

**Minutes of a meeting of Scrutiny Committee for Planning,
Economic Growth and Net Zero
held on Tuesday, 18th October, 2022
from 7.00 - 8.43 pm**

Present: N Walker (Chair)
G Marsh (Vice-Chair)

R Bates	J Henwood	P Bradbury
R Eggleston	C Laband	J Dabell
B Forbes	J Mockford	A Eves
S Hatton	R Whittaker	L Stockwell

Absent: Councillors A Peacock, M Belsey, P Brown, R Clarke and P Coote

Also Present: Councillors J Ash-Edwards and P Chapman

Also Present as Cabinet Members: Councillor R Salisbury

The Chairman introduced the officers and Cabinet Members.

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

Councillor Eves substituted for Councillor Brown, Councillor Stockwell substituted for Councillor Clarke, Councillor Bradbury substituted for Councillor Coote and Councillor Dabell substituted for Councillor Peacock.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors M Belsey, Brown, Clarke, Coote and Peacock.

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

Councillor Bradbury declared a non-pre-determined interest in item 4 as he is Chairman of the High Weald ANOB. Councillor Gary Marsh declared a non-pre-determined interest in item 4 as he is the Council's representative for the South Downs National Park.

In response to a Member's question Tom Clark, Corporate Solicitor advised the minutes of the meeting held on 5 October 2022 were available online, but it had not been possible to include the minutes in the agenda pack.

4 DISTRICT PLAN - CONSULTATION DRAFT (REGULATION 18).

The Chairman reminded the Committee that they were reviewing the work of the officers and the Members Working Group to scrutinise and debate the consultation draft District Plan and to recommend the draft Plan to Council for public consultation at Regulation 18 stage. He assured the Committee that all due processes were followed, the findings are evidence based and approved methodologies have been used. Following this meeting any further questions should be raised during the public consultation. He noted that approving the draft Plan would ensure a five-year land supply and protect the District from unwanted, speculative development. The Members should only raise new comments on the parts of the report already discussed at the meeting on 5 October and this meeting would discuss sections 14 and 15 of the housing policies and allocations, and appendices two through to five.

Judy Holmes, Deputy Chief Executive introduced the report and advised Members how to navigate the full suite of documents that would go out for Regulation 18 Consultation subject to Council's approval on 2 November 2022. She noted the sections the Committee debated at the last meeting and reiterated that only new comments on those sections should be made. Members were reminded that the sites had been selected using a methodology discussed and agreed by the Members Working Group made up of members of this Scrutiny Committee.

Councillor Robert Salisbury, Cabinet Member for Planning noted that this was the start of the process and that after the Regulation 18 Consultation a report would be presented to this Scrutiny Committee to review any comments received. He thanked the officers for their dedication, professionalism, in helping Members understand the process. He also thanked the Committee and those who were part of the Working Group. He noted the importance of having a Plan for stakeholders such as., utility, health and education providers to help them plan changes to infrastructure requirements.

Councillor Gary Marsh, as Chairman of the Working Group also thanked the officers for their diligence. He assured the Committee that the Working Group looked at every policy and every site; they may not have agreed on each site, but they agreed the methodology had been followed. He suggested the Committee recommend the report go to Council and then review the comments received from the consultation.

Members queried the final calculation of the housing requirement and the time allowed for the consultation. Andrew Marsh, Head of Planning Policy and Housing Enabling noted the housing requirement results in a potential oversupply of 302 which is a 3.7% increase compared to the residual requirement. The 5% buffer noted in the NPPF relates to the five-year land supply calculation and not a requirement for plan making. The Deputy Chief Executive noted that the Council has traditionally used six weeks for consultation and that is the requirement set out in the regulations. Historically six 6 weeks has always resulted in a high return number of representation when compared to other councils. Appendix 4, the Community Involvement Plan details how the Council will engage over the six weeks.

Appendix 1 section 14 – Significant Sites p102 – 107

DPSC1: Land to the West of Burgess Hill - Members expressed concern over water resources and the provision of new wastewater treatment works at Sayers Common and the constraints of the facilities at Goddard's Green. They also queried the level of biodiversity to meet our planning policy, the number of units for a site to be classified as a significant site and the anticipated water consumption per person. Members suggested including provision for burial grounds in significant developments and queried the impact of unmet need for Crawley and Horsham on Mid Sussex.

Sally Blomfield, Assistant Director for Planning and Sustainable Economy reassured the Committee that the Infrastructure Delivery Plan will set out the requirements for the water supply and wastewater treatments for each site, the developments should connect to the system and the wording can be amended to make that clearer in the document. She noted that Appendix 3 references the average water consumption of existing residents; the general principle in DPH4 is to apply tighter water consumption standards for the three significant sites.

The Head of Planning Policy and Housing Enabling confirmed the vision statement for Crabbet Park was received before the Council's proposed policy for 20% biodiversity on significant sites was published; any future application must be policy compliant.

The Deputy Chief Executive reiterated that the Council always consults with the statutory providers, who are given opportunities to comment. She advised that the Council has a Duty to Co-Operate with neighbouring authorities on unmet need. She confirmed that officers are working with our neighbours to agree a Statement of Common Ground on how unmet need will be addressed in the housing market area. The neighbouring authorities' plans had been delayed due to water neutrality issues, they are now hoping to progress to Regulation 19 of their plan making. As part of the evidence base the Council will need to make a case regarding unmet need and any potential contribution towards it. The developers may still argue that the Council should contribute more towards unmet need, and new sites may be put forward for consideration. Developers may encourage the Inspector to demand the Council meets the unmet need on the coastal areas, approx.30,000.

The Corporate Solicitor confirmed the water companies have a legal obligation to meet the needs of the developments and provide additional investment if required.

The Vice-Chairman highlighted that any additional comments for the allocated sites should be formally raised at the Regulation 18 public consultation.

Section 15 Policy DPH1 p 109 - 111:

Policy DPH4 p 113 - 116:

Members expressed concern over developments being permitted within 5 metres of trees. The Assistant Director proposed that the officers review the wording and make amendments for clarity ahead of Council.

Policies DPH5 to DPH25 p 117 – 154:

The Vice-Chairman reminded the Committee that the Working Group reviewed all the 260 SHELAA sites, map and proformas, this included DPH7 Burgess Hill Station.

DPH5: Batchelors Farm, Keymer Road, Burgess Hill - A Member asked for the wording to be more prescriptive and suggested adding a reference to the rural setting of Batchelors Farm Nature Reserve, the Deputy Chief Executive advised additional wording could be added.

DPH7: Burgess Hill Station – Members were concerned with the loss of the allotments on the site on Chanctonbury Road, highlighted there is a large waiting list for the allotments and cited Policy G5 of the Burgess Hill Neighbourhood Plan which states the retention of all existing allotment sites in the town. The Assistant Director

confirmed the draft District Plan policy states there must be re-provision of the allotments if there is a need, and the re-provision must be provided to secure delivery of the site and a successful planning application. The Committee were also advised that in line with the 20-minute neighbourhoods principle the proposed West of Burgess Hill site and Northern Arc developments have provision for allotments.

DPH15: Land rear of 2 Hurst Road, Hassocks – A Member queried the availability of this site as there are two landowners and concerns with the air quality management at Stone Pound crossroads. The Head of Planning Policy and Housing Enabling advised the developer questionnaires confirmed availability of the site and this had been confirmed through contact with the site promoters.

DPH9: Land at Hurstwood Lane, Haywards Heath & DPH10: Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath - A Member suggested these should be considered as one site as they are contiguous and have the same landowner and made reference to the adjacent site promoted within Lewes District Council. He noted there is substantial concern with Ward Members about the inclusion of these sites.

DPH11: Land east of Borde Hill Lane, Haywards Heath – a Member expressed concern as the site borders the AONB, is an essential green buffer to Haywards Heath and there is a risk of coalescence.

The Deputy Chief Executive noted their concerns and advised they should make their comments formally through the Regulation 18 public consultation. The Scrutiny Committee will be reviewing the comments received after the consultation and any proposed changes to the District Plan.

Members expressed concern that the built-up area boundary keep changing.

The Deputy Chief Executive reiterated that all promoted sites were examined by the Working Group using the agreed methodology, the Consultation Draft for Regulation 18 includes the best sites for allocation at this current time and stage, and stakeholders will be able to make comments during the consultation. DPH7 is an important brownfield site.

The Head of Planning Policy and Housing Enabling advised the built-up area boundary has to be updated to reflect the principle of development being accepted as sites and to ensure that the windfall and brownfield supply can be justified.

Policies DPH27 and DPH28 p158 - 159:

Following Members' concerns regarding DPH27- Land at Byanda, Hassocks the Assistant Director commented that until the site was developed it would remain on the list of sites proposed for allocation. The Corporate Solicitor advised the Members they would only be seen to have predetermined an application if they declared this at a planning committee meeting.

Appendix 2 - Sustainability Appraisal p 261:

A Member thanked the officers for the comprehensive document and expressed concerns on water supply and waste-water treatment. In response to a Member's question on ranking sites the Head of Planning Policy and Housing Enabling reminded Members that the Site Selection Methodology determines the sites to be appraised as reasonable alternatives in the Sustainability Appraisal. He confirmed the sites are not ranked in order in the Sustainability Appraisal as different weight is

applied to each objective, so it is not possible to compare easily. The findings of the Sustainability Appraisal are only one part of the site selection process, other elements include transport modelling and developers' questionnaires; the officers use all the evidence when making recommendations.

Appendix 3 - Habitats Regulations Assessment p 521:

Members had no comments on this appendix.

Appendix 4 - Community Involvement Plan p 647:

Members had no comments on this appendix.

Appendix 5 - Equality Impacts Assessment p 563

Members had no comments on this appendix.

As there were no further questions the Chairman moved to the recommendations.

A motion was proposed by Councillor Eggleston to amend the recommendation (ii) adding, "subject to reducing DPH7 from 300 to 150 units to retain the allotments in accordance with Policy G5 of the Burgess Hill Neighbourhood Plan".

The motion was seconded by Councillor Eves.

Councillor Eves proposed an amendment to the motion put forward by Councillor Eggleston, she proposed extending the public consultation to 12 weeks. She expressed concern that the process to update the District Plan was being rushed.

The motion was seconded by Councillor Henwood.

The Vice-Chairman reminded the Scrutiny Committee that any development of DPH7 would not be approved unless re-provision of the allotments was confirmed, and six weeks is the normal period for a public consultation. He would not support either motion.

Councillor Bradbury noted the debate on site DPH7, reaffirmed the officers had provided reassurance on the re-provision of the allotments. The six weeks is the statutory period and is standard practice for the Council. He supported the original recommendations.

Councillor Henwood requested more security on the future of the allotments and noted the public consultation was close to the holiday season.

Councillor Laband did not support Councillor Eggleston's motion as site DPH7 was clearly contingent on the re-provision of the allotments. He would not support the motion.

Councillor Whittaker highlighted the substantial work completed by the officers to reach the public consultation stage, and he supported the original recommendations.

The Chairman took Members to a vote on the amendment proposed by Councillor Eggleston, and the amended motion was lost with 5 in favour, 8 against and 1 abstention.

The Chairman took Members to a vote on the amendment proposed by Councillor Eves, and the amended motion was lost with 5 in favour and 9 against.

The Vice-Chairman proposed the original recommendation, and this was seconded by Councillor Bradbury.

The Chairman took Members to a vote on the original recommendations, which were approved with 10 in favour, 3 against and 1 abstention.

RESOLVED:

That the Scrutiny Committee for Planning, Economic Growth and Net Zero:

- (i) Considered and commented on the consultation draft District Plan 2021 – 2039 in Appendix 1 in the light of the Sustainability Appraisal (set out in Appendix 2) and other supporting documentation,
- (ii) Recommended that Council approves the Consultation Draft District Plan (2021 – 2039) in Appendix 1, along with the supporting documentation for six-weeks public consultation starting in November 2022.

5 SCRUTINY COMMITTEE FOR PLANNING, ECONOMIC GROWTH AND NET ZERO - WORK PROGRAMME 2022/23.

Tom Clark, Solicitor to the Council introduced the Committee's Work Programme. He noted that the programme for future meetings was uncertain and the request from Cllr Brown for scrutiny of water neutrality matters was being considered.

RESOLVED

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

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

None.

The Chairman noted that the Corporate Solicitor would be leaving the Council and he thanked him for his guidance and expertise at committee meetings.

The meeting finished at 8.43 pm

Chairman