

## DISTRICT PLAN REVIEW 2021 – 2039: UPDATE

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Wards Affected: All  
Key Decision: No  
Report to: Scrutiny Committee for Place and Environment  
Wednesday 28 June 2023

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### Purpose of Report

1. The Council published the draft District Plan 2021–2039 in November 2022 for a 6-week consultation (Regulation 18). At the request of the Leader of the Council, the Committee is recommended to establish a Members Working Group to guide and inform the next stage of plan-making, the Regulation 19 Proposed Submission District Plan 2021–2039.

### Summary

2. This report:
  - 1) Summarises the purpose of the Members Working Group;
  - 2) Sets out the Terms of Reference for the Members Working Group.

### Recommendations

3. **The Scrutiny Committee for Place and Environment are recommended to:**
    - (i) **Establish a cross-party, politically balanced Members Working Group for the Regulation 19 Submission District Plan; and**
    - (ii) **Agree the Terms of Reference (Appendix 1) for this Members Working Group.**
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### Background

4. The National Planning Policy Framework states that the planning system should be “genuinely plan-led”. In order to satisfy this requirement, the Council is required to have an up-to-date plan which provides a positive vision for the future of its area, including a framework for addressing housing needs and other economic, social and environmental priorities. Policies in local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
5. The Mid Sussex Local Plan was adopted on 28 March 2018, and has since been supplemented by the Site Allocations DPD (the SADPD) (adopted on 29 June 2022). However, while the SADPD is important in ensuring that the Council continues to have an adequate supply of housing for the plan period, it did not review the strategic policies of the Local Plan. This work is now being done through the preparation of the District Plan 2021-2039, a Regulation 18 draft of which was published for consultation in November 2022.

6. Ahead of its publication for consultation in November 2022, the Regulation 18 draft was informed by a cross-party, politically balanced Members Working Group which was established by recommendation of the Scrutiny Committee for Planning, Economic Growth and Net Zero in January 2022.
7. The report to the Scrutiny Committee for Planning, Economic Growth and Net Zero on 15 March 2023, which set out the outcome of the Regulation 18 consultation, identified that it may be necessary to reconvene the Members Working Group to discuss the outcomes of any revised Site Selection paper ahead of Regulation 19 stage, following which it is expected that the District Plan will be submitted to the Secretary of State.
8. Once the District Plan has been submitted, there is limited scope for further changes unless directed by the independent Planning Inspector who will be appointed to ensure the Plan is legally compliant and sound. If the Inspector concludes that the Plan is legally compliant and sound, the Council is required either to accept his recommendations and adopt the Plan as it then is (subject to any modifications the Inspector has recommended) or not to adopt it at all. Failure to adopt the plan at that stage would leave the Council without an up-to-date Plan, at which point the policies of the existing Local Plan and SADPD would have limited weight. It is therefore important to ensure both that the Submission District Plan is based on robust evidence which can withstand the examination process, and that the Plan as recommended by the Inspector is likely to have the support of the Council when it receives his Report.
9. With this in mind, and as the District Plan is now progressing to the next stage, the Leader of the Council has requested that the Committee agrees to establish a Members Working Group to consider the responses from the Regulation 18 consultation in respect of sites that were not selected for allocation in the draft Plan and new sites that were promoted during the consultation, before reporting back to this Committee and Council for approval for consultation and submission to the Secretary of State.

### **Members Working Group**

10. The Membership, Objectives and Frequency of the Members Working Group are set out in the proposed Terms of Reference (**Appendix 1**).

### **Indicative Timeline**

11. It is anticipated that a Members Working Group can be set up for July this year and that time can be made for engagement with the Town and Parish Councils during August and September.

### **Policy Context**

12. The review of the District Plan is a corporate priority identified in the Corporate Plan and Budget 2023/2024 (March 2023) and Service Plan for Planning and Economy. It aligns with the Council's priorities for Sustainable Economic Growth and Strong Resilient Communities.

### **Other Options Considered**

13. There is a legal and national policy requirement to review the Plan and update where necessary. Whilst the Council could decide not to review or update the Plan, this would significantly impact on its ability to apply full weight to its existing policies when determining planning applications and would lead to speculative unplanned development.

## **Financial Implications**

14. Preparation of the District Plan review and update is funded by a specific reserve, as agreed in the Corporate Plan and Budget 2023/24 (March 2023). 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**

15. 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.
16. The Government has urged local authorities to continue plan-making, and currently Local Planning Authorities must continue to comply with current legislation and national policy, which require Local Plans to be updated where required every 5 years. Establishment of the Members Working Group will ensure that progress continues to be made on the preparation of a new District Plan.

## **Equality and Customer Service Implications**

17. An Equality Impact Assessment has been prepared to ensure opportunities to promote equality and/or barriers to service are considered and addressed. This was published alongside the Draft District Plan and will be updated for the Proposed Submission District Plan (Regulation 19).

## **Other Material Implications**

18. There are no other material implications.

## **Sustainability Implications**

19. The draft 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.
20. 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 Sustainability Appraisal was published alongside the draft District Plan and will be updated for the Proposed Submission District Plan (Regulation 19).

## **Appendices**

Appendix 1: Members Working Group – Terms of Reference

## **Background Papers:**

[Report to Scrutiny Committee for Planning, Economic Growth and Net Zero – 15<sup>th</sup> March 2023](#)

## **APPENDIX 1: District Plan Review Members Working Group - Terms of Reference**

### **Membership**

6 Members proportionate to the political balance, drawn from the Scrutiny Committee for Place and Environment.

Given the Working Group is politically balanced it will have, 2 Liberal Democrat Members, 2 Conservative Members, 1 Green Member and 1 Independent Group Member.

### **Objective of the Working Group**

The objectives of the Working Group are to review:

- (i) any proposed amendments to Policies (housing and non-housing) since the Regulation 18 draft District Plan, as a result of the consultation responses and further work;
- (ii) the outcomes of the further work since the Regulation 18 consultation concluded in respect of sites that were the subject of representations but were not included for allocation in the draft District Plan during Regulation 18; and
- (iii) new Sites identified during the Regulation 18 consultation.

### **Frequency of Meetings**

The Members' Working Group will meet as necessary, with the agreement of the Chair.

On completion of this task the Working Group will cease to be in operation unless otherwise agreed by the Scrutiny Committee.