

**Minutes of a meeting of Scrutiny Committee for Planning,
Economic Growth and Net Zero
held on Wednesday, 5th October, 2022
from 7.00 - 8.52 pm**

Present: N Walker (Chair)
A Peacock (Vice-Chair)

R Bates	P Coote	C Laband
M Belsey	R Eggleston	G Marsh
A Bennett	B Forbes	J Mockford
P Brown	J Henwood	R Whittaker

Absent: Councillors R Clarke and S Hatton

Also Present: Councillors J Ash-Edwards and K Adams

Also Present as Cabinet Members: Councillors S Hillier and R Salisbury

The Chairman introduced the officers and the Cabinet Members.

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

Councillor Alison Bennett substituted for Councillor Hatton.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Clarke and Hatton.

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

None.

**4 TO CONFIRM THE MINUTES OF THE MEETING OF THE SCRUTINY
COMMITTEE FOR HOUSING, PLANNING AND ECONOMIC GROWTH HELD ON
19 JANUARY AND 11 MAY 2022.**

The minutes of the meeting of the Committee held on 19 January and 11 May 2022 were agreed as a correct record and were signed by the Chairman.

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

None.

6 DISTRICT PLAN REVIEW AND UPDATE - STRATEGY AND NON-HOUSING SITE POLICIES.

The Chairman reminded the Committee that they were reviewing the scope of the District Plan Review, the draft revised District Plan Strategy and the non-site-specific generic policies. The full suite of documents for consultation would be considered at the next meeting on 18 October. He reiterated the consequences of not having a District Plan and reminded the Committee of the appeal costs the Council incurred to defend planning appeals. He outlined the work of the cross-party Members Working Group which was formed following the resolution passed at this Committee's meeting in January 2022. He commended the Working Group for their input during their four meetings in Summer, and also thanked their Chairman, Cllr Gary Marsh.

Judy Holmes, Deputy Chief Executive introduced the report and reminded the Committee that at the meeting in January they asked officers to do more work on the policies and sites. The additional work included a brownfield study, detailed transport modelling ongoing work with neighbouring local authorities on unmet need, and work with site promoters to strengthen the evidence and support allocations – particularly in relation to infrastructure and site yield. She highlighted the work of the Working Group and outlined the purpose of this meeting, noting the sites would be reviewed at the next meeting along with the full suite of consultation documents. Attention was drawn to the recommendations, noting the new title of the Scrutiny Committee. She made clear that the proposed tracked changes to the policies were available online. Subject to Scrutiny Committee's recommendation on 18th October, Council would be asked to approve the draft District Plan for Regulation 18 Consultation at its meeting on 2nd November.

Robert Salisbury, Cabinet Member for Housing thanked the Deputy Chief Executive, officers and external partners for their work. He noted he supported a plan led approach, which would give the Council control over planning applications and the infrastructure to support it. He advised that the Spatial Strategy was crucial to the plan. He thanked the Working Group for their input and advised he had attended the Working Group meetings with Cllr Ash-Edwards.

The Chairman advised the report was complex, and Members would be given the opportunity to comment on the Scope, Spatial Strategy, and the policies a section at a time.

The Members had no comments on the scope of the report or the Spatial Strategy. The Chairman led the Committee to consider each Chapter of the Plan in turn.

Sustainability:

A Member made a general comment on the wording used across the whole of the draft plan requesting the language was firmed up to provide more control over the policies and to place obligations on developers.

Sally Blomfield, Assistant Director for Planning and Sustainable Economy advised the wording is led by the National Planning Policy Framework (NPPF), some policies the Council can apply more force to and for some policies more flexibility is required.

Members expressed concern with the policies on carbon emissions and questioned the use of the Home Quality Mark rather than Energy Performance Certificates.

The Assistant Director highlighted that the requirement to meet Home Quality Mark standards had been added to the policy since the January version as it was better for residential development than the BREEAM standards. Energy Performance Certificates relate to existing properties and not new developments. Using the Home Quality Mark rather than BREEAM would achieve a higher standard than using the current building regulations. The Council wants to encourage developers to work to the highest standards.

Members queried what was meant by the 20-minute neighbourhood. The Assistant Director noted that the concept of 20-minute neighbourhoods was detailed in the Spatial Strategy; they are well defined; are used by Government and relate to access to goods and services within a short walk or cycle ride. She highlighted that the 20-minute neighbourhood concept is a powerful way to drive sustainable developments.

To demonstrate a reduction in carbon emissions developers must reach an accredited level, these are the minimum standards the Council will expect. In response to a Members' questions, she advised that the changes to Policy DPS5 clarify the requirement for developments to ensure an adequate supply of infrastructure for water rather than the water supply. She noted that the 2014 energy study is still relevant, and that the Ricardo study provides the evidence to support the Council's Net Zero target.

In response to a question from a Member, Andrew Marsh, Head of Planning Policy and Housing Enabling confirmed the Gatwick Water Cycle Study had been updated in 2021 and was available in the evidence library on the Council's website. It provides the evidence base for DPS2. He noted that Mid Sussex was in a water stressed area which permitted the use of tighter standards than the current minimum building regulations. The requirements for significant sites are tighter and would be provided in the full suite of documents for the meeting on 18 October.

He noted that, as a result of Water Neutrality issues in neighbouring areas, Crawley, Horsham and Chichester are developing a water neutrality strategy to enable them to progress their Local Plans, and to be approved by Natural England. For Mid Sussex, only a small part of Twineham was affected by Water Neutrality. The Deputy Chief Executive advised there would be an expectation for Mid Sussex to assist if those authorities cannot meet their unmet need: the Council is working closely with them as part of its legal duty under the Duty to Co-Operate.

Natural Environment and Green Infrastructure:

Members expressed concern with the minimum requirement for biodiversity net gain and the timescales to achieve it in DPN2, and the protection of woodland from unauthorised activity.

The Assistant Director emphasised it was a minimum requirement and significant sites are expected to achieve 20%. The timetable to achieve the net gain would be secured through s106 planning conditions. She noted that legislation regarding biodiversity net gain is still evolving.

The Head of Planning Policy and Housing Enabling confirmed the policies would only protect woodland from activity where a planning application was required and not from activities related to permitted development. The Assistant Director noted the policies seek to control planned development and any unauthorised work would be dealt with by the Building Control Enforcement Team.

Countryside:

Members expressed concern on the policy wording for DPC2 preventing coalescence and policy DPC4 on developments within the AONB, discussed settlement boundaries, and the increased use of farmland for housing. A Member thanked Cllr Marsh for chairing the meetings of the Working Group and asked for reassurance that the evidence base for DPC4 would be published. It was confirmed that all evidence is available in the District Plan evidence library.

In relation to coalescence, the Head of Planning Policy and Housing Enabling noted the NPPF does not include coalescence as a national policy. The District Plan includes a policy to protect the character of settlements and provides a definition. The definition must be flexible so that it can be assessed on a site-by-site basis. The policy allows Neighbourhood Plans to set Local Gaps, if two adjacent towns/parishes want to define a gap between their areas they could include the same policies in both of their neighbourhood plans.

He advised DPC1 had a minor clarification update a national definition has been used and the Council has no powers to define land as arable only in order to prevent its use for rearing livestock. He stated most farmland in Mid Sussex is Grade three. The definition of Best and Most Versatile Agricultural land is set nationally and determined on a site-by-site basis. He confirmed that all topic papers would be published alongside the next Scrutiny report considering site allocations and the plan as a whole.

In response to a Member's observation about welcoming growth in the ANOB the Deputy Chief Executive advised many Town and Parish Councils want some growth in areas classified as AONB, however the draft policy reflects national policies which have recently been tightened. The Assistant Director noted the policy does not stop development in AONB settlements, but that any development must conserve and enhance the natural beauty of the AONB; the NPPF has given clear weight to and protection of the AONB.

In response to a Member's request to make a reference to the Kelvin Temperature Scale in DPN8, the Deputy Chief Executive advised the request would be considered by the officers, and if appropriate would be included in the report that will be presented to the Scrutiny Committee on 18 October.

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A Member queried whether Batchelors Field could be protected as open space as it was not in the Council's ownership. The Head of Planning Policy and Housing Enabling advised that it could be protected as open space regardless of ownership.

Built Environment:

Members had no comments on this section.

Transport:

Members discussed cycle routes, including SA37 Burgess Hill/Haywards Heath Cycle Network noting implementation of the cycle network would encourage a modal shift. The Head of Planning Policy and Housing Enabling confirmed SA37 is an existing policy in the Sites DPD and would remain in force until it has been implemented. The Chairman of the District Plan Review Working Group advised the Council would not compulsorily purchase land to implement the cycle network if the landowners do not agree to the construction.

Economy:

Members had no comments on this section.

Sustainable Communities:

The Chairman advised that this would be in the full report at the next meeting on Tuesday 18 October.

Housing:

With regard to DPH3 a Member expressed concern with the intent to change built-up area boundaries and the impact this would have on countryside and coalescence. The Assistant Director clarified existing policy DP6 allows for development adjacent to built-up areas where criteria are met, and this supports the Council's brownfield and windfall allowances.

The Head of Planning Policy and Housing Enabling advised that the built-up area boundary is amended to include proposed allocations as by their nature they will contain built development rather than be in the countryside. The boundaries form part of the policy examined and agreed by the independent Inspector. It is important to update the boundaries as policies related to windfall and brownfield are dependent on them; updated boundaries help to maintain the supply from these sources.

Infrastructure:

A Member welcomed the wording on DPI1 Securing Infrastructure, as it strengthened the policy. The Deputy Chief Executive confirmed the Council has a strategy for community, cultural and leisure facilities; the evidence base has been updated to support the work of the District Plan and Infrastructure Delivery Plan which too will be subject to consultation alongside the full evidence base.

As there were no further questions the Chairman took the Committee to the recommendations which was agreed with 12 votes in favour and 2 abstentions.

RESOLVED:

The Scrutiny Committee for Planning, Economic Growth and Net Zero:

(i) Considered and commented on the Scope of the District Plan Review, the draft revised District Plan Strategy, and the draft non-housing site policies.

7 MID SUSSEX NET ZERO TARGETS.

The Chairman reminded the Members of the importance of net zero targets.

Sally Blomfield, Assistant Director for Planning and Sustainable Economy introduced the report; and reminded Members that the Council agreed a Sustainable Economy Strategy and Action Plan in April 2022. She noted that there are 7 in the strategy to achieve a reduction in carbon emission. One action is to create a net zero carbon programme and the commissioned work from Ricardo will inform the Council's actions and officers have considered issues that would impact the deliverability of the targets. She highlighted that the Council only has control of 2.6% of their own emissions and very little over the district wide emissions. The Council is reliant on

national legislation and activities to achieve its net zero ambitions. She noted the error in numbering the recommendations.

Cllr Stephen Hillier, Cabinet Member for Economic Growth and Net Zero noted his approval of the report before the committee and thanked the officers and consultants for their hard work. He cautioned that the Council must be pragmatic as the emissions from Mid Sussex are just a small part of a global issue, but the United Kingdom should be leaders in achieving net zero. The Council is reliant on the Government's guidance to tackle emissions from energy production and transport, and emerging technology will play a major part.

In response to a Member's question, the Deputy Chief Executive noted that the Committee had been asked to agree to recommend to Council the 3 targets, as each target deals with a different aspect.

A Member thanked the officers for the comprehensive report and asked for clarification of the areas identified on the map on page 262.

The Assistant Director identified the waste treatment plant at Goddard's Green; noting increased investment to convert waste products to energy, other areas denoted energy from solar.

Members discussed sustainable transport, the location of parking enforcement officers, the food waste trial and queried how the pilot would be judged. Concern was expressed on tree coverage, and the national statistics on population growth and housing targets set by Government.

The Deputy Chief Executive advised that the food waste pilot has a clear success criterion for evaluating the trial. Updates on the trial will go to the scrutiny committee at various stages of the pilot. It was noted that it was too early in the trial to provide a useful update. She noted the Council's good track record on recycling. For sustainable growth in the economy, population growth is important, and the number of houses do not directly correlate to the number of people in the District. The Assistant Director noted that the use of electric vehicles by parking enforcement officers could be considered at the next stage of the project, a programme will be established on how the objectives will be met and she highlighted that there are 50 actions sitting within the Action Plan of the Sustainable Economy Strategy.

In response to a query on licences for gas exploration, the Deputy Chief Executive advised it was too early to say what impact the lifting on any moratorium would have on achieving net zero targets. Phil Whiting, Interim Sustainability Officer commented that the Scrutiny Report sets out the programme for the periodic re-baselining of emissions as it will be necessary to keep them under review.

Cllr Marsh thanked a Member for their question, as Chairman of the Planning Committee he advised that the Planning Inspector has to decide whether they uphold the decision of WSCC to refuse the licence for fracking. He noted that most licenses for fracking in Mid Sussex are in the High Weald Area of Outstanding Natural Beauty. The Head of Planning Policy and Housing Enabling noted that under paragraph 176 of the NPPF National Parks, Areas of Outstanding Natural Beauty and the Broads have the highest protection.

A Member wanted to put on record their thanks to the officers and Ricardo for the work to establish a good evidence base for the net zero targets for Mid Sussex; they

highlighted that the Council's policy must be flexible and adaptable. The Chairman also thanked the officers for their hard work.

As there were no further questions the Chairman took the Committee to the recommendations which was agreed unanimously.

RESOLVED

That the Scrutiny Committee:

- (i) Considers and comments on the following recommended net zero targets:
 - a. A District-wide net zero target aligned to the national target.
 - b. A Council-only net zero target of 2040 for emissions the Council can directly control.
 - c. A Council-only net zero target aligned to the national target for emissions the Council can only indirectly influence.

- (ii) Recommends to Council that the recommended net zero targets be approved.

8 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 site specific policies in the draft District Plan Review would be on the agenda for next meeting on 18 October, and the work programme would be updated as appropriate.

Cllr Brown requested to move a motion to include a report on the Water Infrastructure and Water Environment at the meeting on 18 January 2023. Kathryn Hall, Chief Executive advised it would be a significant piece of work and the officers would have to consider the resourcing implications if a report was to be produced by the meeting in January. The Corporate Solicitor asked Cllr Brown to submit his request in writing so it could be considered.

RESOLVED

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

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

None.

The meeting finished at 8.52 pm

Chairman