

MSDC 8d

- **MSDC suggested further changes to District Plan Chapter 5: Monitoring; and proposed policy DP26**

Proposed Amendment to Chapter 5: Monitoring

Further to the amendments to policies DP5: Housing and DP6: Settlement Hierarchy set out in MSDC8c and the implications for the Northern West Sussex Housing Market Area set out in MSDC16, the Council has identified a further amendment is required to the Monitoring chapter of the District Plan.

Proposed modification

The Council proposes the following rewording of Chapter 5 of the submission plan.

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. 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.

Housing Provision and Unmet Need

5.5. Based on the housing provision set out in DP5: Housing of 876dpa until 2023/24 and then 1,026 thereafter, the housing need of the Northern West Sussex Housing Market Area will collectively be met until year 2028/29 according to current trajectories (as at May 2017). Current trajectories identify a small shortfall in supply against need after this date although it is inevitable that the level of need and supply for each of the three authorities in the HMA will have been reviewed by 2028/2029. The Council commits to working with the neighbouring authorities in the HMA to resolve unmet needs over the full plan period.

5.6. 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 issue requires a sub-regional response.

5.3-5.7. The Council is a participant in the 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.

5.8. The LSS3 work is progressing and the Council has committed to support this work by contributing to the ongoing costs of commissioning the necessary associated evidence base material. The Council will review its District Plan once the LSS3 strategy is agreed and will take it into account when establishing the District's housing requirement. The exact timing of the LSS process is difficult to predict but the Council is committed to a proactive role within it, and there is no reason to doubt that it will begin to produce workable outcomes within a few years; the Council will have a particular focus on ensuring that its results are timed to assist with the review of this Plan. If the work of the LSS has not been completed by the time the District Plan is reviewed, the review will take into account the most appropriate evidence base available on this matter at that time.

Ashdown Forest SPA/SAC - Implications

5.9. The implications of development on Ashdown Forest will be kept under review. Large parts of Ashdown Forest within the neighbouring district of Wealden are designated as a Special Protection Area (SPA) or Special Area of Conservation (SAC). In broad terms, the SPA is particularly sensitive to visitor effects and numbers, while the SAC is particularly sensitive to the deposition of elements and compounds which act as 'pollutants', such as Nitrogen. As a result of the 'Wealden' judgment¹ regarding the SAC, the effects of development planned within the District Plan should be assessed in combination with other plans and projects likely to affect the Forest and the implications identified.

5.10. Following the judgment, further transport modelling assessed the impact of proposals within the District Plan on the Ashdown Forest SAC. This modelling was based on the Objectively Assessed Need (OAN) of 876dpa for the whole plan period. Whilst the modelling at this level of development shows a net reduction in traffic movements through Ashdown Forest overall, there is a small increase in traffic on the A275. The impact of increased development (i.e. above 876dpa) on Ashdown Forest is unknown at this stage. A significant amount of additional development would be required, and at this moment in time the scale and location of this development is not known – as the transport modelling is sensitive to the scale and location of development, any assessments undertaken at this stage would be unreliable and the impact on Ashdown Forest speculative.

5.11. The Council believe that a sound position with respect to adverse impacts on Ashdown Forest at the current time is delivery of a maximum of 876dpa until satisfactory mitigation/compensation for adverse impacts on the Forest can be agreed. To maintain a rolling 5-year land supply the Council will undertake a full or partial review of the Plan, to assess and achieve additional site allocations at a time when it is hoped the overall habitats situation and approach to mitigation (and any possible public interest justifications and compensation) will be clearer. The Council will also work with neighbouring authorities to establish a habitats-sound growth allocation within the HMA as a whole.

~~5.4.1.1. 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.~~

[...]

¹ Wealden District Council v Secretary of State for Communities and Local Government [2017] EWHC 351 (Admin)

Proposed Amendment to DP26: Accessibility

Further to the amendments to policy DP26 suggested in MSDC8b, some further amendments are required to proposed Policy DP26 of the District Plan.

Proposed modification

The Council proposes the following rewording to Policy DP26 of the submission plan.

Accessibility is about the ease and convenience with which a place can be used by people. This policy applies to both homes and places, including areas of open space and transport infrastructure.

The District has an ageing population and residents and employees who need safe and easy access to buildings and spaces. The District Council has worked with local voluntary organisations that seek to improve access for the whole community including those with disabilities or mobility problems, for example, wheelchair users and people with physical and/or sensory disabilities. During the preparation of the District Plan, the groups have engaged in the process and this has led to the inclusion of the policy in the Plan.

The policy below seeks to ensure that accessibility is considered holistically when designing places.

Revisions to Part M of the Building Regulations came into effect in October 2015. These introduced optional additional technical requirements for accessibility, exceeding the minimum standards required by Building Regulations where a local planning authority has a policy in place based on evidence that a higher level of accessibility and adaptability in new residential development is viable and necessary to meet current and future housing needs.

The Council has considered housing needs through a number of studies that inform the assessment of housing and economic development needs. This has demonstrated that a high and rising proportion of residents are in need of the level of accessibility provided by Approved Document M -Category 2 dwellings, broadly equivalent to the former Lifetime Homes Standards. This requires new residential development to provide step-free access to and within the entrance storey of the dwelling.

The policy makes provision for 20% of all new residential dwellings of 5 or more dwellings to be built to optional additional standard M4(2). ~~However, the Council considers that because the housing requirements of groups with particular needs are constantly changing and that such requirements are likely to become more mainstream in development design and layout and less costly to build, that sufficient justification will exist to review the provision of housing to the standard within the plan period. The Council will also consider its position on the provision of housing to the standard at the time the Site Allocations DPD comes forward should this be sooner than a review to DP26, and will consider on a site by site basis, whether requirements can and should be set at a higher level of provision. The Council will carefully monitor implementation at 20% provision as part of the evidence to whether a review is justified. The housing requirements of groups with particular needs will be monitored and the Plan will be reviewed in this respect if evidence clearly supports a change to this level of provision.~~

The Mid Sussex Whole Plan and CIL Viability Assessment (2016) accounts for the cost of meeting Category 2 Accessible and Adaptable dwellings in the study construction costs. This demonstrates that the optional requirement is achievable although there is a risk that the need for lift provision may create a development viability issue for small flatted residential buildings. A threshold has been applied for this type of development below which the Category 1 (visitable dwellings) access standard will apply. The provision of a lift in a block of flats was not a Lifetime Homes requirement.

DP26: Accessibility

[...]

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

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 – Accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;
- 1)2) Where the scheme is Proposals for flatted residential buildings of fewer than 10 dwellings; will be exempted from Category 2 – Accessible and adaptable dwellings Requirement M4(2).
- 2)3) Where specific factors such as site topography make the such standards provision of Category 2 – Accessible and adaptable dwellings Requirement M4(2) unachievable by practicable and/ or viable means;
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.

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:

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.