

SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT – SUBMISSION DRAFT (REGULATION 19)

REPORT OF: Judy Holmes, Assistant Chief Executive
Contact Officer: Sally Blomfield – Divisional Leader for Planning and Economy
Wards Affected: All
Key Decision: Yes
Report to: Council
Date of meeting: 22nd July 2020

Purpose of Report

1. The purpose of this report is to ask Council to approve the submission draft Site Allocations Development Plan Document (the submission draft Sites DPD) and supporting documents for eight weeks public consultation commencing 3rd August 2020, followed by submission to the Secretary of State for examination.

Summary

2. The submission draft Sites DPD was considered at the meeting of the Scrutiny Committee for Housing, Planning and Economic Growth on 11th March 2020.

Recommendations

3. **That Council:**
 - (i) **Approves the submission draft Site Allocations DPD, and supporting documentation, for eight weeks public consultation starting on 3rd August 2020;**
 - (ii) **Agrees that, following conclusion of the public consultation, the submission draft Site Allocations DPD, and supporting documentation, is submitted to the Secretary of State for examination;**
 - (iii) **Authorises 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 submission; and**
 - (iv) **Authorises 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).**
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Background and Work to Date

4. The District Plan 2014-2031, adopted in March 2018, sets out a commitment for the Council to prepare a Site Allocations Development Plan Document (the 'Sites DPD'). The following is a summary of the work undertaken to date in its preparation:
 - A Members' Site Allocations Working Group (SAWG) was set up by the Scrutiny Committee for Housing, Planning and Economic Growth in November 2017. SAWG met 16 times, advising the Scrutiny Committee at each milestone.

- A robust Site Selection Methodology was established in consultation with Town and Parish Councils, Neighbouring Authorities, and the Mid Sussex Developers' Liaison Group. It conforms to best practice, reflects expert legal advice and was overseen by SAWG before being considered by the Scrutiny Committee at meetings between July and November 2018.
 - The Site Selection process was applied to 241 housing sites and 18 employment sites, with assessments publicised in Site Selection Paper 3: Housing and Site Selection Paper 4: Employment, available online.
 - The assessments identified 47 housing sites for detailed consideration and further testing through the evidence base.
 - The further testing identified three options for housing site allocations. Council agreed on 25th September 2019 to proceed with option '2' for inclusion in the Sites DPD. This option ensures the residual housing need is fully met, provides flexibility, and a range of sites across a wide geographical area and a variety of sizes. The full justification can be found in the Council report to 25th September 2019, and the accompanying Sustainability Appraisal.
 - Council also agreed to proceed with 7 employment sites totalling 17.45ha of employment land. Of two Science and Technology Park options Council agreed to proceed with the site North of the A2300, which was selected as the preferred site.
 - In addition to the proposed sites, five policies necessary to support development (SA34-SA38) were proposed.
5. Consultation on the Regulation 18 Sites DPD commenced on 9th October and concluded on 20th November 2019. Just over 1,300 respondents commented on the document and supporting evidence (including the Sustainability Appraisal and Habitats Regulations Assessment).

Scrutiny Committee Consideration of the Consultation Responses

6. Scrutiny Committee for Housing, Planning and Economic Growth considered the consultation responses and agreed actions to address issues arising at its meeting on 22nd January 2020.
7. A detailed schedule of responses was made available in the Members' room and is still available online for Members to view. For purposes of clarification, although the Scrutiny Report noted that no objections had been received from Neighbouring Authorities, in fact some had made objections related to specific sites or policies. The summary of responses attached to the Committee Report was a correct summary and all comments have been carefully considered ahead of the Regulation 19 stage.
8. At its meeting on 11th March, Scrutiny Committee considered the further work and proposed changes to the Sites DPD following the Reg 18 Consultation. The changes are reflected within the submission draft (Regulation 19) Sites DPD. This can be summarised as follows (full details are set out in the Scrutiny Committee report):
- **Amendments to policy wording** - to add clarity or additional requirements to site policies, following comments received during consultation

- **Assessment of newly submitted housing and employment sites** – during consultation, 20 new housing sites and 8 new employment sites were submitted to the Council for consideration. These have been assessed using the same site selection process as all previous sites and corresponding updates have been made to Site Selection Papers 3 & 4. Following this assessment none of the additional sites submitted was concluded to be suitable for inclusion in the Sites DPD.
- **Assessment of ‘Omission Sites’** – during the consultation, 58 site promoters objected on the grounds that their sites, previously assessed through the Site Selection process, had not been selected for allocation and included in the Reg 18 Sites DPD. Most responses provided additional evidence in support of their proposals. Although factual errors have been corrected and sites re-assessed this work has not resulted in a change to the submission draft Sites DPD. Therefore, none of the 58 Omission Sites is proposed for inclusion in the submission draft Sites DPD.
- **High Weald AONB: ‘Major’ Impact Assessment** – In their response to the Regulation 18 consultation, Natural England and the High Weald AONB Unit required the Council to carry out an assessment to determine whether any of the proposed sites within the AONB could be defined as ‘major’ development, in accordance with para 172 of the NPPF. The 11th March Scrutiny Committee report details the findings of this assessment. Only the proposed allocation SA25: Selsfield Road, Ardingly (100 dwellings), was considered to be major development. An alternative proposal for 70 dwellings was re-assessed and this was not considered to be major. The yield for this site has therefore been reduced. The High Weald AONB Unit and Natural England have indicated that the revised allocation would significantly reduce the impact of the proposed development on the AONB and are happy with this approach.
- **Transport** – The Scrutiny Committee report of 11th March details the updated transport evidence that accompanies the submission draft Site Allocations DPD to address comments made during consultation. This includes a revised Strategic Transport Assessment (February 2020), prepared by transport consultants SYSTRA and in close co-operation with West Sussex County Council and Highways England given their technical expertise and responsibilities.

The transport evidence base was subject to detailed discussion at Scrutiny Committee on 11th March. Members asked detailed questions about the transport model and traffic impacts arising from individual sites. In response, Scrutiny Committee were informed that:

- The transport model has been validated by both WSCC and Highways England as being robust and fit for purpose.
- The test set out in National Planning Policy (NPPF: paragraph 109) is that development should only be prevented or refused on highways grounds where the impact of proposals in the Sites DPD would lead to a ‘severe’ impact on the road network when compared with the baseline position.
- Although it was recognised that there are existing issues on the transport network, the NPPF test is whether the sites proposed in the DPD would cause a ‘severe’ impact. New development proposed within the Sites DPD is not responsible for resolving pre-existing conditions.

- The Strategic Transport Assessment (February 2020) identifies the junctions that would result in 'severe' impacts due to the Sites DPD proposals, however the modelling indicates no 'severe' impacts arise once mitigations are considered.
 - Mitigation is required at the A23/A2300 to address severe impacts arising at this junction due to the proposed Science and Technology Park. A potential solution had been identified in principle, subject to detailed testing. The Council, WSCC, Highways England and the Science and Technology Park promoters continue to work together to assess the phasing of the mitigation and detailed design.
 - At the planning application stage, further detailed transport evidence will be provided. The Scrutiny Committee considered the proposed policy SA GEN in the submission draft (Regulation 19) Sites DPD which requires all Sites DPD allocations to provide a Transport Assessment and Sustainable Transport Strategy at planning application stage.
9. At its meeting on 11th March 2020, Scrutiny Committee reviewed the proposed amendments to the Sites DPD following consultation. The Scrutiny Committee resolved to recommend to Council that the submission draft Sites DPD (as set out in Appendix 1) should be subject to Regulation 19 consultation, ahead of submission to the Secretary of State, for examination.

Additional Work following Scrutiny Committee

10. Since Scrutiny Committee met in March, additional amendments to the submission draft (Regulation 19) Site Allocations DPD have been required to reflect ongoing work and further work with site promoters and stakeholders.

Update to the 'residual' housing requirement

11. The submission draft Sites DPD document considered by Scrutiny Committee in March 2020 contained the residual housing requirement 'as at April 2019'. The housing monitoring year runs April 1st to March 31st, therefore up-to-date figures 'as at April 2020' are now available. This has resulted in an update to the submission draft Sites DPD.
12. The Sites DPD is required to meet the residual housing figure to ensure that the District Plan Policy DP4 housing requirement is met in full. As at 1st April 2019 the residual figure was 1,507 dwellings. The updated figure as at April 2020 is now **1,280**. This accounts for additional housing completions and permissions/allocations (commitments) confirmed during the monitoring year 2019/20.
13. Whilst the residual figure has fallen, two proposed allocations are now committed sites. Site SA24: Land to the north of Shepherd's Walk, Hassocks (130 dwellings) received planning consent in 2019/20. The Slaugham Neighbourhood Plan was 'made' on 25th September 2019 allocating 30 dwellings at Site SA27: Land at St Martin Close, Handcross in the Neighbourhood Plan. Whilst these two sites will be retained as allocations within the Sites DPD, these 160 dwellings are now 'committed'. This means their yield will not be included in the Sites DPD supply, to avoid double-counting. The supply provided by the submission draft Site Allocations DPD is **1,764**.

14. This represents an over-supply of **484** compared to the residual requirement. Council agreed at its meeting on 25th September 2019 that an over-supply was necessary to provide resilience and flexibility.
15. A topic paper setting out the Council's housing land supply position will be prepared for the Examination.

Other Amendments to the submission draft Sites DPD since Scrutiny Committee (11th March 2020)

16. As a result of ongoing dialogue with site promoters and other consultees, some amendments to the wording of policy SA GEN and to some of the policies on individual sites have been made.
17. These amendments reflect discussions with the High Weald AONB Unit, South Downs National Park Authority and Natural England and improve the robustness of the policies by ensuring they follow best practice and guidance. Amendments have also been made to reflect ongoing joint working with both West Sussex and Surrey highways authorities. The changes are summarised on page 1 of the submission draft Site Allocations DPD at Appendix 1.

Sustainability Appraisal Report/Habitats Regulations Assessment

18. In accordance with legal requirements, a revised Sustainability Appraisal report and a Habitats Regulations Assessment have been prepared to consider the potential impacts of the submission draft Sites DPD.
19. Non-Technical Summaries of these are presented at Appendices 2 and 3 respectively. In accordance with the regulations, these will be published for public consultation alongside the Plan. Full versions of these are available as background documents, online at www.midsussex.gov.uk/SitesDPD.

Duty to Co-Operate

20. In accordance with the Duty to Co-operate, the Council has worked, and continues to work, in partnership with its neighbouring authorities.
21. The Sites DPD addresses how to meet the housing and employment need already established by the adopted District Plan. Strategic matters across the sub region will be considered during the review of the District Plan.
22. In accordance with the NPPF, the Council has prepared Statements of Common Ground with neighbouring authorities and statutory bodies.

Next Steps

23. Subject to Council approval, the submission draft Site Allocations DPD will be subject to public consultation for 8 weeks between 3rd August and 28th September 2020.
24. The report to Scrutiny Committee for Housing, Planning and Economic Growth on 11th March 2020 indicated that consultation would commence on 11th May 2020 for a six-week period. Due to the Covid-19 pandemic, legal advice related to consultation regulations during lockdown and Government guidance, the Council postponed consideration and consultation of the submission draft Sites DPD.

25. The Scrutiny report also set out a proposed approach to consultation, and a draft of the Community Involvement Plan (CIP). Following the Covid-19 pandemic, it is now necessary to amend the proposed approach to consultation to comply with the latest Government advice.

Approach to Consultation

26. The Council's approach to consultation is set out in the Statement of Community Involvement (SCI), which is a 'code of practice' for how the Council will engage in planning processes. Legislation requires the Council to comply with its SCI in preparing the Sita Allocations DPD. The SCI commits the Council to prepare a 'Community Involvement Plan' (CIP) for all planning policy documents. The Community Involvement Plan for the submission draft Sites DPD is at Appendix 4.
27. The Community Involvement Plan indicates that the Council will 'publish' the submission draft Sites Allocation DPD for public consultation for a minimum six week period. Due to the Covid-19 pandemic, it is considered that this consultation period should be extended to an eight-week period as a minimum and be kept under review. This will provide all stakeholders a greater opportunity to make their responses.
28. To comply with the regulations, the document will be available to view at the Council's offices on appointment. Full details will be communicated and advertised ahead of the consultation.
29. The Council usually places documents for inspection at Libraries and Help Points. It is understood that arrangements are in place to re-open libraries across the district before the consultation is due to commence. Therefore, it will be possible to view the documents at these locations all the time these facilities are open to the public. This will be kept under constant review and alternatives sought (and advertised) if circumstances change during the course of the consultation.
30. To ensure as many stakeholders as possible can be involved and engaged in the process, the following consultation methods will be used. These arrangements exceed those required by the regulations and SCI.
- Press release, email alert and utilise social media;
 - Documentation available on Council website including an on-line response form;
 - Letters or emails to specific consultation bodies (statutory consultees) and to other organisations listed in the Community Involvement Plan;
 - Letters or emails to all respondents to the Regulation 18 consultation
31. The CIP sets out the full approach. Although unlikely, due to the unprecedented circumstances it may need revision ahead of the consultation commencing, to reflect changes in Government guidance on the Covid-19 pandemic. Any changes to the CIP or consultation approach will be agreed in consultation with the Cabinet Member for Housing and Planning.

Additional Work Prior to Submission

32. To reflect the submission of additional sites to the Council during the consultation, there is a need to update the Strategic Housing and Economic Land Availability Assessment (SHELAA). A revised version including the 28 newly promoted housing and employment sites will be published ahead of submission.

33. It is best practice to prepare Topic Papers which summarise existing evidence and conclusions, and to prepare a self-assessment of the Plan against the legal requirements and tests of soundness to assist the Inspector during the examination of the plan. These will be prepared and published ahead of Submission of the document to the Secretary of State.

Submission and Examination

34. Following the close of the public consultation, the submission draft Sites DPD, accompanying documents and evidence base, and all consultation responses received at the Regulation 19 stage will be submitted to the Secretary of State. The Secretary of State will appoint an independent planning Inspector to examine the Site Allocations DPD.
35. The appointed Inspector will be examining the Sites DPD to ensure it meets legal and soundness tests. This will be done in writing as well as at public hearing sessions. It may be necessary for the Inspector to recommend amendments to the Sites DPD for it to be found 'sound' or to request the Council to suggest amendments for his/her consideration. These are known as "Main Modifications" – if these are required, they will be subject to public consultation. Once the Inspector has concluded in their report that the plan is 'sound', Council can formally adopt it. The Sites DPD will then form part of the development plan and be afforded full weight when making planning decisions.

Financial Implications

36. There is a budget for the submission and examination costs of the Sites DPD. This will be kept under review.

Risk Management Implications

37. As required by the District Plan Inspector the Sites DPD will identify housing sites to enable the Council to meet the housing requirement identified in Policy DP4: Housing of the District Plan. It will allocate sites to support the five-year housing land supply; without this, the Council would be vulnerable to speculative planning applications.
38. The allocation of additional employment sites will make an important contribution to the delivery of the Council's Economic Development Strategy.

Equality and Customer Service Implications

39. It is important that the Council allocates sites for housing and employment to maximise accessibility for all to decent housing and employment opportunities. An Equality Impact Assessment has been prepared to ensure opportunities to promote equality and/or barriers to service are considered and addressed.

Other Material Implications

40. There are no other material implications.

Appendices

1. Submission Draft Site Allocations DPD (Regulation 19)
2. Sustainability Appraisal: Non-Technical Summary (Regulation 19)
3. Habitats Regulations Assessment: Non-Technical Summary (Regulation 19)

4. Community Involvement Plan (Regulation 19)

Background Papers

Available online at www.midsussex.gov.uk/SitesDPD.

1. Report to Scrutiny Committee for Housing, Planning and Economic Growth – March 11th 2020 (*this includes, as an Appendix, a 'Track Change' version of the Sites DPD showing the changes made as a result of the Regulation 18 consultation*)
2. Sustainability Appraisal (Regulation 19) – Full Report
3. Habitats Regulations Assessment (Regulation 19) – Full Report
4. Air Quality Assessment (February 2020)
5. Strategic Transport Assessment (February 2020)
6. Site Selection Paper 1 (February 2020)
7. Site Selection Paper 3: Housing (February 2020)
8. Site Selection Paper 4: Employment (February 2020)
9. AONB Major Development Topic Paper
10. Draft Infrastructure Delivery Plan (February 2020)
11. Windfall Study Update (July 2020)
12. Viability Assessment Report
13. Equalities Impact Assessment

Previous Reports relating to the Sites DPD are available online:

- **Council – 25th September 2019**
<http://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=139&MId=2249&Ver=4>
- **Scrutiny Committee for Housing, Planning and Economic Growth – 22nd January 2020**
<http://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=284&MId=2314&Ver=4>
- **Scrutiny Committee for Housing, Planning and Economic Growth – 11th March 2020**
<http://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=284&MId=2379&Ver=4>