
Mid Sussex District Plan

Statement of Common Ground

Burgess Hill Northern Arc

Mid Sussex District Council

Wates Developments Limited

Gleeson Developments Limited

Rydon Homes Limited

November 2016

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1. Executive Summary

- 1.1. This Statement of Common Ground (SoCG) sets out matters of agreement and disagreement between Wates Developments Limited, Gleeson Developments Limited, Rydon Homes Limited ('the Developers') and Mid Sussex District Council (MSDC), the Local Planning Authority ('the LPA').
- 1.2. The developers and the Council have been working collaboratively over a number of years on the evolution of the Burgess Hill Northern Arc. There is considerable agreement on the main principles and vision for the Northern Arc; these having been established through considerable joint work between the developers, the District Council, Burgess Hill Town Council and West Sussex County Council. In addition, other stakeholder groups have been jointly engaged in the process. The Burgess Hill Town Wide Strategy, a non-statutory vision for the growth of Burgess Hill produced by Burgess Hill Town Council in 2011, establishes the Northern Arc as a key catalyst for future growth, investment and enhancement of the town. This was supported through public consultation and provides some of the context for the current policy.
- 1.3. This SoCG focuses upon policy matters specifically relating to the proposed Strategic Allocation to the north and north-west of Burgess Hill, known as the Burgess Hill Northern Arc ('the BHNA') in the Submission Version of the draft Mid Sussex District Plan 2014-2031 ('the MSDP') that was submitted to the Secretary of State in August 2016 for Examination in Public.
- 1.4. There is agreement between the Developers and the LPA on the majority of matters relating to the development of the BHNA as set out in the MSDP November 2015 Focussed Amendments and the further modifications included in the August 2016 submitted District Plan. However, the following are outstanding matters of disagreement:
 - The number of dwellings capable of being delivered on the BHNA
 - The LPA believe that the BHNA is capable of delivering 3,500 dwellings
 - The Developers believe that the Developer controlled land within the BHNA is capable of delivering 2,930 dwellings plus a potential of between 150 and 200 dwellings on land not in the control of the Developers. It should be noted that this assumes land to the south of the A2300 delivers approximately 200 dwellings – a position the Council's current policy would not support. An emerging policy compliant capacity is therefore 2,730 dwellings.
 - The allocation of employment land south of the A2300 within the BHNA
 - The LPA's current policy position is to allocate employment land south of the A2300
 - The Developers' position is that residential development south of the A2300 is appropriate, has always been promoted by the developers and is deliverable for residential development within an early phase of the Northern Arc delivery as it does not rely upon the implementation of the Northern Arc link road. Furthermore, the developers consider that insufficient justification has been provided upon either the required quantum of employment land proposed for Burgess Hill or, more specifically, its allocation in a single large location.
- 1.5. If implemented, the further modifications included in the submitted District Plan provide agreement

between the Developers and the LPA in relation to the following issues:

- The provision of Gypsy and Traveller Pitches within the BHNA
 - The LPA's policy position in the November 2015 Focused Amendments is a requirement for onsite provision of Gypsy & Traveller pitches on strategic sites
 - The Developers consider that the onsite provision of Gypsy and Traveller pitches would jeopardise the delivery of the BHNA and a financial contribution to offsite provision would be more appropriate.
 - The below text from the further modifications included in the August 2016 submitted District Plan addresses the differences between parties and, if implemented, would provide agreement:
"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)"
- The required net residential density on the BHNA
 - The LPA's policy position in the November 2015 Focused Amendments seeks a net density of 45dph on strategic sites
 - The Developers consider that a net density of 40dph is more realistic and appropriate
 - The below text from the further modifications included in the August 2016 submitted District Plan addresses the differences between parties and, if implemented, would provide agreement:
"- 40 dwellings per hectare on large sites with in excess of 5 hectares of developable land, including the strategic allocations in the District Plan"

1.6. In relation to the scope of the highway improvements to be provided by strategic developments, discussions between the Developers, the LPA and the Highways Authority are ongoing. The Developers' position is that, subject to meeting the tests set by the Community Infrastructure Levy Regulations, it is reasonable for all developments that result in additional traffic on the A2300 (including the BHNA) to make a proportionate contribution towards A2300 improvements cost effectively limiting the significant impacts of development and ensuring that the residual cumulative impacts of development on the operation of the A2300 are not severe. The LPA and the Highways Authority agree that proportionate contributions towards the A2300 upgrades should be calculated based on the impact of the development, with all relevant strategic developments contributing. Work is underway to achieve consensus between all parties as to what the proportionate contribution of the BHNA should be and how this could be utilised to support delivery of the A2300 upgrades.

1.7. The LPA presented a housing trajectory in the MSDP showing housing delivery on the BHNA commencing at 172dpa in 2018/19. This was based on information provided by the Developers in 2015 on the assumption that planning applications would be submitted to MSDC at the end of 2015. The

application timetable and trajectory produced by the developers reflected the negotiations and discussions that were taking place between the developers and the Council at that time. However, changes in the Council's policy position at the end of 2015, together with lack of agreement relating to employment issues have delayed the application preparation process. A revised trajectory based upon up to date information has been provided within the submitted joint Hearing Statement that is appended to this SoCG. The LPA have now acknowledged this revised trajectory in their 8 November 2016 Housing Matters Statement (Paragraphs 9.1.4 – 9.1.11).

- 1.8. The further modifications included in the August 2016 submitted District Plan included a policy provision for 40% affordable housing, incorporating where appropriate a 20% provision of starter homes. The Developers consider that the suggested policy change has not been subject to consultation and there is insufficient detail/legislation for the Developers to establish agreement/disagreement. In their 29 September response to the Inspector's Initial Questions (Housing) the LPA have stated that they would prefer those modifications to Policy DP29: Affordable Housing are held in abeyance, until the position on starter homes is clearer.
- 1.9. The Developers previously submitted a draft Infrastructure Delivery Strategy (IDS) to the LPA which included phasing which informed the LPA's housing trajectory. As a result of the publication of the November 2015 Focussed Amendments as set out above both the draft IDS and original trajectory had to be revisited to reflect changed circumstances. Progress is continuing between the LPA and the Developers to finalise the IDS in advance of the approval of planning applications.

2. Introduction

- 2.1. This Statement of Common Ground (SoCG) sets out matters of agreement and disagreement between Wates Developments Limited, Gleeson Developments Limited, Rydon Homes Limited ('the Developers') and Mid Sussex District Council (MSDC), the Local Planning Authority ('the LPA').
- 2.2. This SoCG focuses upon policy matters specifically relating to the proposed Strategic Allocation to the north and north-west of Burgess Hill, known as the Burgess Hill Northern Arc ('the BHNA') in the Submission Version of the draft Mid Sussex District Plan 2014-2031 ('the MSDP') that was submitted to the Secretary of State in August 2016 for Examination in Public.
- 2.3. The August 2016 Submission Version of the MSDP comprises the Pre-Submission Draft Plan as amended by the November 2015 Focussed Amendments and a series of Further Modifications that the Developers consider have not yet been subject to consultation. The LPA considers that the proposed modifications (other than in relation to DP29) do reflect changes that have arisen from the November 2015 consultation. The LPA also had dialogue with key stakeholders to agree the scope of these modifications.
- 2.4. For completeness this SoCG provides full extracts of relevant text. However, the focus is upon the highlighted text where there is disagreement between the Developers and the LPA as described in more detail in Section 3.

3. Matters of Agreement and Disagreement

Submission Draft MSDP

- 3.1. The following elements of the MSDP (as amended by the November 2015 Focussed Amendments) specifically related to the BHNA and reproduced below are agreed unless highlighted.

Ensuring Housing Development is in Suitable Locations (Paragraphs 3.19 – 3.20)

- 3.2. The Sustainability Appraisal for the District Plan has shown that the District can accommodate the level of housing required, taking into account environmental and other constraints. In terms of location, the most sustainable strategy for the District is to allocate a significant proportion of the proposed development to Burgess Hill. Located in the south of the District, Burgess Hill is the largest of the three towns in Mid Sussex with a population of around 29,000. There are two main line stations which allow access to London and Brighton, town centre facilities and existing employment opportunities. Burgess Hill has fewer constraints than Haywards Heath and East Grinstead and other potential locations identified in the Sustainability Appraisal. The remainder of development will be delivered by the other towns and villages to support their economic, infrastructure and social needs. The scale of growth at these settlements will be guided by the Settlement Hierarchy set out in Policy DP6: Settlement Hierarchy
- 3.3. Locating homes and employment opportunities as part of development at Burgess Hill will bring improvements in infrastructure and contribute to the renewal and regeneration of the town centre. Over the last five years, work has been progressing in Burgess Hill on a proposal to develop new homes to the north and the east of the town, new high quality employment development, new sporting facilities and other infrastructure benefits. This work has been led by Burgess Hill Town Council, in consultation with adjacent Parish Councils (Ansty and Staplefield Parish Council and Hurstpierpoint & Sayers Common Parish Council), the District Council and West Sussex County Council, and interested developers. This work has been the subject of public consultation, and the results incorporated into the Burgess Hill Town Wide Strategy. The Town Wide Strategy was adopted by the Town Council in 2011.
- 3.4. The District Council supports this work, which is seen as a leading example of the 'bottom-up' approach to planning now being promoted through the Localism Act and National Planning Policy Framework (paragraphs 183-185). It reflects the Council's aspirations to support sustainable growth where this is accompanied by infrastructure benefits. The principles and development proposals set out in the Burgess Hill Town Wide Strategy are included as strategic development locations in this Plan.

Policy DP5: Housing

- 3.5. New homes will be delivered as part of the strategic development to the north and northwest of Burgess Hill.

Policy:

- 3.6. The delivery of 3,500 dwellings via strategic development north and north-west of Burgess Hill.

Policy DP6: Settlement Hierarchy

Supporting text:

- 3.7. The approach of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath.

Policy wording:

- 3.8. Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP24: Character and Design), and not cause harm to the character and function of the settlement.
- 3.9. The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:
1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings;
 2. The site adjoins an existing settlement edge; and
 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.

Policy DP7: General Principles for Strategic Development at Burgess Hill

Policy wording:

- 3.10. All strategic development at Burgess Hill, as shown on the inset map, is required to support the general principles set out in this policy.
- 3.11. Strategic development will:
- Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;
 - 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;
 - Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;
 - Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations, including the provision of, or contributions to enhancing, transport interchanges;
 - Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;
 - Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;

- Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;
- Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;
- Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;
- Provide a range of housing including a minimum of 30% affordable housing, in accordance with policy DP29 Affordable Housing and housing for older people;
- Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP37 Biodiversity and DP38 Green Infrastructure;
- Provide an effective telecommunications infrastructure, including provision for broadband;
- Not be occupied until necessary improvements at Goddards Green Waste Water Treatment Works and connecting pipework and pumping stations to increase the capacity and environmental quality are implemented; and
- 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

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

Supporting text:

- 3.12. This strategic allocation is a greenfield site lying between Bedelands Nature Reserve on the east side of Burgess Hill and the Goddards Green Waste Water Treatment works to the west and largely comprises land known as the Northern Arc.
- 3.13. The Sustainability Appraisal for the District Plan assesses this site alongside other proposed alternatives for strategic development in Mid Sussex and this site scores favourably overall. The site contains a number of ancient woodlands that must be protected and areas of flood risk that will need to be adequately mitigated. The Council's Strategic Flood Risk Assessment (2015) provides specific advice on the flood risk characteristics of the site.
- 3.14. The Burgess Hill Town Wide Strategy (2011), identified this site as a preferred location for housing development as a mixed use site for homes, with neighbourhood facilities, major education facilities (primary and secondary schools), a Centre for Community Sport, extension of the Green Circle network, and sustainable transport amongst other infrastructure requirements. The Strategy has informed this strategic policy and the Council's District-wide Infrastructure Delivery Plan.
- 3.15. The development to the north and northwest of Burgess Hill is an essential part of the delivery of the overall housing numbers for the District Plan and infrastructure for Burgess Hill and the surrounding area. The scale of development proposed is significant and the allocation will be required to meet a number of

criteria. These include a phasing strategy and programme of delivery for housing (including for Gypsy and Traveller needs), employment and infrastructure as well as specific principles relating to the site. The development should also meet the general principles of development outlined in policy DP7.

- 3.16. The area between Maple Drive and the 'Northern Arc' is included within the allocation because it is important that the new development is integrated with the existing town and that there are good public transport and pedestrian links between the development and Wivelsfield station.
- 3.17. BHNA is an essential part of the delivery of the overall housing numbers and infrastructure and is viewed as is a single strategic development. Should BHNA be delivered through multiple individual applications, these will be led by, and accord with, an allocation wide masterplan, infrastructure delivery strategy and phasing strategy.
- 3.18. The Council views the allocation to the north and north-west of Burgess Hill as a single strategic development. If it is the subject of multiple planning applications, it is important that these are led by and accord with a masterplan, infrastructure delivery strategy, including a fair and reasonable mechanism for apportioning the in-kind provision of infrastructure and/or costs, and phasing strategy. This is necessary to secure a comprehensive approach to masterplanning and infrastructure delivery for the Allocation Area as a whole and ensure that proposals for part of the Area help deliver a high quality cohesive place that meets overall policy objectives and do not prejudice future phases of development or infrastructure provision.
- 3.19. In November 2015, the Council granted outline planning permission for the development of up to 50,000sqm employment floorspace to the north-west of Burgess Hill that will form part of a proposed business park.

Policy wording:

- 3.20. Strategic mixed-use development (which will need to conform to the general principles in Policy DP7:General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for:
- Approximately 3,500 additional homes and 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 all new homes;
 - 30 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;
 - A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College;
 - A total of 24 pitches for Gypsies and Travellers to contribute towards the additional need within the District for pitches 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); and [NOTE: the proposed further modifications to the policy wording provide agreement between the Developers and the LPA on this matter: *“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 Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive.

3.21. Strategic mixed-use development in this location will:

- Progress in accordance with the approved allocation wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal. An allocation wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal shall be submitted for approval by the local planning authority for each planning application for development in the Strategic Allocation Area until such time as the allocation wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal have been approved by the local planning authority. Each planning application to be determined thereafter should accord with such approved documents unless otherwise agreed by the local planning authority;

3.22. The Allocation-wide Infrastructure Delivery Strategy will demonstrate that the development of the Strategic Allocation Area will deliver, in a timely manner, sufficient infrastructure to cater for the needs of the Strategic Allocation Area as a whole and also mitigate to an acceptable level the effects of the whole development upon the surrounding area and community; this will include provision of:

- (a) the infrastructure, as set out in the Council's Infrastructure Delivery Plan, the Burgess Hill Town Wide Strategy and identified in technical assessments to be implemented before or alongside development in accordance with a Phasing Strategy approved by the local planning authority;
- (b) sustainable transport measures and other infrastructure requirements, including measures to mitigate impacts upon the local and Strategic Road Network in Burgess Hill and the surrounding area. This will include (i) the new Northern Link Road through the Strategic Allocation Area helping to alleviate additional traffic to the town and offering an alternative route around Burgess Hill; the road will be designed as a central boulevard offering a highly attractive and functional route through the Strategic Allocation Area;(ii) improved links across the A2300 and A273 Sussex Way/Jane Murray Way to improve integration with the remainder of Burgess Hill; (iii) improved east-west connections across the strategic site; (iv) provision of new bus routes or diversion of existing routes to connect with key hubs including railway and bus stations and Burgess Hill and Haywards Heath town centre; (V) a legible and permeable network and hierarchy of safe streets and public rights of way including

pedestrian cycleways and appropriate high quality street furniture; (vi) streets and spaces that are attractive and pedestrian friendly; and (vii) appropriate of-street car parking and secure cycle parking in accordance with relevant standards.

3.23. The Allocation-wide Phasing Strategy will set out the proposed phasing of the Strategic Allocation Area, including the relevant land uses and infrastructure delivery for each phase:

- Identify and take account of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible and appropriate landscaping and safe design of balancing ponds and water/drainage features; and deliver opportunities and requirements as set out in Policy DP7:General Principles for Strategic Development at Burgess Hill, DP37:Biodiversity and DP38:Green Infrastructure including new publicly accessible open space and routes including the continuation of the existing 'Green Circle' comprising multi-functional paths and areas, mostly within a 20 metre to 30 metre corridor along the stream running through the Strategic Allocation Area, with spokes to the north and south which incorporate and respond to ecological constraints, topography, flooding issues and landscaping features; links into the town centre; provision of natural and semi-natural green space, children's play space and community allotments; and provision of pedestrian and cycle links to such spaces;
- Take account of on-site flood plains and avoid areas of current and future flood risk through a sequential approach to site layout to comply with Policy DP42:Flood Risk and recommendations in the Strategic Flood Risk Assessment;
- Identify, avoid, mitigate and manage the risks posed to water quality associated with the historic land uses and support the delivery of 'Good' ecological status of the River Adur and Copyhold Stream in accordance with DP41:Water Infrastructure and the Water Environment;
- Consider the relationship between the Goddards Green Waste Water Treatment Works and the Strategic Allocation Area including appropriate measures to avoid or mitigate odour impacts from the Treatment Works including the appropriate location of sensitive land uses;
- Ensure access to existing sewerage infrastructure for maintenance and improvements; and
- An Allocation-wide Financial Appraisal in a format to be agreed in advance with the Council and in accordance with relevant guidance, reporting on the financial viability of the development of the whole (and relevant phases) of the Strategic Allocation Area and justifying the form and content of the proposals set out in the Allocation-wide Masterplan, Infrastructure Delivery Strategy and Phasing Strategy (including the amount and type of affordable housing and, if applicable, land reserved for custom or self build homes) should be submitted to and approved by the local planning authority.

Phase-specific further requirement

3.24. To be acceptable, planning applications that cover a phase or part of the Strategic Allocation Area must be accompanied by:

- An application-specific Masterplan and Delivery Statement for approval by the local planning authority that relates to the application site and sets out:

1. Site-specific infrastructure requirements and how these relate and adequately contribute to the

Allocation-wide Infrastructure Delivery Strategy;

2. Details of proposed development and its phasing, proposed triggers/ thresholds for the delivery of associated infrastructure and how in each case these relate and adequately contribute to the Allocation-wide Spatial Masterplan, Infrastructure Delivery Strategy and to the Phasing Strategy and conform with the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill; and
 3. Details of how proposed publicly accessible space, routes and facilities would be managed and maintained.
- 3.25. An application-specific Financial Appraisal in a format to be agreed in advance with the local planning authority and in accordance with relevant guidance, reporting on financial viability issues associated with the development and its relationship and contribution to the Allocation-wide Financial Appraisal and justifying the form and content of the proposals applied for in respect of the relevant phase or part (including the amount and type of affordable housing and, if applicable, land reserved for custom or self build homes) should be submitted to and approved by the local planning authority.

Policy DP24A: Housing Density

Policy wording:

- 3.26. In order to make efficient use of land, residential development must provide for net residential densities of at least:
- 50 dwellings per hectare within the built-up area boundaries of Burgess Hill, East Grinstead and Haywards Heath;
 - 45 dwellings per hectare on District Plan strategic allocations (This may be achieved by (a) locating higher densities in neighbourhood centres and around public transport stops where increased density and scale of buildings will also contribute to design quality by providing opportunities for landmark buildings and different character areas; and (b) some small areas that are less accessible or which are in areas at the edge of the strategic development where lower densities may be more appropriate.)
[NOTE: the proposed further modifications to the policy wording provide agreement between the Developers and the LPA on this matter: "40 dwellings per hectare on large sites with in excess of 5 hectares of developable land, including the strategic allocations in the District Plan"];
 - 40 dwellings per hectare on large sites with in excess of 5 hectares of developable land; and
 - 30 dwellings per hectare in all other locations.
- 3.27. Developments that do not make efficient use of land will not be permitted. Lower densities will only be accepted where it can be adequately demonstrated that these are necessary in order to avoid harm to the established characteristics of the area and/or to residential amenity.
- 3.28. Net dwelling density is calculated by including only those site areas developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping, and children's play areas, where these are provided.
- 3.29. In the case of mixed use schemes, the residential site area should be calculated using the total net site area apportioned between the various uses, on a pro rata basis (i.e. reducing the site area by the same

ratio as that of the residential to non-residential floorspace). However, in assessing density on mixed use sites, the council will be mindful of the overall benefits of the proposals.

Policy DP28: Housing Mix

Policy wording:

3.30. To support sustainable communities, housing development will:

- provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;
- meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and
- on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or the best available evidence [NOTE: the proposed further modifications to the policy wording provide agreement between the Developers and the LPA on this matter: “on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development;”]; and serviced plots for self-build homes where a need for such accommodation is identified.

3.31. Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).

Policy DP29: Affordable Housing

Policy wording:

3.32. The Council will seek:

- The provision of a minimum of 30% affordable housing for all residential developments providing a net increase of 4 dwellings and above.
- on residential developments providing a net increase of 1-3 dwellings, and in other circumstances where on-site provision is not practicable, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing. The payment would be commuted until after the completion of the dwellings within the development.

3.33. A mix of tenure will be required (normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix).

- 3.34. Proposals that do not meet these requirements will be refused unless significant clear evidence is provided to show that the site cannot support the required affordable housing from a viability and deliverability perspective.
- 3.35. Free serviced land should be made available for the affordable housing, which should be integrated with market housing and meet national technical standards for housing including “optional requirements” set out in this District Plan (Policies DP25: Dwelling Space Standards; DP26: Accessibility and DP42: Water Infrastructure and the Water Environment) or any other such standard which supersedes these.
- 3.36. Details about the provision of affordable housing will be set out in a Supplementary Planning Document.
- 3.37. The policy will be monitored and kept under review having regard to the Council’s Housing Strategy and any changes to evidence of housing needs.

Policy DP31: Gypsies, Travellers and Travelling Showpeople

Policy wording:

- 3.38. The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment (2013 and 2014 update) identifies the need for permanent pitches and plots for the period up to 2031 as 34 additional permanent Gypsy and Traveller pitches with no identified need for Travelling Showpeople sites.
- 3.39. To ensure sufficient provision of permanent Gypsy and Traveller sites to meet identified needs within an appropriate timescale, the Council makes provision for the allocation of 24 Gypsy and Traveller pitches within the strategic allocation to the north and north-west of Burgess Hill (Policy DP9 refers), is seeking the provision of such pitches on strategic sites (Policy DP28 refers) and is progressing a Traveller Sites Allocations Development Plan Document [NOTE: the proposed further modifications to the policy wording provide agreement between the Developers and the LPA on this matter: “the allocation of pitches within the strategic allocation to the north and north-west of Burgess Hill or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP9 refers)”].
- 3.40. New Gypsy, Traveller and Travelling Showpeople sites, and extensions to existing sites, including transit sites, will be permitted provided:
- The site or extension satisfies a clearly defined local need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment or the best available evidence;
 - The site is reasonably accessible to schools, shops, health and other local services and community facilities;
 - The development is appropriately located and designed to/or capable of being designed to the recognised best practice standards to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;
 - The sites are compatible with neighbouring land uses, and minimise impact on adjacent uses and built form and landscape character;

- In rural and semi-rural areas sites should not dominate the nearest settled community; and
 - Any site within the 7km zone of influence around Ashdown Forest will require an appropriate assessment under the Habitats Regulations to be undertaken and appropriate mitigation provided as required.
- 3.41. The provision of permanent Gypsy and Traveller sites will be monitored to ensure a suitable supply of such sites is provided at the appropriate time.
- 3.42. Existing Traveller sites will be safeguarded for Gypsy and Traveller use at:
- Fairplace Hill Caravan Site, Burgess Hill
 - Bedelands Caravan Site, Burgess Hill
 - Horsgate Caravan Site, Cuckfield
 - Walstead Caravan Site, near Lindfield
 - Highfields, near Warninglid
 - Pitts Head (Woodside Park), near Warninglid
 - Marigold Farm Caravan Site, near Ansty
- 3.43. Planning permission will not be granted for an alternative use on a safeguarded site unless an alternative, replacement site has been identified and developed to provide facilities of an equivalent or improved standard (including its location) whilst there remains a need for such sites as evidenced by the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or the best available evidence.
- 3.44. Any new Gypsy and Traveller or Travelling Showpeople sites granted permanent planning permission shall also be safeguarded for Gypsies, Travellers or Travelling Showpeople use.

Appendix A: Housing Trajectory

- 3.45. The Housing Trajectory for the BHNA presented in Appendix A is not agreed.

MSDP August 2016 Further Modifications

The Developers agree with the changes made to the relevant policies through the further modifications proposed in the August 2016 submission version of the District Plan, with the exception of the highlighted text in the following:

Policy DP7: General Principles for Strategic Development at Burgess Hill

Policy wording (where modified from MSDP Focussed Amendments):

- 3.46. Strategic Development will:
- Provide a range of housing including a minimum of **40%** affordable housing, in accordance with policy DP29 Affordable Housing and housing for older people; **[NOTE: In their 29 September response to the Inspector's initial Questions (Housing) the LPA have stated that they would prefer those modifications to Policy DP29: Affordable Housing are held in abeyance, until the position on starter homes is clearer]**

Policy DP9 – Strategic Allocation to the north and north-west of Burgess Hill

Policy wording (where modified from MSDP Focussed Amendments):

- 3.47. Strategic mixed-use development (which will need to conform to the general principles in Policy DP7:General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for the phased development of:
- 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;
 - 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);

Policy DP29: Affordable Housing

Supporting Text (where modified from MSDP Focussed Amendments):

- 3.48. The Mid Sussex Whole Plan and Community Infrastructure Levy Viability Assessment Study (2016) applies the likely costs of new housing developments, such as requirements for affordable housing, space standards, environmental policies, infrastructure contributions (Section 106 and/or CIL) and the normal development costs and mitigation, and provides evidence that the provision of 40% affordable housing, incorporating where appropriate a 20% provision of starter homes, is viable. [NOTE: In their 29 September response to the Inspector's initial Questions (Housing) the LPA have stated that they would prefer those modifications to Policy DP29: Affordable Housing are held in abeyance, until the position on starter homes is clearer]

Policy Wording (where modified from MSDP Focussed Amendments):

- 3.49. The Council will seek
- For all residential developments providing a net increase of 11 dwellings or above (irrespective of the whether or not they exceed a combined gross floorspace area of more than 1,000m²), the provision of a minimum of 40% affordable housing provision of which half will be starter home units with the remaining and half other forms of affordable housing provision, provided in accordance with the tenure mix stated below; [NOTE: In their 29 September response to the Inspector's initial Questions

(Housing) the LPA have stated that they would prefer those modifications to Policy DP29: Affordable Housing are held in abeyance, until the position on starter homes is clearer]



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Mid Sussex District Plan

Statement of Common Ground



Appendix A: MSDC Hearing Statement Matter 9.1

9. Trajectories

9.1 What are the housing delivery trajectories overall and a reasonable estimate from the neighbourhood plans?

The Housing Implementation Plan (BP18) sets out the assumed housing trajectory for the submitted District Plan (page 3). The table on page 20, 'Commitments as at 1st April 2016 by type' gives a more detailed breakdown of the sites by type. A further breakdown of this housing trajectory is provided in Appendix 4. Since the Plan was submitted in August, progress continues to be made on the preparation of Neighbourhood Plans.

The Council is dependent upon landowners and developers to bring forward and develop sites within agreed timescales. In the run up to the Examination, developers, particularly for the major strategic allocation at Burgess have sought to change their position and in one case place a number of commitments on the Council to make a policy change on the current proposed allocation to allow some residential use on allocated employment land. In the light of these late changes the Council is reviewing its approach and will continue to work with developers and landowners to ensure it has a five year supply. The Council will also take account of submissions made in response to this question or the related questions 10.2 and 10.6.

- 9.1.1. Since the Plan was submitted in August, progress continues to be made on the preparation of Neighbourhood Plans. Table 11 below shows an up to do position (as at 7th November 2016) on Neighbourhood Plan progress. A further 7 plans have been made or have passed the Examination stage since April 2016, adding a further 1,213 units into the housing supply. This brings the residual figure to be allocated through the Site Allocations DPD or Neighbourhood Plans to 882. There are a further 290 units that could come forward from the Hassocks Neighbourhood Plan that is currently at Examination.
- 9.1.2. Of the 20 plan areas that have been designated in Mid Sussex there are only two plan areas that have not produced draft plans. Work is underway to prepare these plans, however, at this time the amount of housing to be allocated in them is, of course, currently uncertain.

Plan	Number of new units allocated	Allocation or new permission	Status of Plan
Cuckfield	29	All allocations	Made
West Hoathly	55	All allocations	Made
Hurstpierpoint	30 – 40	All allocations	Made
Ardingly	0	-	Made
Burgess Hill	322	New permission for 142 units	Made
Crawley Down	0	-	Made
Lindfield and Lindfield Rural	0	-	Made
Turners Hill	44	All allocations	Made
Twineham	20 (windfall)	-	Made
Ashurst Wood	87	All allocations	Made
Balcombe	42	All allocations	Made
Albourne	2	-	Made
Bolney	35 – 39	All allocations	Made
East Grinstead	411	New permission for 129 units	Made

Ansty and Staplefield	26	All allocations	Passed Examination
Haywards Heath	606	All allocations	Referendum 1 st December
Hassocks	290	130 units subject to current application	At Examination
Horsted Keynes	16		Regulation 14
Slaugham	No draft plan	-	-
Copthorne	No draft plan		
Total	2015 - 2029		

Table 11- Housing Supply from Neighbourhood Plans

- 9.1.3. It is important to note that this table only includes new commitments that have come forward through Neighbourhood Plans. Sites that already had planning permission ahead of the making of a Neighbourhood Plan are excluded from this list as these sites would already have been included as a commitment.
- 9.1.4. Beyond the neighbourhood plans, the trajectory relies on the strategic sites in the District plan and other 'windfalls'. The level of windfalls has been the subject of research and the assumptions are soundly-based (see EP28). In relation to strategic sites the Council is of course reliant on the actions and capability of developers to deliver in accordance with the trajectory.
- 9.1.5. Since the letter sent by Chris Tunnell to the Inspector on 29th September 2016 (MSDC1), Savills on behalf of the developers of the Northern Arc at Burgess Hill have written to the council, suggesting that they wish to withdraw the Trajectory previously provided. In particular they state:
- "It is apparent that the delivery trajectory contained in Annex D of MSDC's letter is taken from the IDS submitted to MSDC on behalf of Gleeson, Rydon and Wates in October 2015. It needs to be made clear that circumstances have changed since this IDS was drafted, and that the delivery trajectory has been withdrawn and cannot now be used as part of the Examination process".*
- 9.1.6. Subsequent discussions initially suggested a delivery rate considerably lower than anticipated. However, on the 1st November the Council received a letter from the developers' advisers 'Nexus Planning' advising the Council of a revised trajectory, delivering 255 units within the first 5 years, rather than the 515 units previously indicated. Moreover, this trajectory was provided with a number of caveats including placing commitments on the Council to make a policy change on the current proposed allocation of employment land south of the A2300 to allow for residential development on part of the site. This is an issue which has been under discussion for some time, as the allocation for employment has been proposed since 2015.
- 9.1.7. The Council has been working with three developers of this site, Wates, Rydon and Gleeson over a number of years to ensure the delivery of the Burgess Hill Northern Arch scheme. This is one of the largest housing growth allocations and the Council has received significant support from the Government for this proposal and progress is reported to Ministers. As a large scheme there are upfront infrastructure requirements and the Homes and Community Agency are offering potential and wide ranging support for early delivery and, where justified, improve the allocations viability and cash flow. It is therefore highly disappointing (and rather surprising) that the developers should reveal this position at this late stage. Several of proposed set of further modifications to the plan in relation to this allocation, had been discussed with the developers and were designed to support an early delivery position, These included a possible reduction in required densities, acceptance of a commuted payment in lieu of onsite Gypsy and Traveller provision, and the use of

alternative land currently outside developer's control for some of the required education provision in order to maximise the developable area for housing. The Council has also offered a planning performance agreement type arrangement to ensure applications are handled as efficiently as possible. The main area of ongoing debate with developers has been the proposed starter homes policy, but as developers are aware (from Chris Tunnell's letter of 29/9/16) the Council is happy if that modification is held in abeyance.

- 9.1.8. The first planning application was submitted to the Council in September 2016, for 130 dwellings by Rydon for the eastern section of the site. Officers have been in pre-application discussions for a second application from Rydon for 450 dwellings (this includes the first application for 130 dwellings). Recent indications in the last few weeks were that this would be submitted by the end of the October 2016, but we are now advised that this is delayed until after the initial examination sessions. Further early applications are also being expected on the western side of the site, linked to HCA support.
- 9.1.9. The Council has recently received a cost plan for the infrastructure and is keen to see a fuller viability and market assessment to understand the apparent new delivery challenges of this allocation. At a recent meeting with developers it was suggested that the delays were due to planning risks and the time taken to secure consent particularly on future reserved matter applications (despite the Council's offer of a Planning Performance Agreement and the Council's record of timely decision making against national targets).
- 9.1.10. The issue of delays associated with a future shortage of construction skills and the time taken to advance design and tenders were also suggested in discussion as factors that had justified the apparent change of heart on the trajectory. These issues are, of course, of concern to the Council because they are unlikely to be site specific and may suggest that there are underlying problems in the market's ability to deliver across the district, although the overall evidence for this appears limited.
- 9.1.11. Having received this late intervention to the trajectory the Council is actively working with developers and landowners and carefully considering its next response. The Council will continue to engage with the developers between now and the hearing session to see if common ground on an improved trajectory can be reached. Through our regular discussions with other developers the Council will also reconsider the delivery trajectory of alternative sites to Burgess Hill. The Council will be able to provide an update on the position before or at the examination hearings and likewise the development consortium will also be able to put their case for their late change.

9.2 What are the reasons for the proposed timing of the site allocations plan?

The proposed timeframe for the production of the site allocations document is based on the premise of requiring new sites to meet the 'residual amount' of the housing required as set out in DP5, in the latter years of the Plan. Having a Site Allocations document adopted in 2021 will allow a reasonable window for all the District's Neighbourhoods Plans to come forward with their proposed new sites and therefore the Council will have the full picture as to what the 'residual amount' is, once all Neighbourhood Plans have been adopted.

- 9.2.1. As well allocating the 'residual amount' of the housing requirement, the Site Allocations DPD may also be used to address any shortfall in the 5 year supply. Our current 5 year land supply shows sufficient supply up to 2021. Whilst the Council considers that the proposed timeframe set out is the most appropriate at this moment in time, annual monitoring of the housing land supply will enable the Council to make regular assessments as to whether this timeframe remains appropriate.

