

MSDC response to Inspector's comments and questions: site allocations and non-housing policies

DP1: Sustainable Development in Mid Sussex

Inspector's Question

The National Planning Policy Framework states that the policies in paragraphs 18 to 219 of the Framework constitute the Government's view of what sustainable development means for the planning system. With that in mind it is not appropriate for the Plan to seek to define sustainable development in Mid Sussex in the more limited terms set out in Policy DP1. Nor would it be appropriate for the plan to set these out as an alternative to the economic, social and environmental roles established in the Framework. The policy as it stands should be removed because it is not consistent with the Framework. However, would the Council prefer to include the bulleted lists as core objectives, for example in the Vision section?

MSDC Response

This policy will be deleted.

The core objectives for sustainable development in Mid Sussex will be moved to Chapter 2: Vision and Objectives.

Proposed Modification

It is proposed the Policy DP1 is deleted.

The following amendments are proposed to Chapter 2: Vision and Objectives:

A Vision for Mid Sussex

2.12 [...]

2.13 The District Plan seeks to achieve sustainable development in accordance with paragraph 10 of the National Planning Policy Framework, which requires Plans to take local circumstances into account so that they respond to the opportunities for achieving sustainable development.

In Mid Sussex, sustainable development means that which:

Social

- improves quality of life, wellbeing and the conditions in which people live, work, travel and take leisure;
- provides housing that meets the needs of present and future generations in locations that are consistent with other policies in the Plan;
- contributes to the creation of balanced communities that meet the needs of all residents with appropriate infrastructure and public facilities that are accessible to all;
- increases the opportunity for people to spend more time within their communities so they can build stronger relationships with neighbours, leading to safe and socially inclusive places with a greater sense of social responsibility;
- increases opportunities to walk, cycle or use public transport, including as part of the green infrastructure network;

Economic

- supports the local economy in both towns and villages and in rural areas;
- creates jobs in towns and villages, minimises the need to travel to other areas for employment and gives people the opportunity to access jobs, shops and leisure facilities close to home;

Environmental

- protects, enhances, restores and utilises natural and environmental assets, including special protections for irreplaceable habitats;
- respects the intrinsic character and beauty of the countryside;
- maximises the use of previously developed land and buildings within the built-up areas and reduces the environmental impacts of development; and
- reflects the need to adapt to the impacts of climate change.

Strategic Objectives for the District Plan

2.1~~3~~⁴ [...]

Policy DP2: Sustainable Economic Development

Inspector's Question

Employment projections were considered in the Housing sessions and will not be re-visited. The employment element of the Burgess Hill Strategic Allocation will be considered under Policy DP9.

What is the status of the science and technology park referred to in Policy DP2? Is it an allocation, and if so, should it be the subject of a separate policy?

MSDC Response

The science and technology park referred to in Policy DP2 is not an allocation. Policy DP2 supports the principle of the development of a science and technology park to the west of Burgess Hill (the broad location of which is shown on the District Plan Key Diagram – Figure 5).

The Coast to Capital Strategic Economic Plan identifies and supports the development of a science and technology park a broad location to the west of Burgess Hill.

The Burgess Hill Employment Sites Study 2015 (EP36) assessed the feasibility and demand for such a development. The Science and Technology Park: Potential Locations Assessment 2016 (EP37) concluded this broad location offers a preferential sustainable choice amongst the identified, reasonable alternatives. There is landowner and university interest in bringing a site forward on the south side of the A2300. If this facility were to be realised, it might be able to provide about 50 hectares and 100,000m² of employment land and premises, and would meet a sub-regional need, so the pool of labour from which it would draw could be expected to be wider than Mid Sussex district alone.

Policy DP2 sets out some criteria which could be used to assess any development proposal for the science and technology park. The proposals for the Park are not however, sufficiently progressed to be able to justify an allocation in the District Plan at this time. No separate policy is therefore required.

Proposed Modification

No change to policy DP2 is current proposed. The Council would consider a separate policy if this improves the soundness of the Plan.

Policy DP3: Town Centre Development

Inspector's Question

What are the implications of this policy, and in particular the sequential approach, for any retail and central area uses proposed in Policy DP9?

MSDC response

DP9 seeks the development of new neighbourhood centres, to support the development of 3,500 new homes to the north and north-west of Burgess Hill. It is intended that the retail use within the neighbourhood centres would be sufficient to meet the day to day needs of the whole development and ideally located so at least one new neighbourhood centre is within 10 minutes' walk of most new homes.

It is clear that the intention of this retail element is to serve the day to day needs of the local community, and will therefore provide a different function and retail offer to that of the town centre.

It is not considered that policy DP3 will have implications on the requirements of DP9. The neighbourhood centres envisaged in DP9, are covered by policy DP4, rather than DP3.

For clarity it is suggested that additional wording is added to policy DP3 to make it clear that a neighbourhood centre does not perform the same purpose as Town Centres.

Proposed Modification

At the end of the policy add the following wording:

DP3: Town centre development

[...]

Sequential Test for Town Centre Uses

A sequential test must be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan. The sequential test will require:

- **Applications for main town centre uses to be located in town centres; or, if suitable sites are not available**
- **In edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available**
- **At accessible out of centre sites that are well connected to the town centre**

Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.

For the purposes of the sequential test, Neighbourhood Centres do not perform the same function as Town Centres. Proposals in Neighbourhoods should reflect their role in meeting the day to day needs of the local community.

Local Threshold for Retail Impact Assessments

[...]

Policy DP4: Village and Neighbourhood Centre Development

Inspector's Question

What is the reason for the difference in approach between village centres and small village centres?

MSDC response

Village centres include the village centre of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield. These are the large village centres that serve their own communities and neighbouring smaller villages and countryside areas. The village centres have a range of shops and services and therefore if one Class A1 were to be lost to another use its impact would not be so significant to the overall function and vitality of the village centre. This has resulted in this policy being more facilitative to mixed use schemes than the part of the policy that relates to small village centres.

Small village centres serve their own communities and countryside areas. The small village centres have a much more limited number of shops and therefore the impact of the loss of a shop unit will be greater in terms of the impact on the vitality of the village. Therefore this part of the policy is more restrictive and seeks to resist a change of use from Class A1 shop uses, except in exceptional circumstances.

Proposed Modification

No change to policy DP4 is proposed.

Policy DP7: General Principles for Strategic Development at Burgess Hill

Inspector's Question

(a) Are the requirements of this policy consistent with the terms of the planning permission granted for site DP8, including any planning conditions and s106 obligations? (See also question under DP8, below)

MSDC response

DP7 sets out the broad policy considerations for all strategic development at Burgess Hill. It was not the intention that they should apply specifically to both the strategic sites.

Planning permission for the site at DP8 Kings Way was granted in May 2013. Overall it is considered that the planning permission for Land East of Kings Way, Burgess Hill broadly supports the general principles of policy DP7.

Proposed Modification

No change to this part of the policy is proposed.

Inspector's Question

(b) Given that site DP8 already has planning permission, should Policy DP7 be deleted and its requirements included in Policy DP9?

MSDC response

The Council wishes to retain policy DP7 to guide any subsequent planning applications and/ or further strategic development at Burgess Hill. DP9 is already a long and detailed policy, therefore for clarity it is suggested that DP7 and DP9 remain two separate policies.

Proposed Modification

No change - Policy DP7 should be retained.

Inspector's Question

(c) In what way can the strategic developments at Burgess Hill directly contribute towards a better, more accessible town centre with a greater range of shops, more retail floorspace, and so on?

MSDC response

Strategic development at Burgess Hill can contribute towards a more accessible town centre by contributing towards improved bus services and public transport interchanges, cycling and walking amenities, and spokes into the town centre that provide improved walking and cycling facilities by linking existing rights of way, cycle paths with improved signage. These aspirations stem from the Burgess Hill Town Wide Strategy and the West Sussex Transport Plan, and are supported by the Burgess Hill Public Transport Strategy 2016 (EP41a) and the Burgess Hill Transport Investment Plan 2016 (EP41b); and are included in the Mid Sussex Infrastructure Delivery Plan.

In hindsight, it is unlikely that contributions towards town centre retail improvements would be justifiable. Therefore it is proposed that these elements are removed from policy, and reference to contributions towards improving the accessibility to the town centre, which are justified, picked up under a separate bullet point in DP7.

Proposed Modification

It is proposed to delete bullet point 2 and amend bullet point 4.

- ~~• Contribute towards a better, more accessible town centre with a greater range of shops, an expansion of retail floorspace, leisure uses and public realm improvements including a new public square;~~
 - Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;
-

Inspector's Question

(d) What is the evidence to demonstrate that the Burgess Hill developments require contributions towards enhancing transport interchanges?

MSDC Response

The aspiration to deliver sustainable growth and a sustainable public transport network to encourage a modal shift away from the private car stem from the Burgess Hill Town Wide Strategy and the West Sussex Transport Plan. The Burgess Hill Public Transport Strategy aims to deliver these aspirations and sets out a series of required improvements to deliver these supported by the Burgess Hill Transport Investment Plan.

Required improvements include an enhanced town wide bus service, considered the most cost effective means of supporting a modal shift for a town the size of Burgess Hill. The proposals for the enhanced services include public transport interchanges to link these local services with onward public transport, notably at the train stations and the town centre.

The projects are included in the Mid Sussex Infrastructure Delivery Plan (IDP). The IDP and the Transport Investment Plan both evidence that a funding gap exists in their provision justifying that contributions are required from developers to assist in delivery.

Proposed modification

No change to this part of the policy is proposed.

Inspector's Question

(e) What is the evidence to indicate that highway improvements outside the district elsewhere in East Sussex are required?

MSDC Response

East Sussex County Council submitted a representation to the District Plan consultation welcoming the inclusion of policy provision to address their concerns over the potential need for and delivery of transport improvements in East Sussex.

The Mid Sussex Transport Study – Stage 3 Report (EP41) does not flag up issues on the East Sussex road network, including at Ditchling (affected by four potential route choices by car to/ from Burgess Hill). Whilst the strategic level Mid Sussex Transport Study is considered robust, it is not entirely unlikely that more detailed transport work submitted to support strategic development proposals at Burgess Hill could flag localised highway impacts in East Sussex. As such it is considered reasonable to include policy provision that if such improvements are required as a result of strategic development, it should provide for them.

Proposed modification

No change to this part of the policy is proposed.

Inspector's Question

(f) How are the strategic developments expected to "support the delivery" of

(i) the Green Circle

MSDC Response

The Burgess Hill Green Circle is an aspiration to create a ring of open spaces around Burgess Hill. There are, or will be, footpaths, cycle tracks and bridleways linking the greenspaces to the countryside and the town centre via series of spokes. The Green Circle to the south and west of Burgess Hill has already been completed. Bedelands Farm Local Nature Reserve to the north-east of Burgess Hill also forms part of the Green Circle.

The route of the Green Circle is proposed to continue through the Burgess Hill Northern Arc development which alongside other developments in Burgess Hill, will make contributions towards creating and enhancing routes into the town centre.

The strategic development allocation will allow direct provision of the continuation of the Green Circle route. A Design and Access Statement submitted as part of the first planning application received in relation to the Northern Arc development (130 homes south of Freeks Farm – reference DM/16/3947) confirms that the developers are committed to providing a completed Green Circle as part of the Northern Arc and also shows an indicative route (referenced in Policy DP9).

In addition, the Mid Sussex Infrastructure Delivery Plan identifies that the new development will provide financial contributions to creating the Green Circle spokes into the town centre. Some of these routes have already had contributions from the Kings Way allocation, whilst the Northern Arc allocation will provide contributions towards the other routes.

Proposed Modification

No change to this part of the policy is proposed.

Inspector's Questions

(ii) a multi-functional route between Burgess Hill and Haywards Heath? Who controls the land? Who would pay for the provision of these facilities? (See also Policy DP38)

MSDC Response

The Council is working with Sustrans to test the feasibility of a cycle route between Burgess Hill and Haywards Heath. Despite their proximity, there are currently no footways or routes that are easy to cycle for all but the most confident of cyclists.

A feasibility report has been produced in conjunction with Sustrans (currently in draft). This assesses a number of route options and indicates that there are three key landowners. The Council is considering the proposed route options and is likely to test further options for central and northern route options) in order to arrive at a preferred option or options. As such, to date, no formal approaches have been made to start negotiations with landowners.

The route options link Haywards Heath to the north east area of Burgess Hill. One of the route options considered initially feasible traverses the east section of the proposed northern arc development, utilising an existing public right of way. It is expected that this development would make financial contributions towards the delivery of the route, alongside supporting the route where possible into scheme design including with the proposed extension to the green circle network. The Council is working to secure other funding sources and will if required utilise the Community Infrastructure Levy.

Depending on the route selected, the project is expected to cost upwards of £115,000 to £250,000 as this estimate excludes land acquisition, design and project management costs.

Proposed Modification

No change to this part of the policy is proposed.

Inspector's Question

(g) Why is it considered necessary to include a percentage for affordable housing here, if it is to be in accordance with Policy DP29 anyway?

MSDC Response

The Council is content to remove reference to the affordable housing provision percentage in DP7.

Proposed Modification

- **Provide a range of housing including ~~minimum 40%~~ affordable housing, in accordance with policy DP29: Affordable Housing and housing for older people;**
-

Inspector's Question

(h) What is the evidence to demonstrate that no occupation should take place until “necessary improvements” are made at Goddards Green Waste Water Treatment Works? What are those improvements? Who would pay for them and how? What are the implications of this policy for the timing of delivery?

MSDC Response

This element of the policy is no longer required as the need for this has been superseded.

Proposed Modification

It is proposed that this part of the policy is deleted.

Policy DP8: Strategic Allocation to the east of Burgess Hill at Kings Way

Inspector's Question

Are the requirements of this policy consistent with the planning permission granted for this site, including any conditions and planning obligations?

MSDC Response

Planning permission for the site at DP8 Kings Way was granted in May 2013. Overall it is considered that the planning permission for Land East of Kings Way, Burgess Hill broadly supports the general principles of policy DP7.

Outline planning permission has been granted for 480 units, including informal public open space and a neighbourhood centre. Phase 1 of the development (78 units) is near completion. Reserved matters for phase 2 (94 units) is currently pending consideration.

The planning permission, conditions and planning obligations make the necessary provision towards infrastructure, the provision of education, the mitigation of the impact on the highway network (including east - west routes), provides a management plan for the adjacent SSSI, took into consideration the close proximity of the South Downs National Park, provides informal open space on site and took into consideration the joint development of community infrastructure on the east of Burgess Hill and other developments in the vicinity.

The Keymer Tile Works Site of Nature Conservation Importance (SNCI) was not identified as an issue that required consideration when the planning application was determined. It is suggested that this reference is deleted from the policy to ensure it is up to date and to reflect the deletion of reference to policy DP7.

Proposed Modifications

DP8: Strategic allocation to the east of Burgess Hill at Kings Way

Strategic Objectives: All.

Evidence Base: Burgess Hill: A Town Wide Strategy; Burgess Hill: Visioning the Future; Feasibility Study for Development Options at Burgess Hill; Coast to Capital Strategic Economic Plan; Mid Sussex Landscape Capacity Study; Strategic Flood Risk Assessment; Mid Sussex Playing Pitch Strategy; West Sussex Transport Plan 2011-2026.

Strategic development, as shown on the inset map, is allocated to the east of Burgess Hill at Kings Way for:

- **Up to 480 new homes;**
- **High quality and accessible informal public open space;**
- **A local hub serving the site and the wider community;**

~~In addition to conforming to the general principles in DP7,~~The strategic development in this location will:

- **Provide infrastructure, as set out in the Burgess Hill Town Wide Strategy and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery. This will include financial contributions to the provision of education facilities for all ages;**
- **Address the limitations of east-west traffic movements across Burgess Hill;**

- Implement long-term management of the Ditchling Common Site of Special Scientific Interest (SSSI) and protect and enhance this adjoining area from the impacts of strategic development (on site provision together with appropriate mitigation measures);
- Consider the close proximity of the South Downs National Park ~~and the Keymer Tile Works Site of Nature Conservation Importance (SNCI), and the opportunities with the latter site for the joint development of community infrastructure for the east side of Burgess Hill;~~
- Consider the opportunities with the Keymer Tile Works site and other developments in the vicinity to ensure complementary provision of infrastructure and facilities for the east side of Burgess Hill;
- Provide additional informal open space on site; and
- Avoid unnecessary damage to the characteristic field pattern and historic hedgerow and tree lines.

Policy DP9: Strategic Allocation to the North and North-West of Burgess Hill

Inspector's Question

(a) What are the masterplanning steps that need to be taken to ensure the delivery of this site?

MSDC Response

The masterplan is being developed jointly by the three site promoters/ developers and the Council is inputting into the process of forming the emerging masterplan and an application is expected imminently. The developers and Council are also working with the Homes and Community Agency, the latter chairing a regular meeting of the developers and key stakeholders to progress the plan. The Council has also an appointed project manager. The Council has also secured access to legal, planning, design, engineering and cost and viability advisers to advise on the emerging scheme.

Proposed Modification

No change to this part of the policy is proposed

Inspector's Question

(b) Does the policy adequately address the on- and off-site infrastructure issues, having regard to the Infrastructure Delivery Plan?

MSDC Response

The policy adequately addresses all on and off-site infrastructure requirements identified for the site which are also reflected and costed in the Mid Sussex IDP.

The Mid Sussex IDP is based upon, and in turn, forms much of the basis for the West Sussex Strategic Investment Plan (SIP) and the Burgess Hill Transport Investment Plan. The IDP is a 'live document', and is continually and proactively updated and represents the most comprehensive and up to date source of information on the infrastructure requirements of proposed development in Mid Sussex.

Proposed Modification

No change to this part of the policy is proposed.

Inspector's Question

(c) What are the potential infrastructure issues that could influence delivery, having regard to any allocation-wide phasing strategy?

MSDC Response

There are potential issues in terms of the timely delivery of the link road, school provision, mitigation of and other measures to reduce odour from the treatment works (affecting a small part of the site), as well as issues related to the land ownership. However, final phasing decisions will reflect the optimum delivery outcomes, while taking into account the overriding importance of securing infrastructure in a timely way. The Homes and Community Agency is also offering financial support towards the timely delivery of the scheme.

Proposed Modification

No change to this part of the policy is proposed.

Inspector's Question

(d) Is the requirement for 30ha of land for a business park south of the A2300 justified by the evidence?

MSDC Response

The proposal for a business park south of the A2300 reflects the needs identified in past employment land work. The Council understands it is likely to receive further representations suggesting that more recent employment forecasts suggest a reduced need for such land and making a case for the benefits of early delivery of additional housing (which is reflected in an improved delivery trajectory beyond the 255 dwellings suggested in the first five years). This is suggested possible as a consequence of housing use of the site, and as an alternative to further growth in nearby villages, and to provide a more defensible boundary to Burgess Hill at this location.

Proposed Modification

No change to this part of the policy is proposed at present although the Council will consider further evidence when it is received.

Inspector's Question

(e) Does the policy deal appropriately with the provision of pitches for Gypsies and Travellers? See my comments in relation to Policies DP28 and DP31. Policy DP9 leaves uncertainty as to the number of pitches or amount of land required within the allocation, or any commensurate alternative provision.

MSDC Response

See MSDC response to DP28 and DP31 (no change)

Proposed Modification

See MSDC response to DP28 and DP31 (no change)

Policy DP9A: Strategic Allocation to the East of Pease Pottage

Inspector's Question

Are the requirements of this policy consistent with the planning permission granted for this site, including any conditions and planning obligations?

MSDC Response

Outline planning permission for the development of DP9A East of Pease Pottage was granted on 28 November 2016. The permission is for approximately 600 units, 48 bed care facility, community building, café and retail use, and up to 1 form entry primary school.

The table below sets out how the planning permission, conditions and planning obligations have met the policy requirements.

Policy requirement	Addressed in planning application	Proposed amendment to policy where necessary
600 new homes	Permission for approximately 600 units	
Provision of Gypsy and Traveller pitches and/ or financial contribution	<i>Not secured as insufficient policy weight to justify at time of grant of planning permission.</i>	<i>Retain to cover eventuality that permission is not implemented.</i>
Primary school	Secured by planning obligation/conditions	
Hospice and community café	Secured by planning obligation/conditions	
Suitable access on mitigation	Secured by planning obligation/conditions	
Mitigation for landscaping	Secured by planning condition	
Environmental and ecological constrains, Ancient Wood buffer	Secured by planning condition	
Noise and Air quality	Secured by planning condition	
Improve public transport and pedestrian/cycle links	Secured by planning obligation/conditions	
Play facilities and informal open space	Secured by planning obligation/conditions	
40% affordable housing	<i>30% affordable housing</i>	<i>Amend wording but leave requirement in to cover eventuality that permission is not implemented.</i>
On site community energy systems	<i>Not secured as insufficient policy weight to justify at time of grant of planning permission.</i>	<i>Retain to cover eventuality that permission is not implemented.</i>
Provision of infrastructure accounting for Crawley's needs	Financial contributions towards secondary and primary education, library, health,	
Surface water drainage based on SUDDS	Secured by planning condition	
Demonstrate waste water capacity	Secured by planning condition	
Legal agreement to protecting land from further development	<i>Not secured</i>	<i>Delete from policy</i>

There are 4 items that have not been secured as per policy. To address this it is suggested that the policy and supporting text is amended.

Proposed Modification

DP9A: Strategic Allocation to the east of Pease Pottage

This greenfield site lies to the south of Crawley adjacent to the M23 motorway and the Pease Pottage Service Station. The site is within the High Weald Area of Outstanding Natural Beauty (AONB).

It has been established through the Crawley Borough Local Plan examination that the borough has a need to provide for about 5,000 additional homes during the period until 2030 which are not capable of being built within the town. Crawley Borough Council is required to work closely with its neighbouring authorities, particularly those which form the Northern West Sussex Housing Market Area (Horsham and Mid Sussex), in exploring opportunities and resolving infrastructure and environmental constraints in order to meet this need in sustainable locations. This includes continued assessment of potential urban extensions to Crawley.

Whilst committing to assist with meeting neighbouring authorities the Council also needs to ensure that it can demonstrate a 5 year housing land supply. Pease Pottage can deliver homes within the first five years of the Plan and therefore will make an important contribution to the housing supply in the early part of the Plan.

An outline planning application has been submitted-approved for the development of the site ~~(decision pending)~~. This proposes 600 dwellings, a hospice with community café and a primary school. The development will require very sensitive design and considerable mitigation in order to reduce its effects on the landscape, and great care will be needed to ensure that the development respects and where possible enhances the natural beauty and characteristics of the High Weald AONB.

~~In locational terms,~~ the site's proximity and accessibility to Crawley (there are good bus links) provides a sustainable opportunity to meet some of the town's unmet needs. Whilst the service station opposite the site caters primarily for the needs of motorists, it does offer limited local convenience shopping, and the education provision proposed on the site would also improve the sustainability of this location.

A scheme of works has been agreed ~~Work is being undertaken~~ with West Sussex County Council and Highways England, and is secured in the approved planning permission to ensure that access can be satisfactorily gained to the site without exacerbating current traffic conditions at junction 11 of the M23; and will not adversely impact upon the local highway network. ~~It is thought likely at this stage that there are viable mitigation measures that could be put in place such as the improved signalisation of the roundabout.~~

DP9A: Strategic allocation to the east of Pease Pottage

Strategic Objectives: All.

Evidence Base: High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019; A Landscape Character Assessment for Mid Sussex; Mid Sussex Landscape Capacity Study, Sustainability Assessment of Cross-Boundary Options for the Mid Sussex District Plan; Strategic Flood Risk Assessment, Mid Sussex Transport Study; Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment

Strategic development, as shown on the inset map [see map at Appendix B], is allocated to the east of Pease Pottage for:

- **Approximately 600 new homes;**
- **Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurable with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurable with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the Allocation-wide Spatial Masterplan is approved (as**

appropriate);

- A new primary school (including co-location of nursery provision and community use facilities as appropriate); and
- A hospice including a community café.

In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will:

- Provide a suitable access to the site and appropriate mitigation to support the development with regards to the local and Strategic Road Networks, including junction 11 of the M23 motorway;
- Provide appropriate mitigation to reduce the impact of the development on the landscape and to ensure, in particular, that development respects and where possible enhances the natural beauty and characteristics of the High Weald Area of Outstanding Natural Beauty. There should be a strong defensible boundary to Parish Lane, that clearly separates the site from land on the southern side of Parish Lane;
- Identify and respond to environmental and ecological constraints and deliver opportunities to enhance green infrastructure and local biodiversity, including the provision of an appropriate buffer to the Ancient Woodland to the east of the site;
- Identify and respond to issues relating to noise pollution and air quality in relation to the site's proximity to the M23 motorway to ensure that proposed land uses are appropriately located to protect health and amenities and to maximise the efficient use of the site;
- Provide improved public transport and safe pedestrian/cycling connectivity with surrounding settlements, in particular Pease Pottage and Crawley. The development should include mitigation measures that address the issue of pedestrian/cycling connectivity over the M23 motorway and onwards to Crawley;
- Provide new formal play facilities and informal open space on the site, alongside the provision of new allotments to encourage healthy lifestyles;
- Provide a range of housing including ~~a minimum of 40%~~ affordable housing, in accordance with Policy DP29: Affordable Housing and housing for older people. ~~The~~ **and**-market housing mix should reflect the housing needs of Crawley as well as Mid Sussex;
- Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability;
- Provide infrastructure, as set out in the Council's infrastructure Delivery Plan and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery. Given the proximity of site to Crawley consideration should be given to where future occupiers are likely to access services. This is particularly important when considering secondary education, library and health services, where the nearest provision is within Crawley; and
- Provide surface water drainage, based on sustainable drainage principles in accordance with DP41: Flood Risk and Drainage.

There are known sewage treatment capacity issues at Crawley Waste Water Treatment Works (CWWTW). It must be demonstrated that the CWWTW has sufficient capacity to deal with the waste from the development taking into account the development that already has planning consent, as well as planned growth that will be served by CWWTW. The development must not be occupied until any necessary improvements at CWWTW and connecting pipework and pumping stations to increase the capacity and environmental quality are implemented.

~~The Sustainability Appraisal and Landscape evidence that has been prepared to support the District Plan demonstrates that development on land to the south of Parish Lane will have a harmful impact on the High Weald Area of Outstanding Natural Beauty and would not result in sustainable development. Therefore, the extension of this site to development of land to the south of Parish Lane will not be supported. The Council will seek a legal agreement that protects this land from strategic residential development during the Plan period.~~

Policy DP11: Preventing Coalescence

Inspector's Question

What kind of development does this policy have in mind? Is it actually necessary to include this policy, given the control over the countryside exercised by Policy DP10? For the same reason, why would it be necessary to identify local gaps?

MSDC Response

This policy is intended to apply to all development.

Whilst DP10 seeks to protect and enhance the countryside, the Council considers that it is also necessary to have a policy relating to preventing coalescence. As set out in the policy it is important that the settlement pattern of the District is maintained. This policy seeks to do this, albeit alongside the requirement of DP10.

DP10 does allow some development in the countryside, as does policy DP6. However, there may be situations where development meets the requirements of DP6 and DP10 but where development would result in harmful coalescence. It is for that reason that the Council believes the extra policy provisions of policy DP11 are necessary.

The reference to Local Gaps is to enable the identification of specific areas which are very sensitive to development which would result in coalescence. A number of Neighbourhood Plans include Local Gap policies having been able to provide sufficient evidence to demonstrate the policy is necessary. It is for that reason that the Council believes this part of the policy is necessary.

Proposed Modification

No change to policy DP11 is proposed.

DP15: Ashdown Forest SPA and SAC

Inspector's Question

The issue of SANGs was discussed at the housing hearings. However, should there be / has there been an assessment of reasonable alternatives to the 7km zone of influence?

MSDC Response

An assessment of reasonable alternatives to the 7km zone of influence (and alternatives to SANG and SAMM mitigation) is included in BP5: Sustainability Appraisal (August 2016). The assessment concluded that the 7km zone of influence and SANG/ SAMM approach remains the most sustainable option given all reasonable alternatives. Note that the 7km zone of influence relates to recreational disturbance only. Natural England has confirmed its support of the assessment and the approach taken to the Habitats Regulations (see the Statement of Common Ground in TP2 and BP17). Further information on the District Council's approach to the Habitats Regulations can be found in the Ashdown Forest Topic Paper (TP2, August 2016).

Proposed Modification

No change to policy DP15 is proposed.

Inspector's Question

Have the Plan and HRA taken an appropriate approach towards the impact of proposed development on the SPA and have legal requirements been met?

MSDC Response

This is a complex area and this response only sets out a brief overview of the issues. The Inspector is encouraged to revisit the relevant background documents. A summary of the approach to Ashdown Forest is set out in the Ashdown Forest Topic Paper (TP2) and the various HRA reports provide more detail (see BP7, BP8, EP15, EP16, EP17, EP18 and EP19)¹.

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan. The Habitats Regulations do not specify how the assessment should be undertaken, but describe it simply as an 'appropriate assessment'. The HRA is an iterative process and so each revised report draws and builds on the work undertaken previously. The evidence base for the approach taken to Ashdown Forest is used in the HRA process, in particular the visitor survey work and subsequent data analysis. Some sections of the HRA are updated, for example, to identify progress in relation to the delivery of mitigation. An updated screening assessment has been undertaken to take account of any changes to policy wording following the Focused Amendments consultation in autumn 2015 (BP8, August 2016). This should be read in conjunction with the Habitats Regulations Assessment report for the District Plan. As mentioned in the response to the previous Inspector's question, an assessment of reasonable alternatives has been undertaken through the Sustainability Appraisal/ Strategic Environmental Assessment for the District Plan (BP5).

Mid Sussex District Council has followed the advice of Natural England on the Habitats Regulations and in relation to Ashdown Forest. A Statement of Common Ground has been agreed with Natural England that demonstrates that Natural England is satisfied with the approach taken.

The District Plan HRA process identified likely significant effects on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) as a result of recreational disturbance and atmospheric pollution respectively.

¹ The background studies can be found at: <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/district-plan/habitats-regulations-assessment/>.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest. The requirement for new residential development proposing a net increase in dwellings to provide mitigation is based on a zonal approach using the data collected through visitor surveys. Currently, within a 7km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of development in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). The mitigation for Mid Sussex seeks to follow existing good practice, particularly the principles that were established for the Thames Basin Heaths through the South East Plan. This approach has also been followed by other local authorities affected by Ashdown Forest and the District Council is part of the strategic partnership that is preparing and will implement a SAMM Strategy for Ashdown Forest. The District Plan HRA concludes that mitigation measures for recreational disturbance are capable of being delivered and implementation of this mitigation would mean that a likely significant effect can be avoided.

Atmospheric pollution

The impact pathway for atmospheric pollution, mainly nitrogen deposition, arises from increased traffic emissions as a consequence of new development. Following advice from Natural England, guidance in the Design Manual for Roads and Bridges (DMRB) was used to determine if the proposals in the District Plan would be likely to contribute significant additional pollution deposition. Note that it is the whole of the District Plan that is assessed for impacts on atmospheric pollution, not just that part of Mid Sussex District falling within 7km of the Ashdown Forest.

The guidance in the DMRB is used across the country as a scoping assessment for local (rather than regional) air quality to identify which roads are likely to be affected by the proposals. An affected road is one where daily traffic flows will change, as a result of the District Plan, by 1000 annual average daily traffic (AADT) or more. If none of the roads in the network (i.e. within and surrounding Ashdown Forest) meet this criteria, then the air pollution impacts of the District Plan are not considered to be significant and no further work is needed (i.e. the in combination impacts are not considered).

The findings of the Mid Sussex Transport Study mean that there would not just be a low effect on AADT, but that there would be no perceptible effect. On this basis, Natural England has advised that the proposals in the District Plan are assessed alone and there is no need to assess traffic flows and the AADT in combination with other affected plans and projects. An in combination assessment is not required as there are not likely to be any significant effects from the District Plan alone. The District Plan HRA concludes that significant effects on the Ashdown Forest SAC are unlikely and no further measures are necessary.

Proposed Modification

No change to Policy DP15 is proposed.

Policy DP18: Securing Infrastructure

Inspector's Question

This policy seeks tariff-style contributions in residential development. This is potentially contrary to both the CIL Regulations and Planning Practice Guidance. Once the CIL Regulations are in place, CIL will be the main source of funding for community infrastructure, with s106 limited generally to affordable housing and site-specific mitigation. This is adequately reflected in the supporting text, but the policy appears, in the way it is written, to say something different. The Regulations restrict the use of generic section 106 tariffs and contributions may be pooled from no more than 5 separate planning obligations for a specific item of infrastructure. Authorities who refer to generic types of infrastructure in their s106 agreements, rather than specific projects, will be unable to collect more than 5 contributions towards those generic funding pots. The wording of the policy needs to be modified to reflect this.

MSDC Response

The Council suggests the policy is amended to address the Inspector's question.

PROPOSED CHANGE

Policy DP18: Securing Infrastructure

Development will be permitted where any necessary social, physical and green infrastructure needed to support the proposed development and contribute to sustainable communities exists, or can be provided in a timely manner, including developer-funded contributions.

Once a Charging Schedule has been adopted, the Community Infrastructure Levy will be the main mechanism for collecting funds for general infrastructure improvements. However, where appropriate, this will be supplemented by negotiated agreements to make a development acceptable in planning terms. In the case of residential development, tariff-style financial contributions (other than those required under Policy DP15: Ashdown Forest Special Protection Area and Special Area of Conservation) will only be secured from developments providing a net increase of 11 dwellings and above or which have a maximum combined gross floorspace of more than 1,000m²; and in the High Weald Area of Outstanding Natural Beauty, ~~tariff-style contributions will be sought~~ from residential developments providing a net increase of 6 dwellings and above.

Negotiated Section 106 agreements and tariff-style financial contributions will not be sought if 5 or more obligations for that project or type of infrastructure (this does not relate to the provision of affordable housing) have already been entered into since 6 April 2010; and it is a type of infrastructure that is proposed to be funded by the 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 sets how development proposals will be required to fund necessary infrastructure to support the development. The Levy will normally be spent on infrastructure needs in the locality of the scheme that generated it.

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.

Policy DP 19: Transport

Inspector's Question

The policy states that development will “only” be permitted subject to the subsequent criteria. This is not a positively prepared policy and creates difficulties in the application of the detailed criteria. The introduction to the policy needs to be worded positively.

(a) There is a policy conflict between the first and second bullets (sustainable location of development / development facilitating and promoting the increased use of alternative means of transport) and the objectives of Policy DP12 to encourage rural economic development. The Plan needs to have regard to paragraph 29 of the Framework, which states that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. New wording needs to be devised to recognise these different needs.

(b) Bullet 5 requires development to be “in accordance with parking standards”, but such standards are not part of the plan and have not been examined, so it is not appropriate to make adherence to such standards a rigid policy requirement. Moreover the indication that residential development “in and close to” the town centres “will normally be expected” to make lower parking provision is vague and does not allow for local circumstances. What alternative wording would be appropriate? Should the bullet simply read “It provides adequate car parking for the proposed development”?

(c) In bullet 6, the requirement for a transport assessment or statement and a travel plan for all development would be disproportionate and onerous in respect of smaller scale development. Paragraph 36 of the Framework states that travel plans should be required for “all developments which generate significant amounts of movement”. Different wording is required.

MSDC Response

The Council suggests the policy is amended to address the Inspector's question.

PROPOSED CHANGES

Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

To meet these objectives, decisions on development proposals will take account of whether development will only be permitted where:

- It is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP12: Sustainable rural development and the rural economy);
- Appropriate opportunities to ~~It facilitates~~ and promotes the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, ~~and including~~ suitable facilities for secure and safe cycle parking, ~~have been fully explored and taken up;~~
- It is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;
- It provides adequate car parking for the proposed development ~~taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable; or in accordance with parking standards as agreed by the Local Planning~~

~~Authority. Residential development in and close to the town centres which are well served by public transport will normally be expected to make lower parking provision;~~

- ~~It is~~ **Development which generate significant amounts of movement is** supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded; and
- It provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements.

Where development does not will cause a severe cumulative impact in terms of road safety and increased traffic congestion particularly where such impacts harm the special qualities of the South Downs National Park, **development will be refused.**

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.

DP20: Rights of Way and other Recreational Routes

Inspector's Question

What is meant by "a new resource"? How can this be worded to be clearer and more specific?

MSDC Response

The Council has suggested that the policy is amended to address the Inspector's question.

Proposed Modification

The following amendment to Policy DP20 is suggested:

DP20: Rights of Way and other Recreational Routes

Strategic Objectives: 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes; and 15) To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations.

Evidence Base: Neighbourhood Plans; West Sussex Transport Plan 2011-2026; West Sussex Rights of Way Improvement Plan, South Downs National Park Access Network and Accessible Natural Green Space Study, Capacity of Mid Sussex District to Accommodate Development Study.

Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of, or does not adversely affect a right of way or other recreational routes unless a new resource route is provided which is of at least an equivalent value and which does not sever important routes.

Access to the countryside will be encouraged by:

- **Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;**
- **Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;**
- **Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).**

Policy DP21: Communication Infrastructure

Inspector's Question

This policy does not accord with the National Planning Policy Framework. The policy supports the electronic communications network "where existing infrastructure is demonstrated to be insufficient". There is no such test of sufficiency in the Framework, which says at paragraph 46 that local authorities should not question the need for the telecommunications system. This phrase should be deleted.

MSDC Response

The Council suggests the policy is amended to address the Inspector's question.

Proposed Modification

DP21: Communication Infrastructure

Strategic Objectives: 6) To ensure that development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks; 7) To promote a place which is attractive to a full range of businesses, and where local enterprise thrives; and 8) To provide opportunities for people to live and work within their communities, reducing the need for commuting.

Evidence Base: Coast to Capital Strategic Economic Plan, Greater Brighton City Deal, Gatwick Diamond Strategy; Mid Sussex Economic Development Strategy, A Strategy for the West Sussex Landscape.

The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development.²

The expansion of the electronic communication network to the towns and rural areas of the District will be supported, ~~where existing infrastructure is demonstrated to be insufficient.~~

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- **The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;**
- **New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;**
- **Preference will be for use to be made of existing sites rather than the provision of new sites.**

When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.

² Guidance to developers on how this can be achieved and the grants available can be accessed at <http://www.hampshiresuperfastbroadband.com/residents/new-sites/>.

DP22: Leisure and Cultural Facilities and Activities

Inspector's Question

The policy as it stands is too vague. The kinds of activity and use to which this policy relates should be set out in the explanatory text for the sake of clarity. The Council are invited to suggest suitable words.

MSDC Response

Leisure and cultural facilities are defined in Appendix D: Glossary of the District Plan. The activities and facilities to which this policy relates will be included within the explanatory text.

Proposed Modification

The following changes are suggested to the supporting text of the policy:

The National Planning Policy Framework (section 8), recognises the important role that the planning system has in promoting healthy communities. A strategic objective of the Plan is to create places that encourage healthy lifestyles by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. The District Council has adopted a Leisure and Cultural Strategy to increase participation in arts and culture, sport and physical activity of those living and working in the District.

The Mid Sussex Playing Pitch Strategy (2015) identifies that it is essential for existing facilities to be retained and improved in order to meet increasing demand as a result of additional housing and population growth.

This policy supports the provision of additional facilities as well as protecting existing facilities.

The activities and facilities referred to in this policy include:

- Allotments
- Artificial turf and grass playing pitches and ancillary facilities
- Cinemas, theatres and performance spaces
- Gyms, sports halls, swimming pools and fitness facilities
- Kickabout, skate parks, cycling and BMX tracks
- Leisure facilities such as bowling, ice rinks, outdoor activities
- Museums and galleries
- Open space, parks and nature conservation sites
- Play areas
- Public art
- Tennis, netball and multi-courts

[...]

DP23: Community Facilities and Local Services

Inspector's Question

The comment under DP22 also applies to DP23.

The policy as it stands is too vague. The kinds of activity and use to which this policy relates should be set out in the explanatory text for the sake of clarity. The Council are invited to suggest suitable words.

MSDC Response

Community facilities and local services are defined in Appendix D: Glossary of the District Plan. The facilities and services to which this policy relates will be included within the explanatory text.

Proposed Modification

The following changes are suggested to the supporting text of the policy:

Community facilities and local services are important and should be retained where possible and provided alongside new development.

The Mid Sussex Infrastructure Delivery Plan sets out by parish, what community infrastructure is required to support future growth in their area, and why this is needed. New community facilities and improvements to existing facilities form an important part of these requirements and Town and Parish Councils have provided this information, supplemented by infrastructure providers and other consultees.

The community facilities and local services referred to in this policy include:

- Car parks
- Cemeteries and burial grounds
- Education facilities
- Emergency services
- Healthcare facilities
- Libraries
- Local shops including banks and post offices
- Places of worship
- Public conveniences
- Public houses
- Specialist accommodation and care homes
- Sports pavilions
- Village halls and community centres

[...]

Policy DP24: Character and Design

Inspector's Question

The second bullet refers to "building frontages facing streets" but this is vague and could lead to blank frontages. It does not reflect the advice in the Framework (paragraph 69 bullet 1) which refers to "active street frontages". Active street frontages involve placing entrances and windows on to streets, to animate the street and provide natural surveillance. In addition, the policy does not make any reference to mixed use developments and strong neighbourhood centres, which are important elements of good urban design and are also referred to in the same part of the Framework. The policy wording should be amended to reflect this having regard to the contents of the Design chapter of the PPG.

MSDC Response

The Council suggests the policy is amended to address the Inspector's question.

Proposed Modification

DP24: Character and Design

Strategic Objectives: 2) To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence; 4) To protect valued characteristics of the built environment for their historical and visual qualities; 12) To support sustainable communities which are safe, healthy and inclusive; and 14) To create environments that are accessible to all members of the community.

Evidence Base: CABE Good Practice Guidance.

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with **active** building frontages facing streets and public open spaces **to animate and provide natural surveillance**;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- **positively addresses sustainability considerations in the layout and the building design;-**
- **take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus /centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;**
- **optimises the potential of the site to accommodate development.**

Policy DP24A: Housing Density

Inspector's Question

The policy is contradictory, because it begins "Residential development must" but later allows for exceptions.

This policy sets minimum density standards. The Framework does not recommend the adoption of minimum densities. It states that schemes should optimise the potential of the site to accommodate development, but it also states that policies should be based on an understanding and evaluation of the defining characteristics of the area, and that schemes should add to the overall quality of the area, establish a strong sense of place, respond to local character and history and reflect the identity of local surroundings. The adoption of blanket standards for density across the District pays no attention to local character or the identity of local surroundings. It therefore conflicts with the Framework and with bullet 3 of Policy DP24. It will be important to have regard to the characteristics of the area and its surroundings when considering the appropriate design for each site. (Also, the last two paragraphs of the policy are not policy matters but explanatory material.)

The Council should delete this policy and include an additional bullet in Policy DP24 which reads "optimises the potential of the site to accommodate development". It should also consider whether density policy should be developed for specific sites or locations which better reflects the advice in paragraphs 47 and 59 of the Framework as well as the Design chapter in the PPG.

MSDC Response

The Council has considered the Inspector's question and suggests that the policy DP24A is deleted and an additional bullet point is included in policy DP24 to state "optimises the potential of the site to accommodate development".

The Council is also likely to provide further guidance on locally specific design and density considerations in the form of SPD and may include a cross reference to this.

Proposed Modification

Policy DP24A is deleted from the District Plan.

Additional bullet point in policy DP24 to state "optimises the potential of the site to accommodate development".

Policy DP26: Accessibility

Inspector's Question

(a) What evidence does the Council have about characteristics in its particular area to support its policy that the more onerous Building Regulations Approved Document M Requirement M4(2) must be applied to all dwellings, as opposed to standard M4(1)?

(b) What evidence does the Council have that Requirement M4(3) should be applied to 5% of affordable dwellings?

MSDC Response

NPPG sets out at paragraph 56-007 that in demonstrating the need for requirement M4(2) and M4(3), local authorities can consider and take into account the likely future need for housing for older and disabled people (including wheelchair user dwellings).

The HEDNA sets out that Mid Sussex and the Northern West Sussex Housing Market Area have a relatively high level of older families (45-64) and older persons (65+) in comparison to regional and national averages (para 4.111 – EP20). The HEDNA demonstrates that the age profile of Mid Sussex is ageing and there will be significant growth in the age groups 65+ over the plan period. As such, this will be a significant influence on future housing needs and requirements.

The 2009 SHMA recognises that while there are a range of specific housing products which target the older market, the vast majority of older people wish and choose to remain living in the homes which they have lived in for many years, noting that the type of accommodation which people need to gain independence varies considerably and can range from general needs property with specific adaptations to meet individual needs, to simple alterations such as widening of doors (highlighting the need for the provision of adaptable homes). The West Sussex County Council Foundations for Wellbeing Report 2013/2014, published by the Director of Public Health underlines that the term 'older people' represents a diverse group and the housing market needs to reflect that diversity, especially given the aging population of the area, and that many people will remain in their existing homes. It is therefore essential that as part of any strategy to meeting the needs of older persons, and the needs of the population in general as personal circumstances can change earlier in life, that particular attention is made to ensuring that dwellings are suitable and can easily be adapted to future needs.

The NPPG states (2a-021), that there is no one source of information about disabled people who require adaptations in the home either now or in the future; and that not all the people included within these sources will require adaptations of the homes.

It is considered that the needs of many disabled people can adequately be met by M4(2) accessible and adaptable dwellings standards as a wide range of people, including the elderly, disabled people and some wheelchair users can use the accommodation and its facilities with the flexibility to provide further adaptation as required. However, as highlighted in a report undertaken by Aspire Housing Association Wheelchair Accessible Housing 2014, there is a marked housing shortage for wheelchair users in England with almost 24,000 households still waiting for appropriate social or affordable housing. The report estimates that it would take at least 6 years to meet that demand without accounting for new wheelchair users coming into the system over that time. The report suggested that 10% of all new build properties should be wheelchair accessible to keep up with the demand.

In Mid Sussex, 32 wheelchair properties have been developed since 2007/08. This equates to an average of 2% of affordable new builds every year. There have been 30 lettings of mobility 1 (full-time wheelchair users in need of a fully adapted wheelchair property) properties since 2010 which equates to 4 per year. In the same time period, there have been 61 lettings of mobility 2 (part-time wheelchair users in need of accessible property) properties, equal to 9 per year and 413 mobility 3 (limited mobility but can manage 3 steps or less) properties have been let.

Since 2010, 57 mobility 1 households have applied to join the housing register which, when compared to lettings above indicates that provision has only been able to meet 50% of the overall demand for fully adapted wheelchair properties in that time. 120 mobility 2 households have joined the register since 2010 with again, a 50% shortfall to meet demand.

In Mid Sussex, an average of 2% new build wheelchair units are built each year which is an average of 3 mobility 1 properties annually, To keep up with demand, development should target twice that amount, an average of 6 annually, which would equate to approximately 4%. To allow for an ageing population and to reflect the number of mobility 2 households whose housing needs are also not being met, a figure of 5% annually is considered appropriate and reasonable.

The Community Infrastructure Levy and District Plan Viability Study (2016 – EP43) indicates that the M4(2) standard costs £924 per flat and £521 per house and the M4(3) standard, the cost is £7,906 per flat and £22,694 per house. The Viability Assessment evidences that this can be absorbed without harming the delivery of development in Mid Sussex.

Both standards have also been factored into the viability assessment without causing harm in general to the viability of development. It is considered reasonable to require both given the benefits that implementing such a requirement would bring to ensure that homes are suitable and adaptable to the needs of homeowners over their lifetimes.

With regard to the more onerous M4(3) wheelchair user dwelling, given the Council expect in policy Dp26 that a reasonable proportion is required, the 5% figure should be viewed as a target and whilst the Council will make every effort to achieve this, it will be realistic and apply flexibility where this impacts on the deliverability of a site are under threat given its particular circumstances.

Proposed Modification

No change to policy DP26 is proposed.

Evidence base supporting policy updated to include [‘Community Infrastructure Levy and District Plan Viability Study \(2016\)’](#).

Policy DP27: Noise, Air and Light Pollution

Inspector's Question

Should this policy have thresholds and metrics for the noise environment above which residential development should not be permitted?

Where would officers and decision-makers look, in order to help them evaluate whether noise sensitive development could be permitted in environments subject to noise?

MSDC Response

In determining planning applications officers will consult the Council's Environmental Health team for advice regarding noise levels in relation to residential development who respond on a case by case basis according to individual circumstances.

Whilst it may be possible to specify within the Plan a set of metrics, the difficulty is that there are two 'types' of noise each dealt with by different guidance with different metrics. Some types of development maybe affected by both types of noise. Therefore there are a number of different possible combinations of noise scenarios.

Planning guidance for noise has been produced by the Sussex Authorities. Whilst this document has not been adopted as supplementary planning guidance it does provide helpful information for developers. It is proposed that this document is referred to in the supporting text of the policy and a web link to the document is provided.

Proposed Modification

An additional paragraph is added to the supporting text of the policy to state:

"Sussex local authorities have developed guidance on noise to provide advice for developers and their consultants when making a planning application. This guidance can be viewed at www.midsussex.gov.uk/planningpolicy "

Policy DP28: Housing Mix

Inspector's Question

(a) The policy requires the provision of permanent pitches for Gypsies and Travellers and Travelling Showpeople on strategic sites in accordance with the accommodation assessment or such other evidence available at the time. However, Policy DP31 states that the current assessment does not identify any need for permanent pitches and plots for those still travelling, for the period up to 2031, but a need to accommodate 23 households for settled Gypsies and Travellers. This leaves uncertainty as to the number of pitches or amount of land required within any particular allocation. Why aren't the strategic allocation policies more specific about the number of pitches and the amount of land required in strategic allocations (or any commensurate provision elsewhere? That would then enable this bullet to be reduced in length (See also Policy DP9 and DP31.)

MSDC Response

The scale of provision of permanent pitches for Gypsies and Travellers who meet and do not meet the definition of a Gypsy and Traveller and Travelling Showperson as provided in Annex 1 – Planning Policy for Traveller Sites (August 2015) (i.e. Gypsies and Travellers who still travel; and settled Gypsies and Travellers who no longer travel), is set out in the Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment 2016 (EP33). The Assessment identifies the current need to accommodate 23 households for settled Gypsies and Travellers. The requirements of the Equalities Act mean that the ethnic status of these households must be recognised, and leads to the need to provide culturally appropriate accommodation and therefore the need to provide caravan pitches.

There are a number of variables that do not allow the amount of pitch provision to be fixed in policy.

- The amount of need for Gypsies and Travellers will be based on the most current accommodation assessment of need at the time of application;
- The requirement for each strategic site will, in the first instance, be based upon the amount of development that the strategic site is delivering. The amount of development that will be delivered by strategic development to the north and north west of Burgess Hill at the time of writing the policy is not finalised;
- Bespoke assessments of pitch provision would be required for speculative strategic development sites coming forward (i.e. outside of a future allocations DPD if required)

The calculation of required pitch provision will therefore vary and it was considered inappropriate to provide a fixed provision figure. The policy as drafted provides flexibility to calculate and negotiate the provision of such sites at the time a strategic site comes forward for development.

Proposed Modification

No change to policy DP28 is proposed.

Inspector's Question

(b) How does this policy affect sites DP8 and DP9A, given that they have planning permission?

MSDC Response

The policy does not affect site DP8 and DP9A. Both sites were granted planning permission ahead of this policy gaining sufficient material weight to enable s106 planning obligations to be secured.

Proposed Modification

No change to policy DP28 is proposed.

Policy DP29: Affordable Housing

Inspector's Question

The policy in Document BP1 is not currently being pursued by the Council, which has reverted for the time being to Policy DP29 in Document BP2 (Pre Submission Draft). Does Policy DP29 in Document BP2 take an appropriate approach towards the provision of affordable housing having regard to the related issues of viability and market housing delivery.

MSDC Response

The Council reserves its position until the publication of the Inspector's interim findings.

It will also need to take into account any emerging policy on starter homes.

The current BP2 position evidenced by the Mid Sussex Whole Plan and Community Infrastructure Levy Viability Assessment 2016 (EP43), demonstrates that the provision of 30% 'traditional' affordable housing, in accordance with policy DP29 in document BP2, across 94 sites tested (ranging in size from 6 – 3,500 homes), makes 10 sites unviable at full provision under current market conditions, totalling 516 units. With 0% affordable housing, 8 sites are unviable totalling 438 units. The overall impact of 30% affordable housing is therefore very limited (two sites impacted totalling 78 units).

Proposed Modification

No change at this time.

Policy DP30: Rural Exception Sites

Inspector's Question

Paragraph 54 of the Framework states that local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs in rural areas. Has this possibility been considered and should it be reflected in the policy?

MSDC Response

Allowing some market housing to cross subsidise the delivery of rural exception sites does present the potential to deliver additional schemes. However, the Council is concerned that such an approach could encourage landowners to adopt an approach in seeking to maximise land values, rather than to solely facilitate scheme viability, with a goal to maximise affordable housing delivery.

Allowing some open market housing on rural exception sites is a balanced issue. However, the Council believes that to further the delivery of affordable housing in Mid Sussex, it should now consider such an approach. To address concerns of maximising land values, the Council propose to limit cross subsidy to a maximum of 20% of the overall scheme. This is considered a reasonable maximum proportion where such cross subsidy is required to facilitate viability, on an average development.

Proposed Modification

The Council is taking further soundings but suggests the policy is amended to include a limited element of open market housing.

The development of rural exception sites for affordable housing will be permitted provided:

- i) the development comprises 100% affordable housing;**
- ii) the housing is to meet local needs justified by the best available evidence;**
- iii) the occupancy of the homes is restricted in perpetuity to those with a genuine local need for affordable housing;**
- iv) the scale of the development respects the setting, form and character of the settlement and surrounding landscape; and**
- v) it is adjacent to, or in close proximity to a rural settlement containing local services.**

Where it can be clearly demonstrated through evidence that the site cannot support a scheme comprising 100% affordable housing from a viability perspective, the Council will consider an element of open market housing, limited to that required to facilitate scheme viability, to a maximum of 20% of the overall scheme, provided that:

- The requirements of ii), iv) and v) can be met for the overall scheme and for the affordable housing element i) and iii); and**
- The new development physically integrates the open market and affordable housing, which should seek to be 'tenure blind' and makes best use of the land.**

Details of the evidence required to justify an element of open market housing will be set out in a Supplementary Planning Document.

The delivery of rural exception sites will normally be led by Parish Councils, through planning applications, Community Right to Build schemes, Neighbourhood Development Orders or through Neighbourhood Plans.

Policy DP31: Gypsies, Travellers and Travelling Showpeople

Inspector's Question

(a) See questions in respect of Policy DP9 and DP28. Should the plan be specific in respect of the amount of land and number of pitches in strategic allocations?

MSDC Response

See MSDC response to DP28.

Inspector's Question

(b) What evidence is there of the influence this policy would have on the viability of the strategic sites?

MSDC Response

The Mid Sussex Whole Plan and CIL Viability Assessment (EP43) does not flag any viability concerns with development as a result of the provisions of this policy, subject to careful consideration in the setting of any CIL rate for the strategic site.

Provision will effect development value as a result of a loss in the overall developable area. EP43 states, 'Dwelling mix will impact on value of development to some degree. Requirement for plots for travellers can be accommodated within net to gross site ratios, but there will be a resulting loss in developable area'. It recommends that the Council should give careful consideration to the balance between securing the infrastructure requirements identified in policies DP7, DP8 and DP9 through Section 106 and CIL, and that the Council should consider setting a nil rate for the Burgess Hill strategic sites.

The Council is currently considering options for the most appropriate approach to securing required planning obligation contributions from the Burgess Hill Northern Arc development either through a nil CIL rate s106/ s278 approach; or a hybrid approach adopting both approaches. The Council will enter negotiations on this matter with overall deliverability of the site in mind.

The Council has tried to be as flexible as possible in terms of provision. The policy as worded offers an option to make off-site provision to offset any issues that on-site provision would have with regard to deliverability and site masterplanning. The Council is currently investigating a number of sites with the potential to accommodate Gypsies and Travellers through the Traveller Sites DPD process.

This policy requirement alongside others that generate planning obligations such as affordable housing, should in any case, be reflected in land values and developer negotiations with landowners.

Proposed Modification

No change to this part of the policy is proposed.

Inspector's Question

(c) How will the Council deal with individual planning applications for sites for Gypsies and Travellers where the need is not evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment?

MSDC Response

In a WMS made on 22 July 2015, a technical adjustment was made to Paragraph 159 of the NPPF stating that Travellers who do not fall under the PPTS definition, should have their accommodation needs addressed under the provisions of the NPPF. The Government stated in its consultation response to the changes made to the Planning Policy for Traveller Sites (PPTS) that "...if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled

community within national policy rather than Planning Policy for Traveller Sites". Policy DP31 adopts such an approach, that should someone fall under the PPTS Annex 1 definition, then applications for new sites should be considered within the context of Planning Policy for Traveller Sites, as reflected in DP31, otherwise they will be considered as a housing application as they are for the non-Traveller settled community.

The Council will assess applications for Gypsies and Travellers meeting the PPTS Annex 1 definition for planning purposes against the best available needs evidence. This will be the Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment Update 2016 (EP33), or a subsequent replacement document; and/ or evidence submitted in support of a planning application. In accordance with the PPTS (Section H Paragraph 24), the Council will determine applications for sites from any Travellers and not just those with local connections; and will consider the existing level of local provision and need for sites (a five year supply of deliverable Traveller sites in accordance with the WMS 22 July 2015); and the availability (or lack) of alternative accommodation for the applicants; and other personal circumstances. PPTS sets out that the locally specific criteria used to guide the allocation of sites in plans should be used to assess applications that may come forward on unallocated sites. This approach is reflected in Policy DP31.

Whilst the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment Update 2016 (EP33) does not find any need for Gypsies and Travellers meeting the Annex 1 definition, it does find the need for 23 households not meeting the Annex 1 definition (this includes the needs of 4 'unknown' households). The requirements of the Equalities Act mean that the ethnic status of these households must be recognised, and leads to the need to provide culturally appropriate accommodation, and therefore the need to provide caravan pitches.

Regardless of whether an application is from a Traveller that does not meet the Annex 1 definition, but falls under the requirements of the Equality Act or from a Traveller that does not fall under either, the Council currently considers that in line with government planning policy, the provisions of PPTS do not apply and such applications, likely to be in the form of 'park home' sites, will be tested under the District Plan policies and National Planning Policy Framework, against a five year supply of deliverable 'bricks and mortar' housing sites, as per any application for housing from the non-Traveller, settled community.

Proposed Modification

No change to this part of the policy is proposed.

Inspector's Question

(d) What is the anticipated timing of the Traveller Sites Allocations DPD?

MSDC Response

The Traveller Sites Allocations DPD was scheduled to be consulted upon (Regulation 19) following the Examination of the District Plan and submitted to the Secretary of State, two to three months after. However, the programme for delivering the Traveller Sites Allocations DPD has extended. In particular, the proposed site option at Imberhorne Lane, East Grinstead has presented significant delivery challenges and work to search for other suitable Traveller sites, in accordance with the direction from Council in approving the document for public consultation, has presented further challenges on potential options for development. However, the Council is exploring the potential for securing additional land for Gypsy and Traveller pitches that will maintain a five year supply of such sites for the period 2016-2021 as per figure 6 (note one of these households is outside of the plan area in the South Downs National Park) and figure 8 of the needs assessment (EP33); and has had positive discussions with site management regarding meeting the need for the period 2021-2031.

The programme for delivery of the Allocations DPD could follow a similar course to adoption as the proposed Site Allocations DPD. If there are no grounds to continue the process separately, the Council will combine the Traveller Sites Allocations DPD with the Site Allocations DPD.

Proposed Modification

No change to this part of the policy is proposed.

Policy DP33: Conservation Areas

Inspector's Question

The statutory duty under the Listed Buildings and Conservation Areas Act requires decision makers to consider whether the development would preserve or enhance the character or appearance of a conservation area. The character of an area can be derived not only from the appearance of its buildings, streets and spaces but from the activities carried on therein. This aspect of character appears to have been overlooked in Policy DP32. Should it be added to the Policy?

MSDC Response

The Council suggests that the policy is amended to address the Inspector's question.

Proposed Modification

DP33: Conservation Areas

Strategic Objectives: 2) To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence; 4) To protect valued characteristics of the built environment for their historical and visual qualities; and 11) To support and enhance the attractiveness of Mid Sussex as a visitor destination.

Evidence Base: Mid Sussex Conservation Area Appraisals; Sussex Extensive Urban Surveys; West Sussex Historic Environment Record.

Development in a conservation area will be required to conserve or enhance its special character, ~~and appearance~~ and the range of activities which contribute to it. This will be achieved by ensuring that:

- **New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;**
- **Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;**
- **Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;**
- **Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;**
- **Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;**
- **New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.**

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

Policy DP35: Archaeological Sites

Inspector's Question

(a) This policy is not clear as to its approach to scheduled archaeological sites such as Scheduled Ancient Monuments, and other archaeological sites of greater and lesser importance.

(b) The policy appears to aim to preserve all sites of archaeological interest. In this, it does not appear to reflect paragraph 135 of the Framework in respect of non-designated archaeological sites; the significance of the remains needs to be considered and the effect of any proposal on the significance should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

(c) The policy is not clear enough as to the stages that should be gone through, including desktop assessment; then if necessary on site evaluation; then if necessary a full archaeological investigation followed by analysis and publication. Sometimes it is more appropriate for archaeological sites to be "preserved by record".

The Council are invited to reconsider the wording of this policy.

MSDC Response

The Council has considered the question from the Inspector. Having considered the wording of the NPPF and the objectives that the policy is intended to achieve, it is the Council's view that there are no local circumstances to justify a policy that says anything different to the NPPF. It is therefore suggested that this policy is deleted from the District Plan.

Proposed Modification

Policy DP35 is deleted from the District Plan.

DP36: Trees, Woodland and Hedgerows

Inspector's Question

- a) *What evidence supports the buffer of 15 metres between ancient woodland and the development boundary?*
- b) *This policy gives prominence to protecting existing trees in new development. In doing so it does not properly recognise the importance of new well-designed structural landscaping in strategic developments to complement and enhance the overall development layout, and to ensure the long term survival of such landscaping into the future. This is as, if not more, important in the long term than the protection of existing trees, because such landscaping if properly planned it will long outlive what is already on the site. Paragraph 114 says green infrastructure should be planned positively. Bullet point 4 does not adequately deal with this issue and neither do Policies DP37 and DP38. It is possible that bullet 2 of DP38 is getting at this, but it is far from clear. This is not just about tree protection, biodiversity or the provision of "multi-functional greenspace". The Council are invited to produce an addition to this policy to emphasise the importance of creating good structural landscaping in new development.*

MSDC Response

- a) 15 metre buffer

A 15 metre buffer between ancient woodland and the development boundary is now a common standard and recommended by Government agencies.

Natural England and the Forestry Commission have produced standing advice for planning authorities on ancient woodland and veteran trees (29th October 2015)³. The guidance lists potential mitigation measures which include:

- leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of development, a minimum buffer should be at least 15 metres)

The requirement for a 15 metre buffer between ancient woodland and the development boundary was supported by the then Secretary of State in an appeal decision for Bolnore Village at Haywards Heath in Mid Sussex (January 2008)⁴. This is also referenced in a note by the Forestry Commission and Natural England highlighting cases where ancient woodland has been protected through planning decisions⁵.

'The Secretary of State agrees with the Inspector ... that, on balance, a considerable degree of protection would be afforded to individual trees if the suggested Buffer Zone scheme were to be implemented. Like the Inspector, she considers that, in terms of the need to adequately protect the ecological value of the ancient woodland components in and abutting the appeal sites, the balance lies in favour of the adoption of buffer zone of a minimum width of 15m around their edges and agrees that this could be achieved by the imposition of suitable conditions.'

³ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

⁴ Land to the south west of Haywards Heath, West Sussex, known as Bolnore Village Phases 4 & 5: APP/D3830/A/05/1195898; APP/D3830/A/05/1195897; APP/D3830/A/06/1198282; APP/D3830/A/06/1198283

⁵ Protection for Ancient Woodland through Planning appeal decisions (June 2014) Forestry Commission and Natural England:
<http://www.forestry.gov.uk/pdf/FCNECaseStudyAppealsFinalJune2014.pdf/%24FILE/FCNECaseStudyAppealsFinalJune2014.pdf>

b) Landscaping

Trees are an important element of green infrastructure offering many benefits including providing shade, improving air quality, reducing the risk of flooding, and having a positive effect on health⁶. Planning Practice Guidance identifies that green infrastructure, including woodland and street trees, is important to the delivery of high quality sustainable development, alongside other forms of infrastructure⁷.

Guidance produced by Mid Sussex District Council for landscaping on new development sites states that consideration should be given to the existing vegetation on site and as much as possible should be retained. The layout of the new development should be around the existing trees and hedgerows⁸.

Proposed Modification

The following amendment to Policy DP36 is proposed:

DP36: Trees, Woodland and Hedgerows

Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; 4) To protect valued characteristics of the built environment for their historical and visual qualities; and 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes.

Evidence Base: Green Infrastructure mapping; Mid Sussex Ancient Woodland Survey, Tree and Woodland Management Guidelines, Tree Preservation Order records.

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- **incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and**
- **prevents damage to root systems and takes account of expected future growth; and**
- **where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and**
- **has appropriate protection measures throughout the development process; and**
- **takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and**
- **does not sever ecological corridors created by these assets.**

Proposals for works to trees will be considered taking into account:

⁶ Healthy trees, healthy places (July 2013) Woodland Trust.

⁷ Planning Practice Guidance (2016) Reference ID: 8-028-20160211: <https://www.gov.uk/guidance/natural-environment>

⁸ Landscaping on new development sites (2010) Mid Sussex District Council: <http://www.midsussex.gov.uk/planning-licensing-building-control/planning/planning-publications/>

- **the condition and health of the trees; and**
- **the contribution of the trees to the character and visual amenity of the local area; and**
- **the amenity and nature conservation value of the trees; and**
- **the extent and impact of the works; and**
- **any replanting proposals.**

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

DP38: Green Infrastructure

Inspector's Question

- a) *This policy lacks clarity. It is too vague and general, and overlaps with other policies including those dealing with biodiversity, leisure and cultural facilities, coalescence, rights of way and design. It is not clear how it would be applied in practical terms to proposals for development, or how the aspirations in the first four bullets would be funded and implemented. Moreover it does not deal properly with the importance of structural landscaping as an integral part of the design of new development (see DP36, comment (b) above), and it does not take into account the question of local greenspace designation referred to in paragraphs 76 and 77 of the Framework. The Council should delete this policy and deal with the relevant issues more explicitly and with greater clarity against the relevant policies in the plan.*
- b) *What is the justification for the Green Circle around Burgess Hill? Is it all on land within the control of the Council and developers? If not, how is it to be implemented? The designation should not be extended to private land that is not part of any development proposal.*

MSDC Response

- a) Green infrastructure policy

Green infrastructure is a connected network of multi-functional greenspace, and the planning system offers the ability to plan, manage and fund green infrastructure. The National Planning Policy Guidance emphasises that green infrastructure is not simply an alternative description for conventional open space, rather it provides multiple benefits for individuals, society, the economy and the environment. As such, the planning system has a key role to play in delivering green infrastructure as it provides an opportunity to embed green infrastructure in policy and for it to be given consideration in the decision-making process.

The majority of consultation responses to the District Plan mentioning green infrastructure have welcomed the green infrastructure policy and its requirements. For example, support has been received from the Environment Agency, Natural England, Sussex Wildlife Trust, and the West Sussex Local Access Forum.

TP4 (June 2016) provides summarises green infrastructure planning in Mid Sussex.

Local greenspace will be designated through neighbourhood plans as appropriate.

This policy will be deleted as requested by the Inspector, however, some of the requirements will be incorporated into other policies of the District Plan.

Proposed Modification

It is proposed that Policy DP38 is deleted and the following changes are made to DP37:

DP37: Biodiversity

Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; and 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes.

Evidence Base: Biodiversity 2020; Biodiversity Action Plan; Biodiversity Opportunity Areas; Green Infrastructure mapping; Habitats and Species Records; Mid Sussex Ancient Woodland Survey; [Mid Sussex Infrastructure Delivery Plan](#); The Natural Choice: Securing the Value of Nature; West Sussex SSCI Register.

Biodiversity will be protected and enhanced by ensuring development:

- **Contributes and takes opportunities to improve, enhance, manage and restore**

biodiversity **and green infrastructure**, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and

- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
- **Promotes the restoration, management and expansion of priority habitats in the District;**
and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.

Inspector's Question

What is the justification for the Green Circle around Burgess Hill? Is it all on land within the control of the Council and developers? If not, how is it to be implemented? The designation should not be extended to private land that is not part of any development proposal.

MSDC Response

The Burgess Hill Green Circle is an aspiration to create a ring of green open spaces around Burgess Hill. Much of this land is currently allocated within the Mid Sussex District Plan (2004) as 'informal open space'. There are or will be footpaths, cycle tracks and bridleways linking the greenspaces to the countryside and town centre forming a series of spokes. The Green Circle to the south and west of Burgess Hill has already been completed, and Bedelands Farm Local Nature Reserve to the north-east of Burgess Hill also forms part of the Green Circle. Much of the existing Green Circle is owned and managed by Mid Sussex District Council.

The route of the Green Circle will continue through the Burgess Hill Northern Arc development as allocated in the Mid Sussex District Plan in Policy DP9 and the development, along with other developments in Burgess Hill, will make financial contributions towards creating and enhancing routes into the town centre as referenced in Policy DP7 and identified in the Mid Sussex Infrastructure Delivery Plan. Sections of the Green Circle not yet completed to the north of Burgess Hill will be delivered by direct provision through Policy DP9 by the proposed development to the north and north-west of Burgess Hill. The land is in the

control of the developers and the Northern Arc Spatial Framework Plan (December 2014) shows the indicative route of the Green Circle through the allocated site that will link the existing areas together. This indicative route is referenced in Policy DP9. No areas of designation are on private land that is not part of any development proposal.

Proposed Modification

No policy change is required. The implemented parts of the Green Circle will remain designated as informal open space on the polices map.

Policy DP39: Sustainable Design and Construction

Inspector's Question

How does this policy relate to the Building Regulations in respect of construction and water consumption? Are these elements necessary? (See also Policy DP42)

MSDC Response

Previous iterations of this policy made a requirement for new buildings to meet Code for Sustainable Homes levels above and beyond the minimum levels expected in Building Regulations in force at the time (based on evidence within the West Sussex Renewable Energy Study 2009). This study was updated in 2014 (EP50). Since this time, the Government's position on renewable energy and energy efficiency has changed, with the Code for Sustainable Homes withdrawn in 2015.

References to new build housing meeting specific 'Code Levels' were removed from the draft policy in order to reflect the Government's position. Changes to Building Regulations (Part L, 2016) mean that energy efficiency standards are higher, meaning a policy to set specific standards is no longer necessary.

Whilst it is likely that it would not be possible to meet Building Regulations without complying with the criteria in DP39, a number of the criteria are still felt important to encourage sustainable development in Mid Sussex, in particular, criteria in bullet points 1, 4, 5 and 6 which direct a potential applicant towards methods of improving energy efficiency effectively. Paragraph 013 of the Design chapter within the PPG in particular supports passive solar design (i.e. the siting and design of buildings to maximise the use of the sun's energy for heating and cooling).

With respect to the water consumption standard, this is set out under policy DP42.

Whilst the Council consider the encouragement of sustainable development is important, it is willing to amend/ delete this policy if it was felt necessary to do so to make the Plan 'sound'.

Proposed Modification

It is proposed that there is no change to this policy but the Council is willing to review this position.

Policy DP40: Renewable Energy Schemes

Inspector's Question

As regards wind power, this policy does not appear to reflect ministerial policy as set out in the Written Ministerial Statement of 18 June 2015. The Council are invited to amend the policy to take the WMS into account.

MSDC Response

The policy as drafted does not make any specific reference to wind power, however would give support to any proposal for renewable energy scheme, inclusive of wind turbines. This is now in conflict with the WMS which states that areas suitable for wind turbines must be allocated in a Local Plan (this is not a proposal in the District Plan) or Neighbourhood Plan, otherwise should not be permitted.

Wind turbines are mentioned in the supporting text to this policy, in respect to their potential impact on Gatwick Airport, it is proposed to remove this sentence – it is unlikely that areas within an Aerodrome Safeguarding zone will be suitable for wind turbines and therefore it is unlikely areas would be allocated as such in Local Plans or Neighbourhood Plans.

Proposed Modification

[Supporting text]

In relation to Gatwick Airport, any proposed development would need to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. ~~Wind turbines and Schemes such as~~ large banks of solar panels will need to be assessed at an early stage as they have the potential to impact on navigational aids at the airport.

DP40: Renewable Energy Schemes

Proposals for new renewable and low carbon energy projects, including community-led schemes, will be permitted provided that any adverse local impacts can be made acceptable, with particular regard to:

- **Landscape and visual impacts, including cumulative impacts, such as on the setting of the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and the appearance of existing buildings.**
- **Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites.**
- **Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access.**

Assessment of impacts will need to be based on the best available evidence, including landscape capacity studies.

Proposals for wind energy development involving one or more wind turbines will only be granted if:

- **the development site is in an area identified as suitable for wind energy development in a Neighbourhood Plan; and**
- **following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.**

Policy DP42: Water Infrastructure and the Water Environment

Inspector's Question

How does this policy relate to the Building Regulations in respect of construction and water consumption? Are these elements necessary? (See also Policy DP39)

MSDC Response

As set out in the explanatory text to this policy, the water consumption standard set out in the policy (110 litres per person per day) reflects the District Council enforcing the 'optional requirement' for water efficiency in Building Regulations (Part G).

Part G of the Building Regulations came into effect in October 2015. This introduced an optional requirement for water efficiency in Regulation 36. The standard water efficiency requirement is 125 litres per person per day unless the optional requirement (110 litres per person per day) is imposed as part of the process of granting planning permission. In order to trigger the need for this optional requirement to be met, a policy setting this out should be in place in the District Plan.

As set out in the Capacity Study (EP47), Mid Sussex is within an area of high water stress, with a finite amount of water supply to share around and limited options for increasing sources of supply. South East Water, in their Water Resources Management Plan, noted that forecasts showed insufficient water available to meet demand in the area.

On this basis, the Gatwick Sub-regional Water Cycle Study (EP46) recommended minimum water efficiency measures of Code for Sustainable Homes level 3/4 – 105l/p/d internal/indoor water usage. As the Code for Sustainable Homes has now largely been subsumed by efficiency standards within Building Regulations, and the optional requirement of 110l/p/d is aligned with the recommendation within the Water Cycle Study (when also accounting for 5l/p/d external water use), the District Council's feel the requirement is justified.

This policy requirement has been supported by the Environment Agency. It has also been shown to be viable in the plan's viability assessment. The District Council therefore feel that the optional requirement is necessary, justified and evidenced.

Proposed Modification

No change to this part of the policy is proposed.

Chapter 5 - Monitoring

In addition to the requests recently received by the Inspector, the Council is also aware of the outstanding need to address the need to work with Partners to address unmet need in the wider sub region and particularly Brighton's current inability to meet its housing need.

MSDC Response

The Council has also given consideration to the inclusion of text on a possible review mechanism so that at an appropriate time the Plan may reflect the outcome of ongoing sub regional work concerned with the wider sub region and specifically unmet needs. The appropriate vehicle for this is the West Sussex and Greater Brighton Strategic Planning Board, which has recently been expanded to include Crawley. This is particularly the case as clearly Mid Sussex cannot meet the unmet needs of the sub region alone, and has no alternative or realistic ability to encourage other authorities to participate in future work. To reflect this approach the Council proposes the addition of the following text to Chapter 5.

Proposed modification

The Council proposes the following rewording of Chapter 5 of the submission plan (additional text shown in red).

Chapter 5: Monitoring the District Plan

- 5.1. Monitoring is an essential process to ensure the District Plan is meeting its strategic objectives, that the planned housing, employment growth and infrastructure are being delivered and to ensure the effective and timely delivery of development and infrastructure. It is important that there are mechanisms in place for the Council to identify changing circumstances and take appropriate action if required.
- 5.2. The monitoring schedule sets out a range of indicators including output indicators that assess the impact of individual policies and contextual indicators that facilitate understanding of the wider context that may be influencing output indicators or identify where future intervention may be necessary. These are based on those used for the Sustainability Appraisal to maintain close links between the two documents. It is important that indicators chosen can be monitored in a robust and consistent way throughout the Plan period. The indicators are reported through the Council's monitoring information and will be made available as soon as possible.
- 5.3. The Council's monitoring will also include keeping an up to date evidence base as well as ongoing co-operation with neighbouring authorities on agreed strategic priorities.
- 5.4. The Council recognises that there is a serious shortfall of housing in the neighbouring coastal West Sussex area, caused by in particular the inability of Brighton & Hove, and some of the other coastal authorities, to meet their own needs. The level of unmet need is high and the Council accepts that it must take steps, with its neighbouring authorities and those in the sub-region, to address the issue. The scale of the problem requires a sub-regional response.
- 5.5. The Council is a participant in the Coastal West Sussex and Greater Brighton Partnership (shortly to be renamed as West Sussex and Greater Brighton Strategic Planning Board) which has already begun work in earnest on the question of unmet housing needs in the coastal area Local Strategic Statement 3 (LSS3). The Council will participate in that process, with the aim of agreeing the final level of unmet need, and how it should be met across the sub-region. The Council will review its District Plan once the LSS3 strategy is agreed.
- 5.6. If it appears that policies are not being effective, or are no longer appropriate in the light of more recent national policies or local circumstances, then action will be taken to review the policy or policies concerned. As set out in the Local Development Scheme, a Site Allocations Development Plan Document has been programmed to enable delivery if this is not being achieved through Neighbourhood Plans.