gypsies and Travellers who still travel and settled Gypsies and Travellers who no longer travel.

The determination of planning applications for new sites or extensions to sites providing accommodation for settled Gypsy and Traveller and Travelling Showpeople<sup>21</sup> use will be considered under the relevant District Plan policies.

#### Existing Gypsy, Traveller and Travelling Showpeople sites

Existing Gypsy and Traveller sites will be safeguarded for Gypsy and Traveller use. Planning permission will not be granted for an alternative use on an existing site unless an alternative, replacement site has been identified and developed to provide facilities of an equivalent or improved standard (including its location) whilst there remains a need for such sites as evidenced by the Gypsy and Traveller Accommodation Assessment, or the best available evidence.

Any new or extensions to existing Gypsy, Traveller or Travelling Showpeople sites<sup>22</sup> granted permanent planning permission shall also be safeguarded for such use.

The provision of permanent and suitable accommodation to meet the changing needs of current and future Gypsy, Traveller and Travelling Showpeople households will be monitored to ensure a suitable supply of such sites is provided at the appropriate time.

## DPH30: Self and Custom Build Housing

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>New Policy</b>  |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

The Self-Build and Custom Housebuilding Act 2015 requires the Council to keep a register of people who are interested in building their own home. The register is an indication of the demand for this type of housing in the District. Under the Self-Build and Custom Housebuilding Regulations 2016 the Council is required to grant suitable development permissions to meet the demand from Part 1 entries on the register within a three-year period<sup>23</sup>.

Self- and custom- ~~housebuilding build housing~~ projects can be delivered through a wide range of projects from a traditional DIY self-build home to projects where the self-builder employs someone to build their home for them or a custom builder provides an element of choice in materials or layout. Community-led projects can also be defined as self-build. It can offer a form of housing which is generally more affordable and complements the supply of mainstream housing.

~~As at the end of Base Period 5 (30<sup>th</sup> October 2020), the Council's register showed a relatively low demand for plots; 13 entries, albeit the trend had been increasing.~~ To help satisfy potential future demand the Council will look to allocations to deliver a number of

<sup>21</sup> For Gypsies, Travellers and Travelling Showpeople who do not meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015)

<sup>22</sup> For Gypsies and Travellers who meet and do not meet the definition of a Gypsy, Traveller and Travelling Showperson for planning purposes, provided in Annex 1 – PPTS (2015) i.e. Gypsies and Travellers who still travel and settled Gypsies and Travellers who no longer travel.

<sup>23</sup> The three-year period runs from the end of each Base Period (31 October to 30 October)

serviced plots, and provision on other appropriate non-allocated sites will also be considered.

The provision of self or custom-build plots on a range of development types and sizes will support sustainable communities and offer a variety of opportunities to those who wish to build their own home. By requiring larger residential developments to provide a proportion of ~~self-or-custom-build~~ plots for self or custom build, it will help secure the delivery of suitable plots to meet current and future demand. Smaller residential developments will also be encouraged to deliver serviced plots, especially in areas where there is a significant demand, dependent on their suitability and viability.

The Council's 30% minimum affordable housing requirement will apply ~~as normal to self- and custom build schemes, but First Homes are not required, split 25% intermediate housing and 75% social or affordable rented housing and self~~ Self or custom housing plots must be provided in addition to affordable housing not instead of it. ~~An area of serviced land will be required to be made available at nil cost, on which a traditional affordable housing scheme or an affordable self or custom build scheme can be developed through a Registered Provider, Community Land Trust or similar body. Alternately an appropriate number of individual serviced plots will need to be transferred at nil cost for affordable housing.~~

~~Developments which provide a mix of market housing and self or custom build plots will need to be phased so that the open market housing and access is in a separate phase to the self or custom build plots. Each self or custom build plot will need to form a separate phase; this is to facilitate the timely submission of a separate reserved matters (detailed) planning application by the intended occupant of each plot.~~

The self- or custom-build plots will be secured by a legal agreement requiring that they be marked out and services provided, before being made available for sale exclusively to households on the Council's Self and Custom Build Register of Interest for a period of 6 months. If after the 6-month period a plot has not been purchased or reserved, it can be made available on the open market as self- and or custom-build. If a plot remains unsold after a period of 12 months, it must either remain on the market as a self or custom build plot or be offered to the Council or an approved Registered Provider, before being built out by the developer.

Planning obligations will need to include a requirement that each self or custom build property must be completed within 3 years of the plot being purchased and any affordable self or custom build must remain affordable in perpetuity; this will be secured via a planning obligation between the appropriate parties and the District Council.

### **DPH30: Self and Custom Build Housing**

The District Council believes that self- and custom-build housing has an important role to play in increasing housing choice in the district, consequently:

- i. Proposals for self- or custom-build housing developments will be supported on suitable sites and subject to compliance with other relevant policies within the District Plan.

- ii. Provision of serviced plots for self- or custom-build housing will be encouraged on all ~~suitable sites~~ new residential developments, subject to the level of demand for such housing, suitability of the site and viability.
- iii. A minimum of 5% of the residential plots on housing sites comprising of 100 or more dwellings, subject to feasibility and viability, will need to be provided as serviced plots for self- or custom-build housing.
- iv. Serviced plots will need to have a water supply, foul and surface water drainage, telecommunications and an electricity supply available at the plot boundary and legal access to a public highway.
- v. Affordable housing on self or custom build sites will need to be provided through an area of serviced land being made available at nil cost or through individual serviced plots being transferred at nil cost.
- vi. A design code, prepared by the developers and agreed with the District Council, will need to be followed for each site and individual plot passports will also be required.
- vii. Each self- or custom-build plot will need to form a separate phase of the development in order to facilitate the timely submission of a reserved matters planning application by the intended occupant of each plot.
- viii. Communities preparing Neighbourhood Plans will be encouraged to identify suitable sites for self- ~~and or~~ custom-build housing plots within their neighbourhood plan area.

The above policy will be monitored and kept under review, having regard to any changes to evidence of demand.

## DPH31: Housing Mix

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>Major Update</b>  |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

Providing a suitable mix of housing is essential to supporting sustainable, mixed and balanced communities; this includes delivering the appropriate size and type of housing. This policy seeks to ensure that the right size and mix of housing (including affordable housing) is provided within the district.

The 2021 Mid Sussex Strategic Housing Market Assessment (SHMA) identifies the greatest change in household projections within the district to 2038 will be from those households without dependent children; accounting for 31.9%. However, there remains a notable increase in households with dependent children; 19.6%. Providing a suitable mix of sized dwellings will offer choice for older households to downsize, more affordable options for

younger households looking to get on the housing ladder and support the growing number of family households within the district.

The District Council supports the provision of flexible ~~general~~-market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision. Providing suitable and alternative housing for older people can free up houses that are otherwise under occupied.

Older persons' housing and specialist accommodation form a very specific part of the housing needs market. The analysis undertaken within the SHMA shows a notable growth in the population of older persons aged 65 and over within the district to 2038. This in turn is expected to result in an increase in the number of people with long-term health problems or disability, thus requiring suitable accommodation. Policy DPH30: Older Persons' Housing and Specialist Accommodation sets out the estimated need and measures, including allocations, to help address this need.

The District Council also makes policy provision through Policy DPH40: Accessibility to ensure that new residential development provides accessible and adaptable dwellings and wheelchair-user dwellings to support the changes and needs of individuals and families at different stages of life.

The 2022 Mid Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) identifies the level of need for permanent Gypsy and Traveller accommodation in the district. Policy DPH33: Gypsies, Travellers and Travelling Showpeople identifies the pitch requirement and how the need is to be met.

With regards to other specific types of accommodation, the SHMA looked at the role of Build-to-rent and Co-Living as supplementary forms of housing. Build-to-Rent is purpose built housing that is typically 100% rented-out. Whilst to date only one Build-to-Rent scheme has come forward within the district, the SHMA notes that the private rented sector accounts for 18% of the district's housing stock in 2011, thereby having a clear role in the market. Co-Living is a modern form of shared housing with communal spaces and amenities often aimed at young professionals who are perhaps more transient. No schemes for co-living have come forward to date; however, with both Built-to-Rent and Co-Living housing the Council will monitor the demand and consider proposals against the relevant District Plan policies.

## DPH31: Housing Mix

To support the delivery of sustainable, mixed and balanced communities, housing development will:

- 1) provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. The Council expects the ranges set out in the below table to be used as a starting point:

### *Housing Mix split*

|                      | 1 bed / 2 person | 2 bed / 4 person | 3 bed / 5 person | 4+bed / 6 person |
|----------------------|------------------|------------------|------------------|------------------|
| Market housing       | 5-10%            | 20-25%           | 40-45%           | 25-30%           |
| Affordable Ownership | 10-15%           | 50-55%           | 25-30%           | 5-10%            |

|                   |        |        |        |       |
|-------------------|--------|--------|--------|-------|
| Affordable Rented | 30-35% | 40-45% | 15-20% | 5-10% |
|-------------------|--------|--------|--------|-------|

- 2) Variations to the above will be considered where the Council is satisfied that:
- i. The site characteristics and location dictate that there is a more appropriate mix of size of dwellings;
  - ii. There is an identified need for a particular size of dwelling in the nearest settlement; or
  - iii. There are demonstrable financial viability reasons for doing so.

### **Other accommodation types**

To meet the identified current and future needs of different groups in the community, the Council will seek a range of accommodation types to be delivered on new developments which are of an appropriate size, scale and location. This could include provision of bungalows and other forms of suitable accommodation, where in accordance with the Mid Sussex Design Guide SPD.

The types of accommodation include that which is suitable for:

- Older persons (~~DPH30~~DPH26);
- People with disabilities (DPH40);
- People who wish to build their own home ~~Self build and custom housebuilding~~ (DPH34DPH30);
- Build to Rent;
- Co-Living; and
- Gypsy and Traveller community (~~DPH33~~DPH29).

Where applicable, specific policies on the different accommodation types are identified against each of the above.

## **DPH32: Affordable Housing**

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>Minor Update</b>  |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

The 2021 Mid Sussex Strategic Housing Market Assessment (SHMA) provides the underlying justification for requiring the provision of affordable housing on residential development through affordable housing policies. The SHMA highlights the clear need for both social and affordable rented housing. The net need for affordable home ownership housing is smaller, albeit its provision will support some of those households currently unable to access market housing as they fall within the rent/ buy ‘gap’ or experience barriers in obtaining a mortgage.

In order to respond to the identified need for affordable housing of different tenures and to help deliver mixed, balanced and sustainable communities, the Council will require the provision of 25% First Homes with the remaining 75% being provided as social or affordable rented homes, on all sites above the Affordable Housing threshold. The Council recognise

that this mix does not meet the NPPF expectation that 10% of homes on major developments should be for affordable home ownership; however, it is supported by the SHMA findings which highlights a clear and acute need for rented affordable housing.

In setting affordable housing policies, the evidence of affordable housing need must be combined with other information, including the viability and deliverability of housing development, to set a level of affordable housing that is realistic and deliverable. The 2022 Mid Sussex Local Plan Viability Study applies the likely costs of new housing developments, including affordable housing and other policy requirements such as accessibility and space standards, environmental policies and infrastructure contributions (Section 106).

The requirement for the provision of a minimum of 30% affordable housing applies to all types of residential development. This includes changes of use, mixed use sites that incorporate an element of residential development, sheltered and extra care housing schemes, conversions, built to rent and private rent schemes and any other developments where there is an increase in the number of residential units on the site.

Schemes delivering 100% affordable housing, self or custom build housing, or specialist accommodation (such as older persons' housing) are not required to provide First Homes only dwellings for affordable / social rent. There is also no requirement for First Homes on a rural exception site or on sites providing solely Build to Rent Homes.

## Design

Any rented flats and intermediate flats are to be provided in separate blocks, around separate cores or on separate floors or with separate access ~~to both each other and~~ to any First Homes or open market flats, in order to meet Register Provider management and service charge requirements. Lifts must be provided in blocks of flats above 3 stories, and in 3 storey blocks of accommodation designed for the over 55's. No more than 6 x 1 bed flats are to be included in one block unless the scheme is a sheltered housing scheme.

A minimum of 4% of Affordable Housing units (rounded up to the next whole number) on all suitable schemes unless agreed with the Council's Housing Enabling Officer, are to be wheelchair-accessible dwellings for rent, built to the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of schedule 1 of the Building Regulations 2010 as amended. The floor areas of these units should be approximately 20% larger in the case of flats and 30% larger in the case of houses, (as shown in the table below), in order to properly accommodate the requirements.

Dimensions, floor areas, manoeuvring zones and correctly sized furniture layouts, which meet the above requirements are to be clearly indicated on individual unit layouts (at a scale of 1:50). Three A1 sized hard copies of these layouts, and plans showing the associated parking provision, and access from the wheelchair accessible parking spaces to the wheelchair accessible dwellings, must be submitted to and agreed with the Council's housing team before reserved matters / full planning permission is granted. Final agreement of any details will also be required as a condition of planning consent.

Appropriate parking provision is to be provided for all affordable units, in line with that for open market housing. Car parking provision for wheelchair accessible dwellings must comply with the requirements detailed in M4(3) of Schedule 1 of the Building Regulations 2010 as amended.

## Securing Affordable Housing Units

Registered Providers delivering the affordable housing are to be approved in writing by the Council, for each development / phase of development. Each Registered Provider must have a local management base, commit to letting their properties through the Mid Sussex Common Housing Register, and be willing to help the Council meet those needs identified as a priority in the district.

Developers are to enter into a non- rescindable contract with a Registered Provider to deliver the affordable units, prior to works commencing on any development or phase of development. This will enable the Registered Provider to oversee all construction works and help ensure the delivery of the affordable housing.

Applicants are to build into their designs at pre application stage, and take into account when negotiating site acquisitions and undertaking development feasibility, the 30% affordable housing required in accordance with the occupancy, size, clustering, tenure and other requirements detailed here. An affordable housing statement, plan and schedule of accommodation must be provided prior to validation of the planning application, to demonstrate that these requirements will be met.

All categories of affordable housing are to be demonstrably affordable, taking account of local incomes, for those unable to meet their housing needs through the private housing market. Consequently, rents must be capped at a maximum of 80% of market rent, or the Local Housing Allowance Level for the relevant size of unit whichever is lower, unless they are social rents determined through the Government's rent policy.

All requirements for the provision of affordable housing, including the need for any subsidy to be recycled for alternative affordable housing provision, are to be built into and secured through an appropriate planning obligation. This must include the requirement for developments where the floorspace is not yet known but is likely to may exceed the threshold to provide the necessary affordable housing in such instances.

All affordable housing will require a the Council's standard legal nomination agreement between the District Council and the Registered Provider, to be completed prior to occupation. This will enable the District Council to control the occupancy of the new affordable housing, and to ensure that it continues to be available to meet local housing needs in perpetuity. Occupancy criteria and nomination arrangements for both initial and future lettings, assignments and disposals will be detailed. Applicants will be nominated from the District Council's Common Housing Register, and in accordance with the Council's allocations scheme, and 100% nomination rights will be required in perpetuity.

### DPH32: Affordable Housing

Delivering the amount and type of housing which meets the needs of all sectors of the community is a key objective of the District Plan. Consequently, the Council requires:

- i. a minimum of 30% on-site affordable housing, with the number of units rounded up to the next whole number, on all residential and mixed-use developments providing 10 dwellings or more, or with a maximum combined gross floorspace of greater than 1,000m<sup>2</sup>;

- ii. the full 30% affordable housing requirement to be provided on each and every phase of a phased development, and for the affordable housing to be fully integrated within the development;
- iii. developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 9 dwellings, but with a maximum combined gross floorspace of less than 1,000m<sup>2</sup>, to provide a commuted payment towards off-site provision equivalent to providing 30% on-site affordable housing;
- iv. in the case of redevelopment, at least the same number of affordable homes to be re-provided in accordance with current mix and tenure requirements, on sites where the most recent use included affordable housing;
- v. a mix of affordable housing tenure comprising 25% ~~intermediate homes~~/First Homes and 75% social or affordable rented, unless the best available evidence supports a different mix;
- vi. Unless otherwise agreed with the Council the tenure, type and size split on each site to be as shown in the table below. The majority of 2-bed/ 4 person units should be provided as houses rather than flats, wherever possible.

*Affordable housing split*

|                      | 1 bed / 2 person | 2 bed / 4 person | 3 bed / 5 person | 4+ bed / 6 person |
|----------------------|------------------|------------------|------------------|-------------------|
| Affordable Ownership | 10-15%           | 50-55%           | 25-30%           | 5-10%             |
| Affordable Rented    | 30-35%           | 40-45%           | 15-20%           | 5-10%             |

- vii. A minimum of 4% of affordable housing units (rounded up to the next whole number) on all suitable schemes, unless otherwise agreed with the Council's Housing Enabling Officer, to be wheelchair accessible dwellings for rent, built to the requirements contained in Part M4(3)(1) (a) and (b) and Part M4(3)(2)(b) of schedule 1 of the Building Regulations 2010 as amended;
- viii. fully serviced land to be provided for the construction of the requisite number of affordable homes at nil cost, and for the affordable properties to be transferred to a Registered Provider at a price which reflects a nil land value and nil public subsidy;
- ix. affordable housing units to meet the occupational and minimum floor area requirements in the table below, or any other increased standard which supersedes these, since the units are likely to be fully occupied;

*Minimum floor area standards*

| No. of Beds | No. of Persons | Minimum floor area - 1 storey<br><br>(excluding staircases and hallways in the case of duplex flats/ coach houses/FOGs) | Minimum floor area - 2 storey         | Minimum floor area - 3 storey | Minimum floor area - Wheelchair Accessible dwelling |
|-------------|----------------|---|---------------------------------------|-------------------------------|---|
| 1           | 2              | 50m <sup>2</sup> / 538ft <sup>2</sup>   | 58m <sup>2</sup> / 624ft <sup>2</sup> | -                             | 60m <sup>2</sup> / 646ft <sup>2</sup><br>(1B/2PF)   |

|   |   |               |                 |                 |  |
|---|---|---------------|-----------------|-----------------|--|
| 2 | 4 | 70m2 / 753ft2 | 79m2 / 850ft2   | -               | 84m2 / 904ft2 (2B/4PF)<br>103m2 / 1109ft2 (2B/4PH) |
| 3 | 5 | -             | 93m2 / 1001ft2  | 99m2 / 1066ft2  | 121m2 / 1302ft2 (3B/5PH)                           |
| 3 | 6 | -             | 102m2 / 1098ft2 | 108m2 / 1163ft2 | 133m2 / 1432ft2 (3B/6PH)                           |
| 4 | 6 | -             | 106m2 / 1141ft2 | 112m2 / 1206ft2 | 138m2 / 1485ft2 (4B/6PH)                           |

- x. all affordable housing units to be fully integrated into the scheme layout, and provided in clusters of no more than 10 units with open market units in between each cluster, (a couple of extra units may be allowed in clusters which include flats), in order to create more balanced communities;
- xi. affordable housing units to be 'tenure blind' so that affordable and private homes are indistinguishable from one another, in terms of design, build quality, appearance, materials and site location.

Proposals which do not provide a minimum of 30% affordable housing will be refused, unless clear evidence demonstrates, to the Council's satisfaction, that the site cannot viably support the required number of affordable housing units. The Council's approach to the assessment of financial viability is set out in its viability policy (see [Policy DPI7 Annex 2](#)), but it should be noted that the submitted viability appraisal must be based on a policy compliant scheme, [including 30% Affordable Housing](#). All viability appraisals will be made publicly available and will be assessed with the assistance of an external consultant at the developer's cost. A viability review will also be required later in the project, for all schemes which are not policy compliant. At the review stage more accurate information about build costs and sales values, will be able to be provided for assessment.

Financial contributions, in place of on-site affordable housing, will only be agreed where there are exceptional reasons preventing the provision of on-site affordable housing.

These include where:

- there are prohibitively high service charges;
- schemes comprise less than 6 units;
- the development comprises a single block retirement scheme; or
- the Council wishes to use such funding to develop its own housing.

In such cases a financial contribution payable prior to works commencing and reflecting the full cost of providing alternative serviced land for the required number of units (rounded up if the resultant number is not a whole number), will be sought. The amount per unit will depend on the size, location and type of affordable housing required to be provided by the scheme. The contribution [and attached provisions](#) will be [detailed in a sought through an appropriate](#) planning obligation.

Development proposals will be expected to ~~make efficient~~[optimise the](#) use of land, and any proposal which appears to have an artificially low density, in order to avoid the required thresholds for affordable housing, [or reduce the amount of affordable housing to be provided](#), may be refused planning permission. ~~The same will also apply to any site which appears to have been~~[Sites must also not be](#) deliberately sub-divided, ~~as a possible measure in order~~ to avoid the required affordable housing threshold [being met or to reduce the amount of affordable housing required](#).

The above policy will be monitored and kept under review, having regard to the Council's Housing Strategy and any changes to evidence of housing needs.

## DPH33: First Homes

**Policy:** Strategic  
**Review Status:** New Policy  
**Strategic Objectives:** 12 – Support Safe, Healthy and Inclusive Communities  
13 – Provide Housing to Meet Community Needs

First Homes are a form of discounted market sale housing designed to allow people to get on to the housing ladder in their local area. On 24<sup>th</sup> May 2021, the Government announced its position on First Homes through a Written Ministerial Statement (WMS) and amended Planning Practice Guidance (PPG). Specific qualifying and eligibility criteria and requirements for First Homes are set out in the WMS and PPG. ~~These set out the eligibility criteria and requirements in delivering First Homes.~~

~~25% of the total number of affordable units to be provided on sites above the affordable housing threshold are to be First Homes. The buyers must be first time buyers (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003) and in the case of a joint purchase both purchasers must meet the first time buyer criteria.~~

~~The combined Household income must be no more than £80,000 and a Mortgage / home purchase plan is required to fund a minimum of 50% of the discounted purchase value. The First Home must also be the buyer's sole or primary residence and restrictions on lettings apply.~~

~~The minimum discount for First Homes is 30% from market value and this discount must be applied to the dwelling in perpetuity, even if in the discount changes through future updates to the policy. When establishing the baseline market value to which the discount is applied, developers must obtain a valuation from a registered local valuer acting in an independent capacity. The valuation is to be in accordance with the Royal Institution of Chartered Surveyors red book valuation guidance for new build homes and should assume that the home is sold as an open market dwelling without restrictions. When the home is resold in the future, the seller will be required to secure a valuation in the same way in accordance with RICS's guidance.~~

First homes should seek to meet the needs of the local area and communities within it and Local Connection Criteria will be required to be met by purchasers. ~~As such, households must be either current or recent residents, or have a current employment or close family connection as detailed in the Council's Housing Allocation Scheme.~~ If after 3 months actively marketing the property, and a period of 3 months from the date of practical completion, a qualifying household has not reserved or bought the First Home the local connection criteria will be removed and the First Home made available to other eligible buyers. If there is no sale after a further 3 months the First Home can be switched to a normal market sale home but the discounted amount must be paid back to the Council.

~~In recognition of the unique nature of their circumstances, members of the Armed Forces, the divorced or separated spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) and veterans within five years of leaving the Armed Forces will be exempt from any local connection restriction.~~

All restrictions including discounts, eligibility and local connection criteria will be secured through the s106 agreement. Although the discount must remain at the same level on each subsequent sale, the price cap will only apply to the initial sale. ~~The Developer must also enter a restriction on the title register at the initial point of sale to ensure that the title of the property cannot be transferred unless the s106 restrictions are adhered to, and the Council must certify that all criteria have been met prior to any title transfer.~~

As with Rural Exception sites, First Homes Exception Sites are small sites which can come forward on non-allocated land, outside the built-up area boundaries, in order to deliver affordable housing. They cannot however come forward in designated rural areas as defined in Annex 2 of the NPPF, where rural exception sites are the sole permissible type of exception site. ~~First Homes Exception Sites must be adjacent to an existing settlement and have access to key local services, including a bus stop with adequate bus services, a local convenience shop and if possible a primary school. First Homes sites are to be proportionate to the existing settlement and respect their setting.~~ They must also meet a need which is not already being met elsewhere within the district through developer contributions.

Where it can be clearly demonstrated through evidence that, from a viability perspective, a First Homes Exception Site cannot support a scheme comprising 100% First Homes, the District Council will consider an element of open market housing and/or self-build housing. This will be limited to that required to facilitate scheme viability, up to a maximum of 20% of the overall scheme. Details of the evidence required to justify an element of market and/or self-build housing is set out in the Viability Policy. Other forms of affordable housing may also be included where there is a demonstrable significant local need.

~~Where local evidence suggests that a significant local need exists for one or more other forms of affordable housing on a proposed First Homes Exception Site, applicants may alter the proportions of affordable housing to include small quantities of other affordable housing products such as social or affordable rented housing or shared ownership. Applicants will be expected to provide evidence of this need in the form of a Local Housing Needs Survey and/or figures from the Council's Common Housing Register.~~

~~In considering the potential contribution of First Homes on delivering affordable housing to meet local needs, the 2021 Strategic Housing Market Assessment (SHMA) considers the role of First Homes and its potential contribution to delivering affordable housing in the district. Following an appraisal analyses the cost of housing house prices and incomes within the district. It concludes that within Mid Sussex First Homes would could deliver 1- and 2-bedroom homes, when the minimum criteria are applied. This provision of smaller, affordable housing is considered to play an important role in helping people to access their own home.~~

~~Schemes delivering 100% affordable housing, self or custom build housing, or specialist accommodation (such as older persons' housing ) are not required to provide First Homes only dwellings for affordable / social rent. There is also no requirement for First Homes on a rural exception site or on sites providing solely Build to Rent Homes~~

### **DPH33: First Homes**

First Homes are part of the Government's policy to promote home ownership and can be delivered through developer contributions and First Homes Exception sites.

First Homes will be supported by the District Council as part of the affordable housing requirement (DPH36), subject to ~~compliance with other relevant policies within the development plan and~~ the following criteria:

- ~~i.~~ First Homes must form 25% of the total number of affordable units on a site even where more than 30% affordable housing is being provided;
- ~~i-ii.~~ The dwellings are discounted by a minimum of 30% against the market value;
- ~~ii-iii.~~ After the discount has been applied, the first sale of the home is priced no higher than £250,000;
- ~~iii-iv.~~ The purchaser meets the First Homes eligibility criteria; and
- ~~iv-v.~~ The local connection criteria are met by the purchaser.

In order to meet the Local Connection Criteria the purchaser must:

1. be ordinarily resident within the Mid Sussex District Council's administrative area and have been for a continuous period of not less than 12 consecutive months prior to exchange of contracts for the relevant First Home; and/or
2. have a close family association with the Mid Sussex District Council's administrative area by reason of a parent or child who is ordinarily resident within the Mid Sussex District Council's administrative area.

Or meet such other local connection criteria as may be published by the District Council from time to time as its "First Homes Local Connection Criteria" and which is in operation at the time of the relevant disposal of the First Home.

### **First Homes Exception Sites**

The District Council will support First Homes Exception Sites provided that the following additional criteria are met:

- ~~v-vi.~~ The proposals are wholly or primarily for First Homes;
- ~~vi-vii.~~ There is an identified local need for First Homes which is not already being met elsewhere in the district;
- ~~ii-viii.~~ The development is located adjacent to an existing settlement containing key local services, including a local convenience shop, access to a bus stop with adequate services, and, if possible, a primary school;
- ~~iii-ix.~~ The proposal is proportionate in size and scale to the existing settlement and respects its setting; and
- ~~ix-x.~~ The site is not located within a designated rural area<sup>24</sup>.

All affordable homes delivered as First Homes in the above circumstances will be secured through a S106 agreement to ensure that the discount and relevant eligibility and local connection criteria remain in perpetuity.

Neighbourhood Plans may apply their own First Homes eligibility criteria, including an increased minimum discount and lower price and income caps in line with national guidance. Alterations to the criteria or requirements must however be evidence based and not impede the delivery of homes.

## **DPH34: Rural Exception Sites**

<sup>24</sup> National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985 (Annex 2, NPPF)

**Policy:** Non - Strategic  
**Review Status:** Minor Update  
**Strategic Objectives:** 12 – Support Safe, Healthy and Inclusive Communities  
13 – Provide Housing to Meet Community Needs

Rural Exception Sites are sites used for affordable housing for local people in perpetuity, usually on sites that which would not normally be granted permission for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current or recent residents or have a current employment or an existing close family or employment connection to the Parish.

The 2021 Mid Sussex Strategic Housing Market Assessment (SHMA) reviewed the issue of rural housing within the district. Paragraphs 11.67 to 11.69 and 11.78 The SHMA highlights the role of the Sussex Community Housing Hub and Action in Rural Sussex in delivering rural exception sites, with the support of the Council. The Council will continue to support the work of these groups, as well as work with parishes to identify sites specifically for affordable housing that will meet local needs.

Rural Exception Sites are different to First Homes Exception Sites which are covered under Policy DPH37 DPH36: First Homes.

## DPH34: Rural Exception Sites

The development of rural exception sites for affordable housing will be permitted provided that:

- i. the development comprises 100% affordable housing;
- ii. the housing is to meet the needs of current or recent residents of the Parish or those with a current employment or close family connection to the Parish;
- iii. The size of properties is justified by a Parish Housing Needs Survey carried out in the last 5 years;
- iv. The occupancy of the homes is restricted in perpetuity to those with a genuine local need for affordable housing;
- v. The scale of the development respects the setting, form and character of the settlement and surrounding landscape; and
- vi. The development is adjacent to, or in close proximity to, a rural settlement containing a local convenience shop and access to a bus stop with adequate bus services, and if possible a primary school.

Where it can be clearly demonstrated through evidence that, from a viability perspective, the site cannot support a scheme comprising 100% affordable housing, the District Council will consider an element of open market and/ or self and or custom- build housing. This will be limited to that required to facilitate scheme viability, up to a maximum of 20% of the overall scheme, provided that:

- The requirements of ii), iii), v) and vi) can be met for the overall scheme and for the affordable housing element i) and iv) can be met; and
- The new development physically integrates the open market and affordable housing, which should seek to be 'tenure blind' and makes best use of the land.

Details of the evidence required to justify an element of open market and/ or self or custom- build housing is set out in the Council's Viability Policy (see Annex 2 Policy DPI7).

The delivery of rural exception sites should be led by Parish Councils, through planning applications, Community Right to Build schemes, Neighbourhood Development Orders or through Neighbourhood Plans and sites must be brought forward in partnership with the relevant Parish Council, a specialist rural Registered Provider and the Council's Planning and Housing Enabling Team.

## DPH35: Dwelling Space Standards

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Non-strategic</b>   |
| <b>Review Status:</b>        | <b>No Update</b>   |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

The purpose of this policy is to set minimum space standards for all dwellings to ensure that the floor area of new homes and associated storage space is sufficient in size to secure a satisfactory standard of accommodation for their residents.

Dwelling space standards ensure that all residential development in Mid Sussex is of an acceptable size for the wellbeing of future occupants, that there is appropriate circulation space and that homes are highly functional in terms of typical day to day needs. The dwelling space standards help to achieve sustainable development, encouraging useable and flexible living environments in which residents can undertake a range of activities such as bringing up families, working from home and communal and social activities.

## DPH35: Dwelling Space Standards

Minimum nationally described space standards, see Glossary, for internal floor space and storage space will be applied to all new residential development.

These standards are applicable to:

- Open market dwellings and affordable housing (see DPH325: Affordable Housing for the occupancy and minimum floor area requirements for Affordable Housing);
- The full range of dwelling types; and
- Dwellings created through subdivision or conversion.

All dwellings will be required to meet these standards, or subsequent equivalent-improved standards, other than in exceptional circumstances where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

## DPH36: Accessibility

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Non-strategic</b>   |
| <b>Review Status:</b>        | <b>Minor Update</b>  |
| <b>Strategic Objectives:</b> | <b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b><br><b>14 – Create Accessible Environments</b> |

Accessibility is about the ease and convenience with which a place can be used by people. This policy applies to both homes and places, including areas of open space and transport.

Dwelling space standards ensure that all residential development in Mid Sussex is of an acceptable size for the wellbeing of future occupants, that there is appropriate circulation space and that homes are highly functional in terms of typical day to day needs. The space standard helps to achieve sustainable development, encouraging useable and flexible living environments in which residents can undertake a range of activities such as bringing up families, working from home and communal and social activities, as well as providing for residents' changing needs by taking into account the spatial implications of providing improved accessibility and adaptability, particularly for older or less mobile people, including meeting the requirements of residential building accessibility standards in Building Regulations Approved Document M (Volume 1)<sup>25</sup>.

The 2021 Mid Sussex Strategic Housing Market Area Assessment (SHMA) ~~confirms states~~ that by 2038 the number of people over the age of 65 within the district is projected to increase by 43.5%. An older population is also likely to mean that there are more people with associated mobility problems. Whilst an ageing population is the main contributor to the increased need for wheelchair accessible homes the SHMA notes ~~that there is likely to be a rise~~ is in wheelchair user households aged under 60. The evidence indicates that there is also a disparity between wheelchair users and tenure, indicating a higher need for wheelchair accessible homes for those in affordable housing accommodation. Whilst the SHMA supports a target of 12% of new affordable homes to be wheelchair accessible, this policy seeks 4%. The lower figure is aligned with the Council's experience in successfully securing this level of provision and the level of need indicated by the housing register.

Providing homes which are built to at least Category 2 M4(2) accessible and adaptable standards will help ensure that homes are suitable and capable of meeting a household's changing needs. It is more practical and cost-effective if homes are built to these standards rather than retrofitting ~~such measures necessary alterations~~, if this is even possible. Therefore, the policy requires that all new homes are built to at least Category 2 (M4(2)) adaptable and accessible standards. It also requires that a proportion of ~~homes on both market and~~ affordable homes are built to Category 3 (M4(3)(2)(b)) wheelchair user standards.

~~In cases where the inclusion of accessible and adaptable dwellings within a scheme is not possible, due to viability or physical constraints, evidence will need to be provided and the Council satisfied that the development cannot suitably deliver the required standards.~~

<sup>25</sup> Schedule 1 of the Building Regulations 2010, as amended

## DPH36: Accessibility

All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will need to be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

### Category 2 - Accessible and Adaptable Dwellings

All residential developments will be expected to meet Category 2 – accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2), with the following exceptions:

- i. Where new dwellings are created by a change of use;
- ii. Where the scheme is for flatted residential buildings of fewer than 10 dwellings;
- iii. Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;
- ~~iv. Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.~~

### Category 3 - Wheelchair-User Dwellings

- Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3)(2)(a) adaptable will be required for a minimum of 5% of market homes, dependent on the suitability of the site and the need at the time.
- Where affordable housing is required, a minimum of 4% of the affordable housing units (rounded up to the next whole number), on all suitable schemes, unless otherwise agreed with the Council's Housing Enabling Officer, will be required to be wheelchair accessible dwellings (M4(3)(2)(b)) for rent. ~~or, where the Council is responsible for allocating or nominating a person to live in that dwelling, M4(3)(b).~~

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.

## 16. Infrastructure



|                       |  |
|-----------------------|--|
| <b>Infrastructure</b> | <b>DPI1:</b> Securing Infrastructure<br><b>DPI2:</b> Planning Obligations<br><b>DPI3:</b> Major Infrastructure Projects<br><b>DPI4:</b> Communications Infrastructure<br><b>DPI5:</b> Open Space, Sport and Recreational Facilities<br><b>DPI6:</b> Community and Cultural Facilities and Local Services |
|-----------------------|--|

### DPI1: Securing Infrastructure

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>Major Update</b>  |
| <b>Strategic Objectives:</b> | <b>6 – Infrastructure to Support Sustainable Communities</b> |

The delivery of the right levels and type of infrastructure is essential to support new homes, economic growth and the creation of sustainable communities. A strategic objective of the District Plan is to ensure that development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This ensures that development is adequately served without overstressing existing infrastructure and putting an unacceptable strain on the environment; and to create sustainable communities.

An Infrastructure Delivery Plan has been prepared to identify what infrastructure provision is needed and where and when it needs to be delivered in order to support the development and anticipated future growth identified in this Plan.

### DPI1: Securing Infrastructure

Development will be permitted where it is supported by, and coordinated with, the delivery and maintenance of infrastructure and/or mitigation measures to meet the additional need arising from the proposal. Both on-site and off-site provision, including beyond the district boundary, may be required to address the impacts of development, including cumulative effects on the existing infrastructure.

Existing infrastructure services and facilities will be protected where they contribute to the needs of local communities, unless an equivalent replacement or improvement is provided or there is sufficient alternative provision of the same type in the area, and subject to requirements set out elsewhere in the Plan.

Infrastructure should be provided at the appropriate time, prior to the development becoming operational or being occupied. Applicants will be expected to have early engagement with infrastructure providers to ensure any necessary works can be undertaken in a timely manner. Larger developments may need to be phased to ensure that this requirement can be met.

Where a proposal would be made unviable in light of the infrastructure requirements, open book calculations verified by an independent consultant approved by the Council must be provided for consideration. All viability appraisals will be made publicly available and will be assessed with the assistance of an external consultant at the developer's cost. The Council's approach to the assessment of financial viability is set out in its viability policy (see [Annex 2 Policy DPI7](#)).

The design and layout of a development should ensure future access to utility infrastructure for maintenance and upgrading.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Infrastructure will need to be planned and delivered to ensure its future resilience against the impacts of climate change.

## DPI2: Planning Obligations

**Policy:** Strategic  
**Review Status:** New Policy  
**Strategic Objectives:** 6 – Infrastructure to Support Sustainable Communities

Planning obligations will be used by the District Council to secure infrastructure in line with the statutory tests set out in the Community Infrastructure Levy Regulations 2010 (as amended) and national planning policy.

Planning obligations will only be sought where the following tests are met:

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development.

[An Infrastructure Delivery Plan has been prepared to identify what infrastructure provision is needed and where and when it needs to be delivered in order to support the development and anticipated future growth identified in this Plan.](#)

## DPI2: Planning Obligations

Where required, the Council will use planning obligations to address the impacts of development in line with the legal tests set out in the Community Infrastructure Levy Regulations 2010 (as amended). This may include but is not limited to the planning obligations set out in the figure below.

Other planning obligations may be sought to secure policy requirements set out in this plan and to mitigate the specific impacts of development in line with the legal tests set out in the Community Infrastructure Levy Regulations 2010 (as amended).

Appendix 3 sets out the infrastructure quantity and accessibility standards and formulae used to calculate contributions. The infrastructure standards may be reviewed and will be set following assessments of need and viability. Contributions will be subject to inflation reviews to ensure the necessary infrastructure can be delivered.

Where a planning obligation (which may also be known as a Section 106 Agreement or Unilateral Undertaking) is entered into, the Council and the County Council will secure fees associated with the monitoring of any planning obligations in addition to the Council's legal costs in drafting and completing the agreement. The current applicable fees to be levied will be shown on the Council's website.

## DPI3: Major Infrastructure Projects

**Policy:** Strategic  
**Review Status:** New Policy  
**Strategic Objectives:** 6 – Infrastructure to Support Sustainable Communities

Policy DPI3: Major Infrastructure Projects sets out the approach that the Council will take in responding to major infrastructure applications either as determining authority or as a statutory consultee.

For the purposes of the District Plan, Major Infrastructure Projects (MIP's) are those infrastructure projects that would require Environmental Impact Assessment (EIA) as set out in Schedules 1 and 2 of the EIA Regulations 1999 (except predominantly residential schemes), and include those defined as Nationally Significant Infrastructure Projects (NSIP's).

The Planning Inspectorate is responsible for operating the planning process for NSIP's. Such projects require a type of consent known as 'development consent'. Development consent, where granted, is made by a Development Consent Order (DCO).

National Planning Statements (NPS) set out national case in principle for NSIP's and provide a national policy framework for the consideration of proposals by the Planning Inspectorate, with the final decision being made by Secretary of State. NPS are not part of the statutory development plan, local planning authorities will need to have regard to these when preparing local plans.

The Council has an important role as a statutory consultee in relation to NSIP applications, where there is the potential for the District to be affected by an NSIP proposal.

## DPI3: Major Infrastructure Projects

In responding to major infrastructure proposals as a consultee or decision maker the Council will consider applications against the relevant national planning policy and the strategy and relevant policies of the development plan. The objective from the Council's perspective is that such proposals should, where possible, contribute positively to the implementation of the spatial strategy and meet the underlying objectives of the plan.

However, the Council will seek to adopt an approach which is consistent with relevant NPS and take into account operational requirements of the MIP.

For a NSIP the Council will take into account through the preparation of a Local Impact report, how proposals through their formulation and implementation, avoid or minimise adverse impacts or harm to local places, communities and businesses and maximise local benefits wherever possible. Where the Council is the decision maker, these matters will be taken into account through the planning application process. In all cases the Council will also assess where appropriate how the consideration of alternatives has informed the proposals.

The Council will consider the benefits and impacts of a proposal having regard to direct, indirect secondary and cumulative benefits and impacts, and benefits and impact interactions. This assessment will include the construction, operation and decommissioning (including restoration) stages of the project. It will also have regard to reasonably foreseeable development proposals in the local area, including other infrastructure projects and employment and residential development.

Depending upon the scale and nature of the proposals, in order to present sufficient information for the Council to undertake the assessment, it may request the preparation of ~~delivery~~ Delivery plans Plans.

Delivery Plans will identifying measures to be taken to maximise benefits, to avoid and minimise impacts, and to mitigate and compensate for impacts, with respect to matters such as the economy, climate change, sustainability, the environment, biodiversity net gain, transport and movement, housing, local communities (including safety, health, leisure and general well-being) council services, and education where this is justified by reference to national policy.

The ~~management~~ Management or Delivery plans should identify the systems and resources that will be used to implement the proposed measures.

## DPI4: Communications Infrastructure

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>6 – Infrastructure to Support Sustainable Communities</b><br><b>7 – Encourage Business and Thriving Local Enterprise</b><br><b>8 – Opportunities to Live and Work within Communities</b> |

High quality advanced digital and communications infrastructure is important for economic growth and social well-being. Digital connectivity is crucial for attracting businesses and for successful business locations. Digital connectivity also has social benefits facilitating social inclusion and providing opportunities to access employment, education and services.

However, the environment also needs to be protected and digital and communications infrastructure should take into account the visual amenity, character and appearance of a local area and should not have an unacceptable impact on sensitive areas.

One of the actions in the Sustainable Economy Strategy 2022-205 is for the Council to facilitate the delivery and use of advanced digital infrastructure (full fibre, wireless network

technology and other digital technologies) to support citizens, public services, existing and new economic activity within Mid Sussex.

Digital connectivity is also a way to implement the 20-minute neighbourhood, particularly in rural areas, and it will contribute to the features of sustainable communities.

## DPI4: Communications Infrastructure

The Council will encourage the incorporation of high quality advanced digital infrastructure including fibre to new housing, employment and retail developments.

The expansion of the electronic communications network and digital infrastructure to the towns and rural areas of the District will be supported.

When considering proposals for new telecommunications equipment the following criteria will be taken into account:

- The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;
- New telecommunications equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;
- Preference will be for use to be made of existing sites rather than the provision of new sites.

When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.

## DPI5: Open Space, Sport and Recreational Facilities

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>6 – Infrastructure to Support Sustainable Communities</b><br><b>15 – Provide Cultural, Leisure and Sporting Facilities</b> |

Open space, leisure, sport and recreational facilities are important to support healthy lifestyles and should be retained where possible and provided alongside new development.

The facilities referred to in this policy include:

- Allotments, community growing spaces and community orchards
- Artificial turf and grass playing pitches and ancillary facilities
- Gyms, sports halls, swimming pools and fitness facilities
- Kickabout, skate parks, cycling and BMX tracks
- Leisure facilities such as bowling, ice rinks and outdoor activities

- Open space, amenity green space, parks and recreation grounds, natural green space, and nature conservation sites
- Play areas
- Tennis, netball and multi-use courts

It is important to note that open space, leisure, sport and recreational facilities often form part of the green infrastructure for an area and development proposals should also have regard to Policy DPN3: Green Infrastructure.

## DPI5: Open Space, Sport and Recreational Facilities

Development that provides new and/or enhanced open space, leisure, sport and recreational facilities, including allotments, to support healthy lifestyles and in accordance with the strategic aims of the Playing Pitch Study, Play & Amenity Green Space Study and Community Buildings Study (or as the studies are updated) will be supported.

The provision of new open space, leisure, sport and recreational facilities, including the provision of public open space, play areas and equipment, will be required for all new residential developments in accordance with Policies DPI1: Securing Infrastructure and DPI2: Planning Obligations. On-site provision will be required where appropriate, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. The design of open space and public realm should accord with the Design Guide SPD.

Sites for appropriate open space, leisure, sport and recreational facilities to meet local needs will be identified through Neighbourhood Plans or a Development Plan Document produced by the District Council.

Proposals that involve the loss of open space, leisure, sports and recreational buildings and land, including playing fields, will not be supported unless:

- an assessment has been undertaken which has clearly shown the open space, leisure, sports or recreational land or building to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Whilst a site may be surplus to requirements for open space, leisure, sport and recreation use, it may still be of environmental, social or cultural value. The site's development may have unacceptable visual or amenity impact, or adversely affect its wider healthy lifestyles, green infrastructure or biodiversity functions, including for climate change mitigation and resilience. Applicants will therefore need to carefully consider such as proposal alongside other policies in this Plan.

## DPI6: Community and Cultural Facilities and Local Services

|                              |   |
|------------------------------|---|
| <b>Policy:</b>               | <b>Non-Strategic</b>  |
| <b>Review Status:</b>        | <b>Minor Update</b>   |
| <b>Strategic Objectives:</b> | <b>6 – Infrastructure to Support Sustainable Communities</b><br><b>12 – Support Safe, Healthy and Inclusive Communities</b> |

## 15 – Provide Cultural, Leisure and Sporting Facilities

Community and cultural facilities and local services are important and should be retained where possible and provided alongside new development.

The community facilities and local services referred to in this policy include:

- Activity halls and community centres
- Car parks
- Cemeteries and burial grounds
- Cultural venues such as theatres, performance spaces, cinemas, art centres, galleries and museums
- Education facilities
- Emergency services
- Healthcare facilities
- Libraries
- Local shops including banks and post offices
- Places of worship and church halls
- Public conveniences
- Public houses
- Sports club houses and pavilions
- Parish, village and town halls

### **DPI6: Community and Cultural Facilities and Local Services**

The provision or improvement of community and cultural facilities and local services that contribute to creating sustainable communities will be supported where the proposal is not in conflict with Policy DPC1: Protection and Enhancement of the Countryside and where:

- The need for the community or cultural facility or local service is clearly demonstrated;
- There would be no harm on highway safety or severe residual cumulative impacts on the road network;
- It encourages sustainable travel opportunities;
- It will not adversely affect the character, landscape, historical significance, appearance and amenity of the area;
- The design and layout of the proposals, including ancillary facilities, are sensitive to the existing character and setting;
- It does not have an adverse effect on residential amenity in the local area;
- It will not have an adverse effect on the vitality and viability of existing facilities in the locality or relevant assets of community value; and
- It meets the requirements of other relevant development plan policies.

Proposals that involve the loss of a community or cultural facility (including those facilities and services where the loss would reduce the community's ability to meet its day-to-day needs locally), will not be supported unless:

- an assessment has been undertaken which has clearly shown the community or cultural facility or local service to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative community and cultural provision, the benefits of which clearly outweigh the loss of the current or former use.

New residential development will be required to contribute to the provision of new or enhanced community facilities in accordance with Policies DPI1: Securing Infrastructure and DPI2: Planning Obligations. The on-site provision of new community facilities will be required on larger developments, where appropriate, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities.

## DPI7: Viability

|                              |  |
|------------------------------|--|
| <b>Policy:</b>               | <b>Strategic</b>   |
| <b>Review Status:</b>        | <b>Minor Update</b>  |
| <b>Strategic Objectives:</b> | <b>6 – Infrastructure to Support Sustainable Communities</b><br><b>12 – Support Safe, Healthy and Inclusive Communities</b><br><b>13 – Provide Housing to Meet Community Needs</b> |

The economic viability of development is important in terms of supporting delivery in both plan making and the determination of planning applications. The District Council has accounted for the cumulative impact of its policy requirements on development viability, as part of the evidence base supporting the independent examination of its District Plan.

As a result, when negotiating site acquisitions and undertaking development feasibilities, account should be taken of all necessary requirements, and proposals should be designed in a way which accords with all Development Plan policies, including those regarding affordable housing provision.

The District Council is however aware that in some exceptional circumstances, a proposal may generate insufficient value to support the full range of developer contributions. In instances where, in the opinion of the applicant, a scheme cannot viably meet policy requirements, applicants will be required to robustly demonstrate that the site is clearly unviable by submitting for assessment a Viability Appraisal.

### Viability Appraisal - Information requirements

Policy DPI7 identifies the criteria for considering development proposals where a non-policy compliant scheme is put forward. Table 1 of Appendix 3 contains the minimum information that should be contained within a Viability Appraisal. All assumptions applied to the Viability Appraisal model should be accessible and capable of variation to observe the impact of each on the model's outturn.

The costs and values included in the Viability Appraisal submitted to the District Council must be consistent with the corresponding information on current costs and values which the applicant is themselves relying upon to inform their own commercial decisions. A summary should be provided clearly setting out the exceptional reasons which it is felt are making the development proposal unviable.

A statement must also be included that the company undertaking the Viability Appraisal has not been instructed on the basis of performance related pay or incentivised in any other way according to the outcome of the viability process and the level of planning obligations which the applicant is required to provide.

## **Viability Assessment**

On completion of the Viability Assessment the District Council will confirm whether additional planning obligations are required over and above those proposed by the applicant through their Viability Appraisal. Heads of Terms will be included in the District Council's Planning Report, reflecting the outcome of the viability process and an application will be refused if terms cannot be agreed.

## **Advanced Stage Viability Review**

The financial viability of a scheme will change over time due to the prevailing economic climate and changing property values and construction costs. It may be notably different at the time of delivery, as a result of changes in market conditions and uncertainties at planning application stage. Consequently, the practice of viability review to ensure that proposals are based on an accurate assessment of viability at the point of delivery has become increasingly well established. Table 2 of Appendix 3 sets out the information required for an Advanced Stage Viability Review.

The aim of the Advanced Stage Viability Review is not to carry out a completely new Viability Assessment of every item, but to assess whether additional value has been generated since the planning application stage Viability Assessment was carried out, as a result of a change in the Gross Development Value or the Build Costs

Table 3 of Appendix 3 contains the formula used to calculate any additional financial contributions due. 40% of any surplus generated as a result of increased values or reduced costs will be retained by the Developer, as an additional profit allowance to that agreed in the planning application stage Viability Assessment, to ensure that they also benefit from an improvement in the schemes viability and are incentivised to make the scheme as profitable as possible by maximising values and minimising Build Costs.

Any contribution payable to the District Council will be capped according to the level of contribution still required by policy and associated guidance. For affordable housing contributions, this will be based on the level of surplus required to provide the affordable housing necessary to meet the affordable housing requirement. Any additional surplus above this will be retained in full by the Developer as additional profit.

If there is no surplus resulting from the application of the formula, because Build Costs have increased but values have not or values have increased less than Build Costs, no payment would be required towards meeting the infrastructure contributions and affordable housing provision due.

Advanced Stage Viability Reviews will be required on all residential / mixed use schemes which do not meet infrastructure contributions or the District Plan affordable housing requirement in full at the grant of planning permission and these will take place on the sale/letting of 75% of the market residential units. In the case of all other non-policy compliant schemes an Advanced Stage Viability Review will take place three months prior to the expected date of practical completion.

## **Disclosure**

The District Council has the right to provide information to external parties advising it on viability matters to fulfil its statutory function as Local Planning Authority. Regardless of any decision not to make specific elements of an appraisal publicly available, information will also be made available, on a confidential basis, to Planning Committee members or any other District Council member who has a legitimate interest in seeing it.

The District Council may also need to release information to a third party where another body has a role in providing public subsidy, or where the application is subject to a planning appeal. Any decision not to disclose information will be subject to the District Council's obligations under the Freedom of Information Act and the Environmental Information Regulation.

## **DPI7: Viability**

Where a planning application is not policy compliant, in respect of infrastructure contributions and/or Affordable Housing, at the time of submission the following approach will be taken:

I. A Viability Appraisal must be submitted by the applicant prior to validation of the planning application. It must be based on a policy compliant affordable housing scheme and the District Council's required tenure and size mix, and current costs and values. There must also be a clear correlation between a development's specification, Build Costs and development values.

II. It must be submitted in a clear and accessible format with full supporting evidence to substantiate the inputs and assumptions used. A full working electronic version of the Viability Appraisal model used will be required so that it can be fully tested and interrogated. The Viability Appraisal will be assessed by the District Council with advice from a suitably qualified external consultant/s and the cost of this external advice is to be borne by the Developer.

III. The Viability Assessment will consider whether the approach adopted and the inputs used are appropriate and adequately justified by evidence and experience. It will determine whether the level of infrastructure contributions and affordable housing provision proposed by the applicant are the maximum that can be viably supported or whether a greater level of policy compliance can be achieved.

IV. Where reductions in infrastructure contributions and/ or affordable housing provision are agreed on viability grounds at planning application stage the District Council will include the estimated Gross Development Value and Build Costs at this stage in a planning obligation, together with details of the required Advanced Stage Viability Review.

V. A viability review will be required later in the project, for all schemes where policy requirements are not met in full at the time planning permission is granted. This will enable any increase in viability to be calculated so that greater or full compliance with the Development Plan can be achieved. At the review stage accurate and up to date evidence of Build Costs and Sales Values, the key variables most likely to change over time, will be able to be provided for assessment.

VI. During the Advanced Stage Viability Review the Gross Development Value and Build Costs, will be re-assessed by the District Council with advice from a suitably qualified external consultant and the formula will be applied, to determine whether there has been an increase in viability from that anticipated when the planning application was submitted.

VII. If a surplus (i.e. further profit) results from the application of the formula, it will be split between the District Council and the Developer 60%/40% and the 60% payable to the District Council will be put towards infrastructure contributions and / or off-site affordable housing provision. This will enable policy requirements which were not deemed deliverable at planning application stage to be met in full or part.

VIII. All Viability Appraisals will be made publicly available on the planning register, in order to increase openness and transparency in the planning process. Redaction of any information will only be allowed in exceptional circumstances

The above policy will also apply where a Developer is asserting that it is not viable to provide 100% affordable housing in the case of a Rural Exception Site, and consequently wishes to provide an element of open market and / or self-build housing up to a maximum of 20% of the total.

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