

MID SUSSEX DISTRICT PLAN EXAMINATION

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Chris Tunnell
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Dear Mr Tunnell,

Mid Sussex District Plan 2014-2031

Wording of proposed paragraph 2.13 and Policies DP18, DP19, DP20 and DP40.

As you will have seen from the note attached to the agenda for the hearing on 28 February, I consider that no changes in the interests of soundness need to be made to submitted policies DP2, DP4, DP10, DP12, DP13, DP14, DP16, DP17, DP25, DP28, DP31, DP32, DP34, DP41 and DP42, and that the proposed changes set out in the Council's document MSDC8 to policies DP7, DP8, DP9a, DP20, DP21, DP22, DP23, DP24, DP30, DP33, DP36 and DP37, and the deletion of policies DP1, DP24A, DP35 and DP38, are appropriate to make the plan sound.

For a small number of other paragraphs and policies, the revised wording in MSDC8 needs some further adjustment to make the plan sound. These include the proposed new paragraph 2.13 regarding sustainable development, and Policies DP18, DP19, DP20 and DP40. The purpose of this letter is to set out suggested wording.

Proposed paragraph 2.13

Paragraph 10 of the Framework indicates that plans need to take local circumstances into account, but it does not mean that Mid Sussex can define sustainable development more narrowly than the Framework.

What I suggest the paragraph should say is:

2.13 The District Plan seeks to achieve sustainable development in accordance with the whole of the National Planning Policy Framework. Paragraph 10 of the Framework requires plans to take local

circumstances into account so that they respond to the opportunities for achieving sustainable development.

In Mid Sussex, sustainable development particularly means that which: (...)

Proposed Policy DP18

The problem with this policy is that it does not set out clearly enough the connection between development, infrastructure provision and mitigation, and it does not establish the rules for the use of planning obligations. Paragraph 2 is incorrect because it is not possible to take contributions from developments providing a net increase of 11 dwellings. Moreover, the expression "tariff-style" implies a widespread levy. This expression should be taken out of the policy entirely. Affordable housing has its own separate policy and this should be made clear.

To bring this into line with government policy, you will need new wording, such as this:

The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP29.

Proposed Policy DP19

Bullet 6: The section beginning “Where development will cause..”: is not positively worded and conflates three important issues. The issue should be divided into three and added to the list of bulleted headings. I suggest the following wording:

To meet these objectives, decisions on development proposals will take account of whether:

- *[New bullet 7] It avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *[New bullet 8] It protects the safety of road users and pedestrians;*
- *[New bullet 9] It does not harm the special qualities of the South Downs National Park through its transport impacts.*

Proposed Policy DP20

The terms “recreational routes” and “other recreational routes” should be deleted unless they refer to public rights of way. Private paths can be withdrawn, so the policy cannot in practice protect them.

Policy DP40

To be consistent, the policy should begin:

“Proposals for new renewable and low carbon energy projects (other than wind energy development – see below), including community-led schemes, will be permitted..”

I hope you find this helpful and I look forward to seeing the revised versions.

Yours sincerely,

Jonathan Bore

INSPECTOR