

**Minutes of a meeting of Scrutiny Committee for Housing, Planning
and Economic Growth
held on Wednesday, 11th March, 2020
from 7.00 - 8.30 pm**

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

R Bates	S Hatton	R Webb
M Belsey	S Hicks	M Cornish
E Coe-	J Mockford	R Salisbury
Gunnell White	A Peacock	
R Cromie	C Phillips	
R Eggleston		

Absent: Councillors P Brown and G Marsh

Also Present: Councillors J Ash-Edwards, A Bennett, P Chapman, A Eves,
I Gibson, J Henwood, J Llewellyn-Burke, S Smith, N Webster
and R Whittaker

**Also Present
as Cabinet** Councillors S Hillier and A MacNaughton

Members:

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

Councillor Cornish substituted for Councillor Brown and Councillor Salisbury substituted for Councillor Marsh.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Brown and Councillor Marsh.

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

Councillor Phillips declared a personal interest in Item 6: Site Allocations Development Plan Document - Regulation 19 as he had submitted an objection in the consultation in relation to SA4 - North A264, Copthorne.

Cllr Salisbury commented that he is the Chairman of the District Planning Committee. Tom Clark, Solicitor to the Council confirmed that there is no conflict and Cllr Salisbury can be a substitute on the Scrutiny Committee for Housing, Planning and Economic Growth.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE SCRUTINY COMMITTEE FOR HOUSING, PLANNING AND ECONOMIC GROWTH HELD ON 22 JANUARY 2020.

After an amendment to item 8 the Minutes of the meeting of the Committee held on 22 January 2020 were agreed as a correct record and signed by the Chairman.

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

None.

6 SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT - REGULATION 19

The Chairman highlighted the previous work of the scrutiny committee on the Site Allocation Development Plan Document (the Sites DPD) and noted that the adoption of the Sites DPD was a condition of the District Plan. He advised that the methodology and the application of the site selection criteria had been reviewed 7 times by the Scrutiny Committee and scrutinised with due diligence and in accordance with the National Policy Planning Framework (NPPF). The DPD is important as it ensures that the Council can continue to maintain a 5 year housing land supply. This will help to prevent speculative development in Mid Sussex.

Andrew Marsh, Business Unit Leader for Planning Policy introduced the report. He confirmed the adoption of the District Plan in March 2018 following public examination by an independent Planning Inspector who imposed the production of a Sites Development Plan Document (DPD) on the Council. He confirmed that the methodology and findings of the site selection process were considered by the Scrutiny Committee during 2018. 241 sites were submitted to the Council by promoters, these were subject to the site selection process as set out in the agreed methodology. Three options for allocating sites were presented to Scrutiny Committee on 11th 2019. Option 2 was recommended for the draft Sites DPD. This option contained 22 housing sites, totalling 1,962 dwellings. In addition, 7 employment sites, the specific location for a Science and Technology Park and 5 strategic policies were included within the draft Sites DPD.

The draft Sites DPD was subject to public consultation between 9th October and 20th November 2019. Just over 1,300 respondents made over 2,000 individual comments on the document and supporting evidence. The respondents were 19 from Town and Parish Councils, 8 from neighbouring authorities, 12 from specific consultation bodies, 88 from site promoters, 30 from organisations or interest groups, and 1,200 from individuals. On 22nd January 2020, this Scrutiny Committee was provided with a summary of the representations received and were informed of the additional work to be carried out ahead of the next statutory stage. Officers had carefully considered every response received and this resulted in amendments being made to the draft submission Sites DPD.

The Business Unit Leader confirmed that 20 new housing sites were submitted for consideration during the consultation. These were assessed using the same agreed site selection methodology as all other sites previously. 3 sites did not meet the District Plan strategy and were ruled out for further consideration. 13 of the remaining 17 sites did not meet the site selection criteria and therefore do not progress further. Site Selection Paper 3 has been revised to include these assessments. Further work

was carried out on the 4 remaining sites including assessment within the Sustainability Appraisal, the outcomes are listed at Paragraph 20. As a result of this work, these sites have not been considered suitable for allocation at this time.

Paragraph 22 was highlighted to the committee as it detailed 8 new employment sites which were submitted for consideration. A revised Strategic Transport Assessment has been published and is available on the Sites DPD web page. It concluded that mitigation tested within the latest model run would remove the two severe impacts on the highways network, related to the Science and Technology Park, reported at the last stage.

He noted paragraphs 39 and 40 which set out the importance of conserving and enhancing Areas of Outstanding Natural Beauty and that National Planning Policy states that 'major development' in the AONB should be refused unless there are exceptional circumstances. He confirmed the publication of topic paper "Major Development in the AONB" which is available on the Sites DPD web page. This was prepared following a request from the High Weald AONB Unit and Natural England in their response to consultation and assesses whether any proposed sites within the AONB are 'major' development. The list of the sites proposed for allocation that are within the AONB are listed in paragraph 43. The Topic Paper concluded that one site, SA25: Selsfield Road, Ardingly for 100 dwellings has been assessed as 'major'. The Topic Paper assessed an alternative proposal for the Selsfield site. This proposal focusses development towards the eastern parcel of the site. The proposed reduction in the built element of the site reduces the yield to 70 dwellings. The High Weald AONB Unit has indicated that this would significantly reduce the impact on the AONB.

The Committee were directed to Appendix 1, which contains the draft submission Sites DPD. This version of the DPD shows the amendments that have been made since the consultation, as track changes. The amendments are summarised at paragraphs 51-55 of the report. Subject to Council approval, this document will be subject to public consultation and submitted to the Secretary of State, for examination. The Committee were advised that paragraphs 60 and 61 set out the next steps.

The Chairman sought confirmation from all Members that they had received emails from Mr Moon, South of Folders Lane Action Group (SOFLAG) and from Miss Rocks that afternoon. He advised that replies had been sent to Mr Moon and SOFLAG, and a reply would be sent to Miss Rocks in due course. Members confirmed that they had received and read the additional correspondence and the Committee agreed to comment on each matter at the appropriate section of the report.

Members discussed the assessment of newly submitted sites. Judy Holmes, Assistant Chief Executive confirmed that the report stated that the additional sites had been subjected to the same assessment as the original sites and that the criteria had been applied equally. She noted that the Working Group had an advisory role in developing the assessment criteria and that each stage of the assessment process had been reported to Scrutiny Committee for Scrutiny and careful consideration.

A Member asked whether sites that had been rejected would be revisited as part of the review of the District Plan. Sally Blomfield, Divisional Leader for Planning and Economy advised that the Council must have a rolling 5 year land supply and as houses are developed more sites must be identified to maintain this. In response to whether the same criteria would be used during the District Plan review, she noted that the current criteria are applicable to the Sites DPD in helping to determine the

most appropriate way of meeting the District Plan strategy and to be consistent with District Plan policies DP4 and DP6. The District Plan review may contain a different spatial strategy which could therefore lead to different site selection criteria being used and applied at that time.

In response to Members' concerns the Business Unit Leader for Planning Policy commented on why the 4 additional housing sites that had progressed to Stage 4 were not taken forward. Site 998, Old Court House performed well against sustainability appraisal objectives, but deliverability could not be demonstrated. Site 988, Land north of Old Wickham Lane, did not perform well against sustainability appraisal objectives and also did not perform as well as sites already selected within the DPD, there were also issues with ancient woodland and listed buildings. Site 983, Land at Walstead Grange did not perform as well when compared to other category 2 sites which performed better in category 2 and had issues with ancient woodland, listed buildings and part of the site was within a flood risk area. Site 526, Land east of Paynesfield, Bolney did not perform any better than sites that had already been rejected at Bolney, so there was no justification to bring it forward. He also noted that the additional employment sites were not progressed as they did not perform any better than sites in the draft sites DPD, so they were not taken forward.

The Business Unit Leader confirmed that following information from site promoters factual errors within the assessments had been corrected but there was no change to the original conclusions.

Members expressed concern over the revised Strategic Transport Assessment, and the modelling used by SYSTRA. A Member noted that 17 junctions would be affected without mitigation, but mitigation reduces that to 2 junctions. The Divisional Leader noted that mitigation measures were both physical (i.e. additional infrastructure such as junction improvements) and behavioural relating to sustainable transport and modal shift based on advice from the Highways Authority. Mitigation therefore covered a wider area than just the impacted junctions. She noted that there is a difference in the detail required at the plan making stage, and additional evidence that would be required when making decisions on planning applications. SYSTRA modelling had demonstrated that the sites can be delivered in principle, however a separate transport assessment will be required for each development at the planning application stage, this is a requirement set out in the Sites DPD.

The Assistant Chief Executive confirmed that there is continual pressure on Councils to provide housing nationally, but this Council must meet the housing need of Mid Sussex and that of neighbouring authorities who have demonstrated that they cannot meet the needs of their area. The Council is aware of the pressures on housing and government targets to deliver housing. She highlighted that the DPD has been imposed on the Council by the Planning Inspectorate to stop unwanted developments by maintaining a 5 year housing and land supply. The Council must rely on West Sussex County Council (WSCC), as the Highways Authority, and SYSTRA who are experts in this field, who have provided advice on modelling and transport planning. The model has been developed by SYSTRA and signed off by WSCC and Highways England.

Members discussed concern over traffic issues at several sites including Burgess Hill and the Northern Arc. The Business Unit Leader emphasised that the NPPF test is to determine whether the sites in the DPD will cause a severe impact, as defined by the Highways Authority. The modelling accounts for existing conditions and current commitments – both housing/employment sites and transport mitigation. The test then is whether there are any severe impacts caused by the sites DPD. A Member

highlighted that infrastructure works to be implemented as part of the Northern Arc will improve the network and traffic flows. The Divisional Leader noted that within the planning obligations of the Northern Arc the scheme will deliver sustainable infrastructure improvements to the highway network and highlighted the government grant funding for infrastructure works. The Committee were advised that the infrastructure requirements for each site are set out in the Infrastructure Delivery Plan, these requirements are based on a calculation from the adopted Development Infrastructure Contributions DPD.

The Assistant Chief Executive confirmed that the next steps will be a further public consultation and any representations will be submitted to the Secretary of State for consideration and a public examination, where evidence from all sides will be considered.

Members had no comments on the impact assessment for the High Weald AONB.

A Member asked for clarification on the windfall allowance. Alice Henstock, Principal Planner advised that the District Plan housing supply includes a modest windfall allowance agreed by the District Plan Inspector. This was reviewed to take account of DP6 which allows for windfalls on sites of up to 9 units, which has resulted in a modest increase to the windfall allowance. It will be for the District Plan Review to consider if the approach to windfall allowance should change.

Members moved onto discussing the submission draft Site Allocation DPD (Regulation 19) - Appendix 1. In response to a Member's concern the Divisional Leader confirmed that the section on General Principles was now proposed as a Policy and had been improved to include requirements that would apply to all of the sites within the DPD. This includes protection and enhancement of biodiversity and green infrastructure. The Business Unit Leader noted the built-up area boundary was proposed to be redrawn to include allocated sites on the edge of the current boundary; the map for each allocation shows the proposed boundary amendment. He confirmed that Folders Lane was adjacent to the South Downs National Park.

A Member asked for clarification on the allocation of housing sites which might supply more than the residual need. The Divisional Leader advised Members that 3 alternative options were presented to the Scrutiny Committee in September 2019 for consideration. Option 2, with approximately 400 additional dwellings, was considered the best option as it gives some resilience. The Assistant Chief Executive noted that the Planning Inspector had been keen that the Council meets the housing needs with some flexibility. She reminded Members that the Council has no control over the speed of development, a 5 year housing land supply must be maintained and it is important to have flexibility. The Committee were informed that planning never stops and there is continued pressure to provide housing. The Council is required to review the District Plan every 5 years, where further sites will need to be assessed, and the housing requirement may increase. The current strategy allows for development contiguous to the built-up area in accordance with existing Policy. The Council can reconsider the Spatial Strategy for future growth and demand during the District Plan review.

A Member expressed concern over SA24, land north of Shepherd Walk, Hassocks and requested that the policy wording is changed as an application has been approved to provide a tunnel under the railway line. The Divisional Leader advised that the draft Sites DPD reflects the permissions for the site, and as the scheme has not yet been implemented there would be no proposed change to the policy. However, she noted that the prior approval had been given for a tunnel.

A Member expressed concern with the risk of flooding in the allocated sites. The Business Unit Leader confirmed that an evidence-based Sequential Flood Risk test had been completed in accordance with Planning Practice Guidance and advice from the Environment Agency. This directs 'less vulnerable' uses to areas of flood risk such as playgrounds and open space. None of the allocated sites propose housing within a flood risk zone.

As there were no further questions the Chairman took the Committee to the recommendations, 8 Councillors voted in favour, 4 votes against and there were 3 abstentions.

RESOLVED

The Committee:

- (i) Considered and commented on the draft Site Allocations DPD and supporting documentation;
- (ii) Recommends to Council the submission draft Site Allocations DPD, along with supporting documentation, for six-weeks public consultation starting on 11th May 2020;
- (iii) Recommends to Council that, after the conclusion of the public consultation, the submission draft Site Allocations DPD, along with supporting documentation, is submitted to the Secretary of State, for examination;
- (iv) Recommends to Council that authority should be given to the Divisional Leader for Planning and Economy, in consultation with the Cabinet Member for Planning, to make any necessary minor typographical and factual changes to the submission draft Site Allocations DPD prior to public consultation; and
- (v) Recommends to Council that authority should be given to the Divisional Leader for Planning and Economy, in consultation with the Cabinet Member for Planning, to suggest any necessary modifications to the submission draft Site Allocations DPD during the examination process to help secure its soundness (pending further public consultation as required)

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

Tom Clark, Head of Regulatory Services, introduced the Committee's Work Programme for the forthcoming meeting on 8 April 2020. He noted that the report on the Haywards Heath Masterplan would now go to a later Committee.

The Chairman noted that no Member wished to comment on the Work Programme and so moved to the recommendation to note the Committee's Work Programme which was agreed unanimously.

RESOLVED

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

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

Councillor Janice Henwood posed a number of questions to the Officers in relation Item 6: Site Allocations Development Plan Document - Regulation 19.

Question 1 from Councillor Henwood:

Sussex Biodiversity Records Centre have verified that the following (- not excluding many other species of animals) found on SA 13, are protected by International or National legislation:

7 species of bats,
5 species amphibians,
2 species of butterflies & moths,
3 species of reptiles
8 species of Birds

Question - What measures will be taken to ensure suitable habitats will be provided for these listed animals and the many others who inhabit these sites?

Response of Councillor Neville Walker Chairman of Scrutiny for Housing, Planning and Economic Growth

The Government's National Planning Policy Framework (NPPF) is clear that development in the most environmentally sensitive locations should be avoided and specifically requires development plans to identify and safeguard the hierarchy of international, national and local designated sites of importance. The hierarchy of sites includes Sites of Special Scientific Interest, Sites of Nature Conservation Importance (now known as Local Wildlife Sites), Local Nature Reserves and Ancient Woodlands. The Council's Site Selection Criteria mirrors this process.

Site SA13 is not covered by any designated sites of importance.

The Draft Submission Site Allocations DPD makes clear the need to ensure biodiversity is given due consideration and protection when developing proposals for allocated sites. These policies are in addition to the protection provided by District Plan Policies DP37 and DP38. Together these policies seek to protect biodiversity and require development to undertake habitats and species surveys; apply the mitigation hierarchy (avoid, minimise, compensate); take opportunities to conserve and enhance biodiversity; and protect and enhance green infrastructure.

Question 2 from Councillor Henwood:

SA13 represents an historic field system, over 150 years old. Eleven species of grasses have been identified as on the Nature Red List.

Question: -What measures will be taken to ensure that this valuable meadow is not destroyed?

Response of Councillor Neville Walker Chairman of Scrutiny for Housing, Planning and Economic Growth

The Planning Inspector stated in his report into the District Plan Examination (Paragraph 49) that "meeting the housing needs of an area is a core planning principle in the NPPF, and in Mid Sussex this will entail development on greenfield land". Therefore, there is no in principle mandate against allocation of greenfield sites for development including housing.

In fact, most new housing development in Mid Sussex is on greenfields.

Site SA13 is not covered by any designated sites of importance.

Question 3 from Councillor Henwood:

In 2004, 2007, 2013, 2016 Assessments were made that these sites were not suitable for development.

What measures have taken place to now deem them suitable for development?

Response of Councillor Neville Walker Chairman of Scrutiny for Housing, Planning and Economic Growth

The Government's NPPF determines how development is assessed. The site selection criteria are based on the revised NPPF and best practice set out in the government's Planning Practice Guidance. The purpose of the criteria is to assess the suitability of sites.

The Council consulted widely on the draft site selection methodology and the consultation responses and proposed revised criteria were considered by Scrutiny Committee at its meeting on 13 November 2018.

The Site Selection Methodology is set out in the Site Selection Paper 2 which is available on the Council's web pages.

The results of the application of the methodology for all sites, including SA13, are set out in Site Selection Paper 3, available on the Council's web pages.

Question 4 from Councillor Henwood:

NPPF, para 17 states "recognizing the intrinsic character and beauty of the countryside" para 109 "protecting and enhancing valued landscapes"

MSDC

Policy DP7 -"Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity "

Policy DP12- "the countryside will be protected in recognition of its intrinsic character and beauty"

Policy DP 15 "provided that they would not be in conflict with Policy DP12

Policy DP18 "to protect valued landscapes for their visual, historic and biodiversity qualities"

Policy DP 37 " development that will damage or lead to loss of trees, woodland or hedgerows will not normally be permitted"

Policy DP 38 "protects existing biodiversity."

What justification can MSDC give to disregard the above policies?

**Response of Councillor Neville Walker
Chairman of Scrutiny for Housing, Planning and Economic Growth**

The Council has not disregarded the policies listed by Cllr Henwood.

These policies are used to determine planning applications and are not to determine the allocation of a site, this is a separate process.

When considering allocating sites the Council must have regard to Government national policy. The Council does not have a choice in this matter.

The Site Selection Methodology is a separate matter and includes criteria regarding an assessment of sites in the Area of Outstanding National Beauty (AONB); landscape capacity and suitability for sites outside of the AONB; and biodiversity and trees.

The meeting finished at 8.30 pm

Chairman