

**MSDC response to:**

- **Inspector's comments on the wording of proposed paragraph 2.13 and Policies DP18, DP19, DP20 and DP40**
- **Issues arising from Hearing on 28<sup>th</sup> February relating to Policies DP3, DP7, DP9, DP11, DP26, DP27 and DP39**
- **To the matter of employment land allocation relating to Policies DP2 and DP9**

## MSDC response to Inspector's comments on the wording of proposed paragraph 2.13 and Policies DP18, DP19, DP20 and DP40

### Proposed paragraph 2.13

#### Inspector's Comments

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

*What I suggest the paragraph should say is:*

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

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

#### MSDC Response

The Inspector's suggested wording is accepted.

#### Proposed Modification

The following amendments are proposed to Chapter 2: Vision and Objectives and the Inspector's wording has been taken into account.

#### **A Vision for Mid Sussex**

2.12 [...]

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

In Mid Sussex, sustainable development particularly means that which:

#### 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~~<sup>4</sup> [...]

## Policy DP18: Securing Infrastructure

### Inspector's Comments

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

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

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

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

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

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

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

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

*Affordable housing is dealt with separately, under Policy DP29.*

### **MSDC Response**

**The following amendments are proposed to Policy DP18. The Inspector's wording has been taken into account.**

~~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, 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 be secured from developments providing a net increase of 11 dwellings and above or which have a maximum combined gross floorspace of more than 1,000m<sup>2</sup>; 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.~~

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

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

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

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

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

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

~~Affordable housing is dealt with separately, under Policy DP29.~~

## Policy DP19: Transport

### Inspector's Comments

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

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

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

### MSDC Response

The Inspector's suggested wording is accepted.

### Proposed Modification

The following amendments are proposed to Policy DP19 and the Inspector's wording has been taken into account along with the previous changes shown in MSDC8.

#### **DP19: Transport**

*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; 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: Mid Sussex Transport Study; West Sussex Transport Plan 2011-2026.*

**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; ~~and~~
- It avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
- It protects the safety of road users and pedestrians; and
- It does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

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.

## Policy DP20: Rights of Way and other Recreational Routes

### Inspector's Comments

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

### MSDC Response

Recreational routes are recognised by Ordnance Survey and identified on maps; they are defined and waymarked routes. The routes may have a particular theme and they could be a long-distance route. Whilst recreational routes mainly follow existing public rights of way, they also sometimes utilise a network of other paths that may be maintained by the organisation creating the recreational route. A recreational route may be suitable for multi-users subject to the underlying status of the existing right of way, if applicable. Recreational routes contribute to green infrastructure and provide an important leisure resource. Opportunities should be available in the future to create additional routes and for this reason and to protect existing recreational routes in Mid Sussex, Policy DP20 should continue to refer to recreational routes. However, to provide clarity, it is proposed that a description of a recreational route is included in the glossary of the District Plan.

### Proposed Modification

It is proposed to add the following definition of recreational routes to Appendix D: Glossary.

**Recreational Routes** – These are routes usually created by local authorities, government agencies or volunteer organisations. The routes are usually waymarked and mainly follow existing rights of way. Recreational routes are an important leisure resource alongside the network of existing public rights of way.

No further changes are proposed to the policy wording, so the policy wording is as below (the previous changes are included as discussed in MSDC8).

### **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 DP40: Renewable Energy Schemes

### Inspector's Comments

*To be consistent, the policy should begin:*

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

### MSDC Response

The Inspector's suggested wording is accepted.

### Proposed Modification

The following amendments are proposed to Policy DP40 and the Inspector's wording has been taken into account along with the previous changes shown in MSDC8.

[... 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

*Strategic Objectives: 1) To promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex, and its ability to adapt to climate change.*

*Evidence Base: Gatwick Sub Region Water Cycle Study; Capacity of Mid Sussex District to Accommodate Development Study; Mid Sussex Landscape Capacity Study; Mid Sussex Sustainable Energy Study; West Sussex Sustainable Energy Study.*

**Proposals for new renewable and low carbon energy projects (other than wind energy development – see below), 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.

## MSDC response to issues arising from Hearing on 28<sup>th</sup> February relating to Policies DP3, DP7, DP9, DP11, DP26, DP27 and DP39

No further changes were required to policy DP7, DP9 (see below), DP11 and DP27 as a result of the hearing session.

### Policy DP3: Town Centre Development

#### Inspector's Question

What should Policy DP3 and DP9 say about the status of any neighbourhood centre in this allocation and how should the sequential approach be applied in large new housing allocations?

#### MSDC Response

A change to DP3 has been suggested in MSDC8. No further changes to DP3 or DP9 are required on this matter. It is suggested that a definition of Neighbourhood Centre is included within the glossary of the Plan. The definition should read:

Neighbourhood Centre/Local Centre - provided alongside housing development to meet the day to day needs of the local community. Uses include retail, education, health, employment, leisure, recreation and community uses sufficient to meet the day to day needs of the local community. The retail provision should be no more than 2,500m<sup>2</sup> within a single unit subject to it being demonstrated that there would not be a significant adverse impact on Burgess Hill or Haywards Heath Town Centres.

### Policy DP26: Accessibility

#### Inspector's Question

Should Building Regulations requirement M4(2) be required for all new residential dwellings as proposed by Policy DP26 and, having regard to the evidence, should the requirement for M4(3) be set at 5%?

#### MSDC Response

At the hearing session held 28<sup>th</sup> February 2017, the Inspector indicated that on the basis of submitted evidence, he was content for requirement M4(3) to be set at 4%. The Council agrees with this position.

The Inspector indicated that he was not convinced on existing evidence, that requirement M4(2) should be required for all new residential dwellings. The Council's position is that the requirement should apply to all new residential dwellings other than those meeting requirement M4(3) and attaches further evidence to support this position as an appendix.

## 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)*

Are the sustainable construction requirements in Policy DP39 necessary to put in a policy and are they adequately covered by other legislation? How necessary and relevant is it in Mid Sussex to refer to communal heating networks and biomass boilers?

### MSDC Response

Following discussions at the hearing, it was agreed that it was not necessary to delete this policy, as it sets out a statement from the Council that it is supportive of sustainable design and construction. However, minor wording changes to the policy are required in order to make it less restrictive, as set out below.

### Proposed Modification

#### DP39: Sustainable Design and Construction

*Strategic Objectives: 1) To promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex, and its ability to adapt to climate change.*

*Evidence Base: Gatwick Sub Region Water Cycle Study; West Sussex Sustainable Energy Study, Mid Sussex Sustainable Energy Study.*

**All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:**

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation
- **Explore opportunities for efficient energy supply**~~Supply energy efficiently through the use of communal heating networks where viable and feasible (supplied by biomass boilers, biomass/gas CHP or heat pumps).~~
- Use renewable sources of energy.
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation.
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.

## MSDC response to matter of employment land allocation relating to Policies DP2 and DP9

### **Policy DP2: Sustainable Economic Development and DP9: Strategic Allocation to the north and north-west of Burgess Hill**

The Council has held positive post hearing discussions with developers of the Northern Arc strategic development on the shared goal of progressing planning applications and achieving housing completions at the earliest possible opportunity.

The only post hearing policy conflict between the developers and MSDC concerns the total area of employment allocation on land to the south of the A2300, as set out in policies DP2: Sustainable Economic Development, paragraph 2 bullet point 1; and DP9: Strategic Allocation to the north and north-west of Burgess Hill, bullet point 2. These policies set a requirement of 30ha of employment land at this location.

Developers Gleeson have indicated that the allocation of all the land to the south of the A2300 for employment use has presented a significant barrier to the wider delivery of the Northern Arc strategic development, not least because of site value equalisation issues and matters of development viability, Gleeson stress that should some of this land be allocated for residential development, then not only will more housing be delivered, but a much improved housing delivery trajectory will be achieved.

A case was presented by Gleeson at the hearing on 28 February 2017 and subsequently in discussions with the Council, that 30ha of employment land is not required at this location to meet the district's employment requirements, as a reduction by 5ha to a total allocation of 25ha would still meet the range identified by the evidence base; that there is a current overprovision of employment land against forecast demand; that employment land demand from other authorities assumes accommodating a wide range of unmet needs from other authorities; and that a 5ha reduction in employment at this location would still result in a significant surplus of employment land. It is also reasoned that in any case, the Council has the opportunity to allocate further employment land should it be required in the future, through the proposed Site Allocations DPD.

The Council has carefully considered the evolved debate on the matter of employment requirements over the plan period, particularly in light of the urgent need to progress the strategic development and unlock housing development and the associated required infrastructure; and that it does have realistic options for the allocation of further employment land should it be required in the future. The Council therefore accepts that a section of this land should be allocated for residential development and suggests the following modifications to policies DP2 and DP9.

### **Proposed Modification**

#### **Policy DP2: Sustainable Economic Development**

[...]

Provision for new employment land and premises will be made by:

- Allocating ~~25~~ **30** hectares of land as a high quality business park at Burgess Hill to the east of Cuckfield Road;
- Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and
- Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies).

[...]

And:

**DP9: Strategic Allocation to the north and north-west of Burgess Hill**

[...]

- Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of most new homes;
- ~~2530~~ hectares of land for use as a high quality business park south of the A2300 and served by public transport;
- Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres;

[...]

## APPENDIX A

### Evidence of need in Mid Sussex for optional access requirement M4(2)

#### Background

1. The National Planning Policy Framework<sup>1</sup> highlights the need to deliver a wide choice of high quality homes and create sustainable, inclusive mixed use communities. It requires<sup>2</sup> development plans to enable a mix of housing based on current and future demographic trends, taking into account the needs of different groups in the community, including families with children, older people and people with disabilities.
2. The priority of the Mid Sussex District Plan is to ensure cohesive and sustainable communities. The strategic objectives of the Plan seek to support sustainable communities that are safe, healthy and inclusive; to provide the amount and type of housing that meets the needs of the community; and create environments that are accessible to all<sup>3</sup>.
3. The optional access requirements M4(2) – accessible and adaptable dwellings and M4(3) – wheelchair user dwellings are part of a three tier standard for accessibility in Part M (access to and use of dwellings) of Building Regulations. The optional requirements only apply when conditions requiring dwellings to comply are attached to planning consents.
4. Planning Practice Guidance<sup>4</sup> states that it is for local planning authorities to set out how to demonstrate the need for the optional access requirements based on an understanding of the housing needs of an area, including the likely future need for older and disabled people (including wheelchair user dwellings), taking account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need<sup>5</sup>.
5. At the District Plan Examination in Public hearing session held 28<sup>th</sup> February 2017, the Inspector indicated that on the basis of submitted evidence, he was content for optional requirement M4(3)- wheelchair user dwellings, to be set at 4% in District Plan policy DP26. The Council agrees with this position.
6. The Inspector indicated that he was not convinced on existing evidence, that requirement M4(2) should be required for all new residential dwellings This Paper therefore only looks at the justification for implementing requirement M4(2) in Mid Sussex.

#### Performance Objectives

7. The approved document sets out a number of performance objectives to identify where a new dwelling has made reasonable provision for the M4(2) optional requirement which comprises of:

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<sup>1</sup> Paragraph 50

<sup>2</sup> Paragraph 159

<sup>3</sup> Mid Sussex District Plan (BP1) – District Plan Strategic Objectives 12-14, p.6

<sup>4</sup> PPG, Housing optional technical standards, 56-007

<sup>5</sup> PPG, Housing: optional technical standards, 56-005



- a. Within the curtilage of the dwelling, or the building containing the dwelling, it is possible to approach and gain step-free access to the dwelling and to any associated parking space and communal facilities that are intended for the occupants to use.
- b. There is step-free access to the WC and other accommodation within the entrance storey, and to any associated private outdoor space directly connected to the entrance storey.
- c. A wide range of people, including older and disabled people and some wheelchair users, are able to use the accommodation, including its sanitary facilities.
- d. Features are provided to enable common adaptations to be carried out at a future date to increase the accessibility and functionality of the dwelling.
- e. Wall-mounted switches, socket outlets and other controls are reasonably accessible to people who have reduced reach.

Figure 1 – Optional requirement M4(2): Accessible and Adaptable dwellings

Optional Requirement	Limits on application
<p>PART M ACCESS TO AND USE OF BUILDINGS Volume 1: Dwellings</p> <p>Category 2 – Accessible and adaptable dwellings</p> <p>M4(2) Optional requirement</p> <p>(1) Reasonable provision must be made for people to –</p> <p>(a) gain access to, and</p> <p>(b) use the dwelling and its facilities.</p> <p>(2) The provision made must be sufficient to –</p> <p>(a) meet the needs of occupants with differing needs, including some older or disabled people; and</p> <p>(b) to allow adaptation of the dwelling to meet the changing needs of occupants over time.</p>	<p>Optional requirement M4(2) –</p> <p>(a) may apply only in relation to a dwelling that is erected;</p> <p>(b) will apply in substitution for requirement M4(1);</p> <p>(c) does not apply where optional requirement M4(3) applies;</p> <p>(d) Does not apply to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained</p>

8. As set out above, optional requirement M4(2) requires provision to be made for occupants with different needs, including some older and disabled people and some wheelchair users; and sufficient provision to allow for the adaptation of the dwelling to meet the changing needs of occupants over time. M4(2) requires the provision of step-free access to the dwelling, within the dwellings, to facilities on the entrance floor and any private outdoor space directly connected to the entrance floor.
9. As such, M4(2) accessible and adaptable dwellings will be suitable for older persons, whose numbers are projected to increase substantially in Mid Sussex over the plan period;

some disabled people including some wheelchair users; and also for non-disabled people including families with children.

## Need

10. The number of people aged 65 and above in Mid Sussex is projected to grow rapidly from 28,500 (19.7% of total population) in 2014, to 41,500 (25% of total population) in 2031, a 45.6% increase. Significantly, projections also show that the Mid Sussex population of those aged 85+ is expected to increase at an even greater pace, from 4,374 (3% of total population) to 8,155 (4.9% of the total population), a 86.4% increase. This compares to a 7% increase in those aged under 65.

Table 1 - Household projections by age for Mid Sussex and other areas, 2014-2031

	Under 65	65 - 84	85+	65+
Mid Sussex	7.0%	38.1%	86.4%	45.6%
HMA	6.5%	43.7%	77.4%	48.7%
West Sussex	6.2%	39.0%	72.2%	44.2%
South East	6.1%	38.9%	80.8%	44.9%
England	5.9%	35.6%	76.2%	41.0%

Source: Nomis – Population projections

11. Long-term health conditions are more prevalent in older people. The Department of Health estimates that the number of people with at least one long-term condition is growing, and the number of people with multiple long-term conditions appears to be rising<sup>6</sup>. Due to medical advances, improvements in lifestyle and new technologies, older people are also living with a disability or long-term illness for a greater proportion of their life. For the South East, men aged 65 are now expected to live with a disability for around 8 years and women 9.6 years<sup>7</sup>.
12. This is coupled with a general trend in West Sussex for most people choosing to stay in own home, and this is an increasing number<sup>8</sup>. Currently, 95% of older people (aged 65 or over) live in mainstream housing compared to 5% in sheltered housing or residential care homes<sup>9</sup>. In addition there are macro long-term pressures on health spending and social care due meaning that it will be important to enable more people to stay in their homes (for longer) in the face of sustained pressure on health service costs<sup>10</sup>.

<sup>6</sup> Department for Health – Report: Long-terms conditions compendium of information (2012)

<sup>7</sup> ONS, 2016, Sub-national health expectations 2012-2014

<sup>8</sup> West Sussex County Council - Foundations for Wellbeing – Annual Report of the Director of Public Health and Wellbeing 2013/14

<sup>9</sup> ONS, 2011 Census, Residence by type

<sup>10</sup> DCLG, 2014. DCLG Housing Standards Review - Evidence Report: Cost Benefit Analysis: methods, sources, assumptions

13. Research undertaken in the Mid Sussex Housing and Economic Development Needs Assessment indicates that elderly households (single person and couple households), for accessible homes, bungalows, sheltered accommodation and care homes, of one to two bedrooms, will constitute almost 50% of the future proportion of growth in Mid Sussex. This is coupled with a comparatively low existing stock of smaller dwellings in Mid Sussex in comparison to regional and national averages, of which as a proportion of the total housing stock declined over the period 2001-2011<sup>11</sup>, against comparatively higher levels of growth in older persons in comparison to regional and national averages as per Table 1.
14. As such, it is important that a good stock of adaptable dwellings is provided, particularly smaller units. The provision of high quality accessible and adaptable new homes for older and smaller households in suitable locations can facilitate downsizing and realise the benefits of freeing up larger, under-occupied homes for families and other large households<sup>12</sup>. For instance, housing charity Shelter estimates that across the UK, if 20% of older owner-occupiers downsized it would release 840,000 family sized homes to the market<sup>13</sup>. This is pertinent for Mid Sussex, which indicates very high levels of under occupation (72% of all households), exceeding that of West Sussex (68%), London (43%), the South East (66%) and England (63%); and with up to 30% estimated growth of future households required for small and larger family homes<sup>14</sup>.
15. Requiring all appropriate new housing to be built to M4(2) will ensure that the housing stock in Mid Sussex becomes progressively more capable of responding to the needs of households as they live independently for longer and their circumstances and levels of mobility change over time. It also ensures that the needs of households whose personal circumstances change earlier in life can be met such as accommodating a disabled family member from birth, accident, injury or illness can make feasible adaptations to their homes without incurring substantial cost or needing to move.
16. Many older and disabled people living in unsuitable housing or those faced with changed circumstances must make expensive adaptations to their homes when their needs change. However, even small scale adaptations may not be possible or are disproportionately expensive in many homes due to structural or dimensional constraints that could have easily been avoided and cost effectively provided at the design stage<sup>15</sup>. Moreover, a substantially higher proportion of individuals who live in families with disabled members live in poverty, compared to individuals who live in families where no one is disabled<sup>16</sup>. The cost of adapting houses which were not built to Lifetime Homes standards for example, is substantial. Encouraging greater uptake of the M4(2) requirement from design stage will reduce the cost of adaptations as and when they are needed, and also reduce care costs.
17. The provision of homes in accordance with accessible and adaptable standards would help address these issues by enabling households to make necessary adjustments and adaptations without needing to move home. These figures should be considered in the

<sup>11</sup> Mid Sussex Housing and Economic Development Needs Assessment, 2015, Tables 28 and 29.

<sup>12</sup> DCLG, 2007. The Future of the Code for Sustainable Homes, page 50.

<sup>13</sup> West Sussex County Council - Foundations for Wellbeing – Annual Report of the Director of Public Health and Wellbeing 2013/14

<sup>14</sup> Mid Sussex HEDNA, 2015. Table 30 (EP20)

<sup>15</sup> Leonard Cheshire Disability, 2014. no place like home 5 million reasons to make housing disabled-friendly

<sup>16</sup> Department for Work and Pensions – Disability facts and figures (2014)

context of anticipated increases in the numbers of older persons in Mid Sussex over the plan period, and that households typically, are more likely to need to make adaptations during their lifetime.

### Additional benefits of accessible housing

18. The DCLG impact assessment<sup>17</sup> sets out a range of social benefits that will arise through the building of more accessible housing, implementing the M4(2) and M4(3) optional access requirements. The most common savings include, but are not limited to:
- Avoiding temporary residential costs by enabling early return from hospital;
  - Reduced bed blocking in primary health care due to inappropriate housing preventing return home;
  - Reduced residential care costs by delaying long term need to move in to residential accommodation;
  - Reduced cost of and need for care assistance in the home;
  - Reduced costs to the health service arising from unsuitable housing and including trips, falls and injury to carers;
  - Reduced cost or need for adaptations;
  - Reduced cost of removing adaptations;
  - Reduced administration costs in re-housing older or disabled people
19. Accessible and adaptable homes also provide a range of benefits for families with small children, ensuring homes are accessible for families with pushchairs (through step free access and sufficient space within the homes). This too is a significant factor in Mid Sussex, with up to 30% estimated growth of future households required for small and larger family homes<sup>18</sup>.

### Viability

20. The Community Infrastructure Levy and District Plan Viability Study (2016 – EP43) indicates that the M4(2) accessible and adaptable dwellings standard costs £924 per flat and £521 per house. The Viability Assessment evidences that this modest cost can be absorbed without causing harm to the delivery of development in Mid Sussex. The proposed policy recognises that where viability is unachievable in implementing the optional standards, exemptions will be made.

### Conclusion

21. There is a demonstrable need for the inclusion of M4(2) optional access requirements that will secure a supply of appropriate and accessible dwellings in Mid Sussex, with significant additional social benefits for households and the Mid Sussex community as a whole.
22. The number of older persons living in Mid Sussex is expected to increase substantially over the plan period and beyond, especially those aged 85 and over. It is clear that the pressures for accessible and adaptable dwellings will increase. Not taking robust action may hinder the creation of inclusive mixed use communities as the needs of different

<sup>17</sup> DCLG, 2015. Housing Standards Review – Final Implementation Impact Assessment, Paragraph 252

<sup>18</sup> Mid Sussex HEDNA, 2015. Table 30 (EP20)

groups including older people and people with disabilities has not been properly provided. This puts not meeting the key objective of the District Plan, which is supporting and creating sustainable communities, at great risk.

23. Previously, in developing an argument for mandatory application of Lifetime Homes standards, the government set out that the home building market is not reacting as quickly as necessary to meet the dramatic changes to the age structure of the population, warning that a failure to act now to make sure that the homes being built will meet the needs of an ageing population, will mean the country will face increasing difficulties in meeting needs over the coming decades. There is no evidence presented by the development industry that it is taking its own steps to rectify this growing issue without the imposition of optional requirements.
24. At the time of writing, the housing requirement for Mid Sussex has not been fixed. However, at 800 dwellings per annum as per the submitted District Plan (BP1), implementation of the full optional access requirement would only represent up to a 1.4% change in the total housing stock per annum, as measured at 2014 base year. The supply of such housing would take a number of years to reach a meaningful level of provision as a proportion of the total Mid Sussex housing stock and any reduced provision would compound the undersupply of such housing, particularly in the face of increasing pressures. The issue is exacerbated by the apparent difficulties in adapting existing stock to meet older and disabled people's needs in terms of feasibility and cost, avoidable at modest cost by provision at the design stage of new builds. Therefore the Council consider that full allocation should be made in light of the evidence of need, demonstrable viability, and the policy clauses that allow exceptions to be made where provision is unreasonable.
25. Viability evidence indicates that the modest cost of full provision of M4(2) can be implemented without causing harm to the delivery of development in Mid Sussex.
26. The Council can clearly demonstrate that it has taken into account the needs of different groups in the community, including families with children, older people and people with disabilities as per the NPPF. It can also demonstrate a clear need for the optional access requirements based on an understanding of the housing needs of an area, including the likely future need for older and disabled people (including wheelchair user dwellings). The Council concludes that full provision should be made in light of existing and growing pressure for such households. It sets out in the submitted plan (BP1), with suggested modifications below, how it should plan to meet this need.
27. The Council can clearly demonstrate a high need for the full provision of homes with optional requirement M4(2). There is no requirement in the NPPF or PPG for the Council to demonstrate that it has a fundamentally different case to say Brighton, Crawley or Horsham in order to justify implementing such a requirement. Indeed, the issue of an ageing population is almost universal amongst local authorities in the south east of England. It would therefore be very difficult and inappropriate for the Council to be required to demonstrate itself as an 'exceptional case', which would ignore the pressing need to provide a solution to the current and future requirements of such households. In addition, the Council contends that it has not received any representations or evidence otherwise that provides sufficient reasoning against the full provision of homes with optional requirement M4(2), from a viability or feasibility perspective.

## Proposed Modifications

28. The following amendments are proposed to Policy DP26, taking into account the outcomes of the District Plan Examination in Public hearing session held 28<sup>th</sup> February 2017:

**All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.**

**This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.**

**With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.**

### Accessible and Adaptable Dwellings

**Category 2 – Accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2) will apply to all new residential dwellings in the district, ~~(excluding new dwellings created by a change of use) and dwellings where requirement M4(3) applies in the district~~ with the following exceptions:**

- 1) Where specific factors such as site topography make the provision of Category 2 – Accessible and adaptable dwellings Requirement M4(2) unachievable by practicable and/ or viable means;
- 2) Proposals for flatted residential buildings of fewer than 10 dwellings will be exempted from Category 2 – Accessible and adaptable dwellings Requirement M4(2).

### Wheelchair-user dwellings

**Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally ~~4%~~5%, dependent on the suitability of the site and the need at the time.**

**The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.**