

CONSULTATION DRAFT DISTRICT PLAN – REGULATION 18

REPORT OF: Deputy Chief Executive
Contact Officer: Sally Blomfield, Assistant Director Planning & Sustainable Economy
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Wards Affected: All
Key Decision: Yes
Report to: Council
2nd November 2022

Purpose of Report

1. The purpose of this report is to request that the Council approve the Consultation Draft District Plan and supporting material, including Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA), for Regulation 18 consultation for a six-week period commencing 7th November 2022.

Summary

2. This report:
 - Summarises why the District Plan, adopted in 2018, needs to be reviewed and the process to update it;
 - Summarises the content of the Consultation Draft District Plan (“the draft District Plan”) including the Strategy, Policies and Housing Allocations;
 - Outlines the proposed approach to consultation.
3. The Scope, Strategy and non-housing site policies were considered by the Scrutiny Committee for Planning, Economic Growth and Net Zero on 5th October 2022. The Scrutiny Committee considered the full draft District Plan (including housing site policies) and supporting material on 18th October 2022.

Recommendations

4. **Council is recommended to:**
 - I. **Approve the following documents for Regulation 18 consultation, for a period of 6 weeks commencing 7th November 2022:**
 - (a) Consultation Draft District Plan (Appendix 1)
 - (b) Sustainability Appraisal (Appendix 2)
 - (c) Habitats Regulations Assessment (Appendix 3)
 - II. **Approve the Community Involvement Plan (CIP) (Appendix 4)**
 - III. **Authorise the Assistant Director for Planning and Sustainable Economy, in consultation with the Cabinet Member for Planning, to make any necessary minor typographical and factual changes to the above documents prior to consultation.**

Background

5. The Mid Sussex District Plan 2014 – 2031 was adopted in March 2018. The adopted District Plan contained a commitment to review the plan (policy DP4: Housing), starting in 2021 with submission to the Secretary of State in 2023. The review and update of the District Plan has commenced.
6. The District Plan review process is carried out in two stages:
 - **Stage 1: Scope of the Review:** to review the policies within the adopted District Plan and determine whether they require an update.
 - **Stage 2: Update the District Plan:** to incorporate updated policies, and new policies, within an updated District Plan.
7. The Scope of the Review and a draft District Plan were published for consideration by the Scrutiny Committee for Housing, Planning and Economic Growth at its meeting in January 2022. At this meeting the Committee resolved to defer discussion until further work had been carried out. The Committee also resolved to establish a cross-party Members Working Group to review proposed policies, the site selection methodology, the sites submitted to the Council for consideration, and the sites proposed for allocation.
8. Since January additional evidence has been commissioned to explore whether additional capacity could be delivered from brownfield land and additional detailed transport modelling has been carried out. Officers have continued to work with site promoters to determine the potential yield and delivery rates from their sites; and with our neighbouring authorities in respect of unmet need.
9. The Members Working Group met on four occasions over the summer. The additional work carried out and input from the Members Working Group has led to some revisions to the draft District Plan published in January.
10. The Scope, Strategy and non-housing site policies were considered by the Scrutiny Committee for Planning, Economic Growth and Net Zero on 5th October 2022. The Scrutiny Committee considered the full draft District Plan (including housing allocations) and all the supporting material (including the Sustainability Appraisal and Habitats Regulations Assessment) on 18th October 2022.
11. It is this version of the District Plan that Council is recommended to approve for Regulation 18 consultation. This is included at Appendix 1.

Why Update the District Plan?

12. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans (such as the District Plan) every five years to ensure policies remain relevant and effectively address the needs of the local community. This is reflected in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), which set out the process that should be followed to review local plans. Reviews should be completed no later than five years from the adoption date of the Plan. The District Plan reaches its fifth anniversary in March 2023.

13. The planning system should be plan-led. An up-to-date District Plan should be in place to provide a vision for the future and address housing needs and other economic, social and environmental policies. An up-to-date plan is crucial in enabling the Council to:
- maintain control of how to address housing need;
 - control the location of the proposed sites for development including securing infrastructure to provide certainty by ensuring statutory providers know where, when and how much development is likely to be delivered;
 - place full weight on its policies when determining planning applications;
 - impose policy requirements to ensure sites deliver site-specific mitigation, infrastructure and facilities required to support housing development; and
 - secure a minimum 5-year supply. Without this, housing policies are deemed 'out of date' and the presumption in favour of sustainable development would apply resulting in speculative unplanned development.
14. In the period before the current District Plan was adopted in 2018, the Council could not demonstrate it was meeting its housing need and did not have a 5-year housing land supply. In this period, it is estimated that 3,000 unplanned, speculative dwellings on greenfield sites were developed as a direct result of the Council not having a 5-year housing land supply. It cost the Council around £720k in unsuccessfully trying to prevent these sites coming forward. The adoption of the District Plan will increase the pool of deliverable sites which the Council can include in its five-year housing land supply, thereby protecting the district from unplanned development. It is therefore vital that an up-to-date plan is in place.

Updating the District Plan – Process

15. Planning Practice Guidance states that policies age at different rates. Policies do not automatically go out-of-date at the 5-year point. However, dependant on changing circumstances and evidence, policies may be considered out-of-date and carry less weight when determining planning applications if they are more than 5-years old. Accordingly, the NPPF (paragraph 33) establishes two distinct phases of the process:
- **Stage 1:** Review to assess whether elements of the plan need updating (i.e. the Scope of the review)
 - **Stage 2:** Update as necessary
16. At Stage 1, Officers reviewed all current District Plan policies. In total, of the currently adopted District Plan policies:
- 7 do not require any update;
 - 18 require minor factual/clarity updates;
 - 11 require a major update.
17. The review also noted that new policies, which aren't in the current District Plan, are required as a result of changes to national policy, updated evidence or other ambitions.
18. The findings at Stage 1 have informed the drafting of the draft District Plan (Stage 2). This includes an updated Plan Strategy to guide growth, and a range of updated and new policies to ensure the District Plan remains effective in accordance with National Policy, so that full weight can continue to be applied when determining planning applications. It also includes housing allocations to meet identified housing needs.

19. As required by national policy, Local Plans such as the District Plan must cover a minimum 15-year period from the point of adoption. The draft District Plan therefore covers the period 2021 – 2039, 8 years beyond the adopted District Plan.
20. The draft District Plan is at **Appendix 1**.

Plan Strategy

Vision and Objectives

21. The purpose of the planning system is to contribute to the achievement of sustainable development. The preparation and implementation of plans should help deliver this. Section 5 of the draft District Plan sets out the vision, which is based on the vision within the adopted District Plan:

“A thriving, attractive and resilient District, which is a highly sustainable and desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well-being of our District and the quality of life for all, now and in the future.”

22. The vision is underpinned by three priority themes that promote the development of sustainable communities:
 - **Environment:** Protecting and enhancing the natural, built, and historic environment;
 - **Economy:** Promoting economic vitality; and
 - **Social:** Ensuring cohesive, safe and healthy communities
23. Section 5 of the draft revised Plan sets out a range of strategic objectives for each of the themes. The themes are in full accordance with the NPPF’s objectives for delivering sustainable development through local plans.
24. In addition, in line with the revised NPPF (Paragraph 7) the draft Plan embeds the United Nations 17 “Sustainable Development Goals” (SDGs) and sets out how policies within the draft Plan will contribute to one or more of these goals. This also aligns with the approach taken in the Mid Sussex Sustainable Economy Strategy.

The draft revised District Plan Strategy

25. The adopted District Plan Strategy has been reviewed. Given the environmental and infrastructure constraints in some areas of the district, existing committed development (e.g. sites with planning permission and allocations within the adopted District Plan, Sites DPD or Neighbourhood Plans), and location of deliverable/sustainable sites with the potential for allocation, it is concluded some areas within the district have higher potential for growth than others.
26. Given the extended plan period to 2039, the extent of growth required in that period, and the aforementioned conclusions, it is clearly not possible to continue to plan in accordance with the currently adopted District Plan strategy. A revised Plan Strategy to guide locations for growth to meet local needs is therefore required.
27. The proposed revised draft Plan Strategy is based on four principles set out below.
 - **Protection of Designated landscapes (such as AONB)**
 - **Making effective use of land**

- **Growth at existing sustainable settlements where it continues to be sustainable to do so**
 - **Opportunities for extensions to improve sustainability of existing settlements which are currently less sustainable**
28. Section 6 of the draft District Plan provides significant detail on each of the four themes and how they will guide locations for growth.
29. Scrutiny Committee considered the Plan Strategy at its meeting on 5th October and provided no comments.

Policies

30. Sections 7 – 16 of the draft District Plan include a revised suite of planning policies which will be used in the determination of planning applications once adopted. This includes policies that have had a major update as a result of the review, and new policy areas that were not included in the adopted District Plan. For completeness, the draft District Plan also includes policies that do not require an update i.e. remain unchanged from the current policy in the adopted District Plan. The status of each policy is clearly indicated for ease.
31. The drafting of updated and new policies is supported by a proportionate, up-to-date and robust evidence base as required by national policy. The full evidence base that has supported the policies is available online at www.midsussex.gov.uk/DistrictPlan (see Background Papers). It is important to note that the evidence base is organic and will be updated with any new additions between now and submission of the District Plan for examination.
32. The policies have been categorised under the following chapter headings:

Sustainability
Natural Environment and Green Infrastructure
Countryside
Built Environment
Transport
Economy
Sustainable Communities
Housing
Infrastructure

33. The most significant new policies relate to Sustainability. This includes DPS1 which outlines the Council's approach to addressing the causes of climate change, for example by setting out how development should reduce carbon emissions and mitigate future impacts. The rest of the policies within the Sustainability section address these aims specifically, in particular a policy on Sustainable Design and Construction (DPS2) has been significantly updated to require developments to meet the tightest possible standards in relation to energy and water consumption.
34. In addition, there are new policies related to Health and Wellbeing (DPS6), Biodiversity Net Gain (DPN2) in response to the Environment Act becoming law in November 2021, Electric Vehicle Charging (DPT4) and Major Infrastructure Projects (DPI3).

35. Upon adoption, these new and updated policies will apply to all current housing allocations, including sites allocated in the adopted District Plan and the Site Allocations DPD, provided they have not already received planning consent.
36. The draft District Plan at Appendix 1 reflects amendments suggested by the Members Working Group and Scrutiny Committee for Planning, Economic Growth and Net Zero.

Housing Need

37. Paragraph 11 of the National Planning Policy Framework (NPPF) requires strategic policies to provide for objectively assessed needs for housing as a minimum, as well as any needs that cannot be met within neighbouring areas. This is unless other policies within the Framework that protect areas or assets of importance provide a strong reason for not doing so, or adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
38. The starting point for housing need is the Government's Standard Method formula. This confirms a housing need of **20,142 (1,119 dwellings per annum)** for the plan period to 2039. The Standard Method represents the minimum number of dwellings to be planned for to meet Mid Sussex housing need. Note that this figure does not account for unmet need arising in neighbouring areas which the Council must consider under the Duty to Co-Operate.
39. As the adopted District Plan (2014 – 2031) and revised draft District Plan (2021 – 2039) plan periods overlap, most of the housing requirement has already been planned for because it is already allocated (in the adopted District Plan, Site Allocations DPD and 'made' Neighbourhood Plans) or has planning permission. In addition, dwellings completed in monitoring year 2021/22 can be included.
40. Therefore, to meet Mid Sussex housing needs, an additional **8,169** dwellings will need to be found to ensure the district's housing need is met up to 2039. The position is set out in the table below:

Total Mid Sussex Need	20,142
Completions 2021/22	1,187
Commitments (existing permissions and allocations)	10,786
Total Supply	11,973
Residual "To Find" in District Plan 2021 – 2039 to meet Mid Sussex housing need	8,169

41. The Council has a legal Duty to Co-Operate with its neighbouring authorities. This includes a duty to consider whether unmet need arising from neighbouring authorities can be met within Mid Sussex.
42. Mid Sussex is primarily located within the Northern West Sussex Housing Market Area (NWSHMA). The Strategic Housing Market Assessment (SHMA) confirms that this remains the primary Housing Market Area (HMA) and includes:
 - Mid Sussex District Council
 - Crawley Borough Council
 - Horsham District Council

43. There are also some overlaps in the southern part of the district with the Coastal West Sussex HMA which comprises:
- Brighton and Hove City Council
 - Adur and Worthing Councils
 - Arun District Council
 - Chichester District Council
 - Lewes District Council
 - South Downs National Park Authority
44. The unmet need arising from these areas is circa 30,000 homes. Brighton's unmet need alone is over 15,000 homes. The West Sussex and Greater Brighton Strategic Planning Board, comprising the above authorities and Crawley and Horsham, is committed to progressing a Local Strategic Statement (LSS3) to collate evidence and identify potential strategic options for addressing this unmet need.
45. During preparation of the adopted District Plan the Inspector confirmed a priority order for meeting housing need. Based on the findings of the latest SHMA and recognising the current position in neighbouring authority areas, this priority order is still applicable:
- Priority 1:** Meeting Mid Sussex need
- Assuming there is some capacity left to meet other's needs:**
- Priority 2:** Meeting Mid Sussex need and assisting the Northern West Sussex HMA
- Priority 3:** Meeting Mid Sussex need and assisting the Northern West Sussex and Coastal West Sussex HMAs
46. The Site Selection process and the extent to which sites can deliver sustainable development will determine the extent to which Mid Sussex can meet these priorities.
47. The Duty to co-operate is an ongoing process and further engagement will occur as the draft Plan progresses. In accordance with the NPPF, Statements of Common Ground will be prepared to capture cross-boundary matters and progress made to address these, as the Draft Plan progresses towards Submission.

Housing Allocations

Strategic Housing and Employment Land Availability Assessment (SHELAA)

48. The SHELAA forms a 'pool' of 260 sites from which to assess potential for allocation. All sites in the SHELAA were subject to a Site Selection Methodology to determine the most suitable and sustainable sites for allocation.

Site Selection Methodology

49. The Site Selection Methodology, available to view in the online evidence library (see Background Papers), was based on the Site Allocations DPD methodology which was established in consultation with Town and Parish Councils, Neighbouring Authorities, and the Mid Sussex Developers' Liaison Group. It has been amended to reflect learning from the Sites DPD process. The methodology conforms to best practice and reflects expert legal advice and comments made during focussed consultation. The Members Working Group considered the Site Selection Methodology and concluded that it was fit for purpose.
50. The application of the Site Selection Methodology ensures that only those sites the Council concludes are developable (as defined by the NPPF – a suitable location for development with a reasonable prospect that they would be available) are selected for allocation. The site selection process also determines which sites should be tested as “reasonable alternatives” in the Sustainability Appraisal process, as required by legislation.
51. Following the application of the Site Selection methodology, the initial 260 sites were refined to 42 for further testing, including transport modelling, Sustainability Appraisal, Habitats Regulations Assessment and Air Quality modelling. The Members Working Group considered all the sites and the conclusions arrived at following the methodology.
52. The details of this assessment, including reasons for rejecting and selecting sites, are set out in the Site Selection Paper: Conclusions paper which is within the Evidence Library (see Background Papers).

Proposed Allocations

53. Paragraph 68 of the NPPF requires planning policies to identify a supply of specific deliverable sites for years 1-5 of the plan; specific, developable sites or broad locations for growth for years 6-10 and, where possible, 11-15 of the plan.
54. Given the extent of sites promoted to this Council and the outcome of the assessment of their suitability, availability and deliverability in accordance with the site selection methodology, this enables the Council to allocate sufficient developable sites for the full plan period. This allows the Council to provide certainty to the local community on future growth locations, but also to infrastructure providers who need to plan for growth. The allocations provide a range of larger significant sites and smaller sites.

Sustainable Communities – ‘Significant Sites’

55. The draft District Plan Strategy is based on the principle of creating sustainable communities, including the 20-minute neighbourhood principle.

56. Sites of a significant scale ('Significant Sites') are capable of accommodating on site infrastructure to support growth, such as primary and secondary education, health facilities, community centres, retail, employment and open space to meet future needs. Sites of approximately 1,000+ dwellings are more likely to support the provision of on-site infrastructure because they are more viable and provide opportunities to masterplan to incorporate facilities and services. The allocation of significant sites represents the most sustainable way of providing development with the infrastructure to support it, which can benefit not only new communities but existing communities. These sites are referred to in the plan as Sustainable Communities.
57. As well as being tested through the Site Selection process, additional due diligence and evidence base work is required to determine the most suitable significant sites for development. This has included gathering evidence from site promoters, including Vision and Masterplan documents which are available to view online in the evidence library (see Background Papers).
58. As a result of the findings within the evidence base, detailed testing and consideration by the Members Working Group, the following 'Significant Sites' are proposed for allocation.

Policy Ref	Site	Settlement	Housing Yield	On-Site Infrastructure Proposed
DPSC1	Broad location to the West of Burgess Hill	Burgess Hill	1,400	<ul style="list-style-type: none"> • Extra Care housing provision • 2 Form Entry Primary School • Playspace • Self-service Library • Leisure • Retail • Sustainable transport measures and provision
DPSC2	Land south of Reeds Lane, Sayers Common	Sayers Common	2,000 (1,850 in the plan period to 2039)	<ul style="list-style-type: none"> • Extra Care housing provision • All-through school with 2FE at Primary and 4FE at Secondary, with or without Sixth Form • Playspace • Self-service Library • Leisure • Retail • Sustainable transport measures and provision • Gypsy and Traveller accommodation • Commercial • Healthcare provision • Community Hall

Policy Ref	Site	Settlement	Housing Yield	On-Site Infrastructure Proposed
DPSC3	Crabbet Park, Old Hollow, Copthorne	Copthorne	2,300 (1,500 in the plan period to 2039)	<ul style="list-style-type: none"> • Extra Care housing provision • All-through school with 2FE at Primary and 4FE at Secondary, with or without Sixth Form • Playspace • Self-service Library • Leisure • Retail • Sustainable transport measures and provision • Healthcare provision • Community Hall • Community facilities
TOTAL			4,750	

- **Land West of Burgess Hill** is sustainably located on the edge of the town where a range of services and facilities exist and is in close proximity to employment opportunities nearby such as The Hub and planned Science and Technology Park.
- **Reeds Lane, Sayers Common** has potential to significantly improve the sustainability of Sayers Common. Currently no residents are within a 20-minute walk of a primary school or health facility. This allocation would mean that all current and new residents would be within a 20-minute walk of both facilities as these facilities are proposed to be delivered on-site. The proposal includes Secondary school provision, reducing the need to travel much further afield; this provision would also cater for demand arising in the downland villages.
- **Crabbet Park** is located to the south west of Copthorne, on Crawley's eastern border and can deliver approximately 2,300 dwellings. This site was carefully considered during the preparation of the adopted District Plan but was rejected due to land ownership uncertainties and infrastructure concerns. However, the site is now being actively promoted and work is being progressed by the site promoter to address these concerns.

Given the scale of work required to bring this site forward it is considered that 1,500 homes are likely to be brought forward in the draft Plan period. This position will be reviewed as work on the draft Plan progresses. Officers are liaising closely with Crawley Borough Council given the proximity of this site to their boundary.

59. Alternative Significant Site options were submitted for consideration and tested against the site selection methodology. Reasons for rejecting these sites are set out in the **Site Selection: Conclusions** paper in the online evidence library. In summary:

- **Ansty Farm, Ansty (1,600 dwellings):** This site has not been included within the draft District Plan due to transport capacity concerns. The latest Transport Study (Scenario 4) considers mitigation based upon the Site Promoter's proposed on and off site mitigation measures (including proposals for

sustainable transport measures to encourage modal shift). The Transport Study is available in the Council's online Evidence Library.

The results indicate that there are 12 'severe' impacts on the highways network when accounting for these mitigation measures. The main contributor to 8 of these is the significant site at Ansty Farm, Ansty, which was promoted for 1,600 dwellings. The Transport Study results also show that 4 of the junctions affected are likely to be solely impacted by the Ansty site.

Identification of severe impacts at Regulation 18 stage does not automatically rule out a site for allocation if there is some prospect that the impacts can be effectively mitigated. However, following discussions with WSCC and SYSTRA, officers conclude that seeking additional sustainable mitigation is unlikely to solve the severe issues and that there is no evidence to suggest physical mitigation is achievable given land constraints, likely costs, and limited benefit (i.e. would not sufficiently reduce traffic volumes to within capacity). Therefore, given the evidence currently presented and the advice from WSCC and SYSTRA, officers are recommending that the Ansty Farm site for 1,600 dwellings should not be proposed for allocation in the consultation draft District Plan.

- **Malthouse Lane, Burgess Hill (1,800 dwellings):** This site was promoted to the Council in late-2021 and therefore was not considered as an option for the draft Plan in January 2022. The site promoters have not provided sufficient detail regarding quantum and uses for the site to enable officers to determine that the site is deliverable, promotion of this site is still at a very early stage. On the basis of the positive assessment of **DPSC1: West of Burgess Hill** the Malthouse Lane site would need to be considered in combination with it. There is no justification for choosing this site instead of DPSC1. This quantum of development is likely to exacerbate existing issues at the A23/A2300 junction, as impacts are already arising through the allocation of DPSC1 and at this stage the Council does not have sufficient evidence to have confidence this site is deliverable in combination with DPSC1.
- **West of A23 "Mayfield Market Town" (2,000 dwellings):** This site has been proposed for 10,000 home mixed-use development with the majority (8,000 dwellings) within Horsham district. This would be a standalone settlement rather than providing extensions to existing settlements, so would not comply with the draft District Plan strategy. In addition, there is considerable uncertainty regarding delivery – the site has historically not been supported by Horsham District Council and did not feature in their adopted Local Plan or draft Regulation 19 Local Plan review. In addition the site would currently be subject to Water Neutrality considerations.

Proposed Housing Allocations

60. In addition to the Significant Sites, the following housing sites are proposed for allocation:

Policy Ref	Site	Settlement	Yield
DPH5	Batchelors Farm, Keymer Road, Burgess Hill	Burgess Hill	33
DPH6	Land at Hillbrow, Janes Lane, Burgess Hill		25
DPH7	Burgess Hill Station		300

DPH8	Land off West Hoathly Road, East Grinstead	East Grinstead	45
DPH9	Land at Hurstwood Lane, Haywards Heath	Haywards Heath	45
DPH10	Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath		30
DPH11	Land east of Borde Hill Lane, Haywards Heath		60
DPH12	Orchards Shopping Centre, Haywards Heath		100
DPH13	Land to west of Turners Hill Road, Crawley Down	Crawley Down	350
DPH14	Hurst Farm, Turners Hill Road, Crawley Down		37
DPH15	Land rear of 2 Hurst Road, Hassocks	Hassocks	25
DPH16	Land west of Kemps, Hurstpierpoint	Hurstpierpoint	90
DPH17	The Paddocks Lewes Road Ashurst Wood	Ashurst Wood	8-12
DPH18	Land at Foxhole Farm, Bolney	Bolney	200
DPH19	Land at Chesapeke and Meadow View Reeds Lane Sayers Common	Sayers Common	33
DPH20	Land at Coombe Farm London Road Sayers Common		210
DPH21	Land to west of Kings Business Centre Reeds Lane Sayers Common		100
DPH22	Land south of LVS Hassocks London Road Sayers Common		200
DPH23	Ham Lane Farm House Ham Lane Scaynes Hill	Scaynes Hill	30
DPH24	Challoners Cuckfield Road Ansty	Ansty	37
DPH25	Land to the west of Marwick Close Bolney Road Ansty		45
TOTAL			2,007

Brownfield Sites

61. In response to the Scrutiny Committee's requirement to maximise development on Brownfield sites, two additional allocations are proposed since the January draft District Plan.

- **Burgess Hill Station Car Park** is currently allocated in the Burgess Hill Neighbourhood Plan. It had previously been assumed that 150 dwellings were possible on this site as part of a mixed-use development that would deliver a relocated station entrance and transport hub, creating a new gateway development to Burgess Hill. Further work has since identified that the site could accommodate 300 dwellings, therefore 150 more dwellings than already planned for.
- **The Orchards Shopping Centre, Haywards Heath.** The adopted Haywards Heath Town Centre Masterplan identifies the site as an 'Opportunity Site' for mixed-use regeneration, including retail, leisure and residential. National Planning Policy recognises the role that residential development can play in maintaining vibrant town centres.

Policy Ref	Site	Settlement	Additional Yield
DPH7	Burgess Hill Station Car Park	Burgess Hill	150 (300 total)
DPH12	The Orchards	Haywards Heath	100
TOTAL			250

62. In addition, the yield of **DPH22: Land south of LVS Hassocks London Road Sayers Common** has been increased from 120, recognising the site promoter's intention to improve and relocate the special educational needs (SEN) facility on-site, releasing up to 80 additional dwellings on brownfield land.

Meeting Mid Sussex Housing Need

63. In conclusion the following is proposed in the updated draft District Plan (set out in policy DPH1: Housing) to address housing need for the purposes of Regulation 18 consultation.

Housing Requirement (Mid Sussex Housing Need)	20,142
Commitments (Existing allocations and Permissions)	10,786
Completions 2021/22	1,187
Significant Sites	4,750
DPSC1: Land to West of Burgess Hill	1,400
DPSC2: Land to South of Reeds, Sayers Common	1,500
DPSC3: Crabtree Park	1,850
Housing Sites DPH5 – DPH25	2,007
Windfall / Brownfield Allowance	1,714
Total Housing supply from 2021 – 2039	20,444
Total under/over supply for resilience and wider HMA	+ 302

64. This approach meets the housing need arising within Mid Sussex and a contribution towards unmet need within the priority Housing Market Area and/or resilience and robustness as the District Plan proceeds through examination. Without a contingency for resilience, there is a risk that the District Plan would be found unsound should site yields be reduced or sites removed during the examination process. This would lead to considerable delay, and it is highly likely that the Inspector would require the Council to find additional sites, update the evidence base (such as transport and air quality modelling) and re-consult. By this time the adopted District Plan would be out-of-date. This would significantly increase the risk of speculative, unplanned and unwanted development.
65. Tables 1a (page 35) and 1b (page 36) of the draft District Plan set out the distribution of all planned housing growth within the district to 2039, inclusive of development already planned for in the adopted District Plan, Sites DPD, Neighbourhood Plans and planning permissions.

Changes to the draft District Plan following Scrutiny Committee (18th October)

66. Scrutiny Committee for Planning, Economic Growth and Net Zero considered the draft District Plan (Regulation 18) at its meeting on 18th October 2022. As a result of these discussions, three amendments have been made to the draft District Plan. These are:

- **DPSC1– DPSC3:** text added to each of the Significant Sites in relation to provision of wastewater infrastructure
 - **DPH4: General Development Principles for Housing Allocations -** amended the requirement for Arboricultural Impact Assessment and Arboricultural Method Statements to reflect best practice
 - **DPH5: Batchelors Farm, Burgess Hill -** text added to refer to the adjacent Batchelors Farm Nature Reserve
67. The Committee resolved to recommend to Council that the Consultation Draft District Plan, along with supporting documentation, should be approved for Regulation 18 consultation.

Sustainability Appraisal and Habitats Regulations Assessment

68. In accordance with legal requirements, the draft District Plan is accompanied by a Sustainability Appraisal (incorporating Strategic Environmental Assessment) (Appendix 2) and Habitats Regulations Assessment (Appendix 3). Subject to Council approval, both documents will be published for consultation alongside the Plan.
69. The purpose of Sustainability Appraisal (SA) is to appraise the social, environmental and economic effects of a Plan. It assesses all reasonable alternative options against a Sustainability Framework to guide decision making, with the aim of ensuring the content of the Plan achieves sustainable development.
70. The Sustainability Appraisal generally finds that the preferred options for strategy and sites perform well against Social and Economic objectives. As expected, there are negative impacts expected against Environmental objectives, however the SA concludes these could be mitigated through policy requirements e.g. other policies within the draft District Plan, or within site policies themselves.
71. The purpose of Habitats Regulations Assessment is to test whether a plan such as the District Plan will significantly harm the designated features of an internationally important designated site. For Mid Sussex, this relates to Ashdown Forest which is in neighbouring Wealden district, which is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA)
72. The Habitats Regulations Assessment confirms that the proposals within the draft District Plan will not have adverse effects on the integrity of the Ashdown Forest SPA/SAC in relation to atmospheric pollution. In relation to recreational pressure, the HRA confirms that there will be no adverse impacts provided the current SANG/SAMM measures continue.

Consultation and Community Involvement Plan

73. Subject to Council's approval, the Consultation Draft (Regulation 18) District Plan 2021 – 2039 and all associated documentation (including the Sustainability Appraisal, the Habitats Regulation Assessment, the Infrastructure Delivery Plan and all the evidence in the library) will be subject to public consultation for six-weeks, proposed for 7th November – 19th December 2022.
74. This represents the first opportunity for the community, statutory bodies, organisations and other stakeholders to comment on the proposals. The Council would like to hear views which will help shape future iterations of the District Plan.

75. Consultation will be carried out in accordance with the prescribed regulations, the Council's adopted Statement of Community Involvement, and the Community Involvement Plan included in Appendix 4.
76. To ensure as many stakeholders as possible can be involved and engaged in the process, the following consultation methods will be used:
- Press release, email alert and utilise social media to advertise;
 - Documentation available on Council website including an on-line response form, consultation portal and interactive map;
 - Letters or emails to specific consultation bodies (statutory consultees) and to other organisations listed in the Community Involvement Plan;
 - Emails to those subscribed to the Planning Policy email alert service
 - Briefings for Town and Parish Councils
 - Hold public exhibitions/drop sessions in areas of significant change, as required
77. This approach goes beyond the minimum requirements set out in the regulations. The full approach is set out in the Community Involvement Plan (Appendix 4) for Council's approval.
78. There will be further opportunities to comment on the District Plan prior to its adoption. A further iteration of the District Plan (known as Regulation 19), which reflects the results of consultation and further updated evidence, will be considered by Scrutiny Committee and Council in mid-2023 which will be followed by a second round of consultation. Upon submission to the Secretary of State, stakeholders will have the opportunity to submit further statements and evidence at the Examination in Public. The Inspector will review all evidence and provide a report on conclusions.

Policy Context

79. The review (and subsequent update) of the District Plan is a corporate priority identified in the Corporate Plan and Budget 2022/23 (March 2022) and Service Plan for Planning and Economy. It aligns with the Council's priorities for Sustainable Economic Growth and Strong and Resilient Communities.

Other Options Considered

80. There is a legal and national policy requirement to review the Plan and update where necessary. There is also a Council commitment within its currently adopted District Plan to do so. The Council could decide not to review or update the Plan, however this would have significant impacts on its ability to apply full weight to its existing policies when determining planning applications.

Financial Implications

81. Preparation of the District Plan review and update is funded by a specific reserve, as agreed in the Corporate Plan and Budget 2022/23 (March 2022). This reserve has funded evidence base studies to support the work and will continue to be required to fund future evidence, legal advice and examination costs. The work carried out so far is within the identified budget.

Risk Management Implications

82. There is a legal and national policy requirement to review and update local plans to ensure that they continue to be effective and carry full weight when making planning decisions. Without an updated plan, there is a risk that some policies would be deemed out-of-date and the weight afforded to them when determining planning applications reduced. Both this and the two Scrutiny reports set out the implications on the 5-year housing land supply, including the threat of speculative development and associated costs in defending unwanted developments.
83. The Government introduced a Levelling Up and Regeneration Bill to Parliament in May 2022. This proposes changes to the planning system, however as the Bill has not yet received Royal Assent it is difficult to predict the impacts that any future changes and/or transition periods will have on the progress of the District Plan. The Government has urged local authorities to continue plan-making, and at this moment in time Local Planning Authorities must continue to comply with current legislation, which requires Local Plans to be updated where required every 5 years. The same sanctions for not complying, including the consequences of not meeting housing need or maintaining a 5-year housing land supply are still in force. This position will be kept under review as the work on the preparation of the District Plan progresses.

Equality and Customer Service Implications

84. An Equality Impact Assessment has been prepared to ensure opportunities to promote equality and/or barriers to service are considered and addressed. A copy is at Appendix 5.

Other Material Implications

85. There are no other material implications.

Sustainability Implications

86. The updated District Plan includes a range of sustainability policies as described above. The National Planning Policy Framework recognises the role that planning can have in addressing and mitigating future impacts of climate change – the draft policies within the updated District Plan reflect national policy and ambitions.
87. It is a legal requirement for the District Plan to be accompanied by a Sustainability Appraisal (incorporating Strategic Environmental Assessment) at each formal stage of the plan-making process which documents the impacts of proposed policies, strategy and sites against the sustainability criteria and informs the plan-making process by ensuring the plan is the most sustainable given all reasonable alternatives. A copy of the Sustainability Appraisal is at Appendix 2.

Appendices

Appendix 1: Consultation Draft District Plan (Regulation 18)

Appendix 2: Sustainability Appraisal (SA)

Appendix 3: Habitats Regulations Assessment (HRA)

Appendix 4: Community Involvement Plan (CIP)

Appendix 5: Equalities Impact Assessment (EqIA)

Background Papers

The full evidence base to support the revised draft District Plan, including documents referred to in this report, is available online at www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/district-plan-2021-2039-evidence-base/

Scrutiny Committee for Planning, Economic Growth and Net Zero – Reports and Minutes

5th October 2022 “Strategy and Non-Housing Site Policies”

<https://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=284&MId=3037&Ver=4>

18th October 2022 “Consultation Draft (Regulation 18)”

<https://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=284&MId=3112&Ver=4>