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23789/A3/CO/ef

13th February, 2017

Dear Pauline,

EXAMINATION STATEMENT RELATING TO NON-HOUSING MATTERS FOR MID SUSSEX DISTRICT PLAN 2014-2031 ON BEHALF OF HALLAM LAND MANAGEMENT LTD.

We write on behalf of our client, Hallam Land Management Ltd. (HLM), in response to the Inspector's questions relating to non-housing matters for the Mid Sussex District Plan 2014-2031.

We consider that a number of our concerns with the non-housing policies have been raised in the Inspector's questions and we do not wish to duplicate issues that the Inspector has already identified. Our statement seeks to highlight areas of particular concern. The main policies addressed are:

- Policy DP1: Sustainable Development in Mid Sussex
- Policy DP18: Securing Infrastructure
- Policy DP19: Transport
- Policy DP24A: Housing Density
- Policy DP26: Accessibility
- Policy DP27: Noise, Air and Light Pollution
- Policy DP29: Affordable Housing

Policy DP1: Sustainable Development in Mid Sussex

We agree with the Inspector's comments in relation to this policy, which is not consistent with National Policy or justified by evidence. We agree with the Inspector's recommendation that the policy should be removed from the plan to make it sound.

Policy DP18: Securing Infrastructure

We support the Inspector's comments about this policy, which seeks to introduce a tariff style system to contribute to non-project specific items in addition to CIL and site specific mitigation. This is not in accordance with the CIL Regulations and Planning Practice Guidance for securing infrastructure.



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The policy is unsound as it is not justified by evidence and is inconsistent with national policy.

Policy DP19: Transport

We consider that this policy is currently unsound as it is not positively prepared, effective, justified nor consistent with national policy.

It is unclear how this policy relates to the settlement hierarchy in DP6, the policy for rural economic development in policy DP12 and other objectives of the plan.

Paragraph 29 of the NPPF highlights that:

“different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

The draft policy does not acknowledge the different roles of settlements and the role development can have in supporting a prosperous rural economy as set out in paragraph 28 of the NPPF.

The policy also requires development to meet local parking standards that are not yet set out in the plan. This means it is not possible to examine the policies soundness in this regard. The absence of standards makes the policy ineffective. It is unclear how any parking standards set by the Local Plan reflect standards sought by the Local Highway Authority.

We consider that either the Council need to set out evidenced parking standards, rely on the highway authority standards or remove this requirement from the policy. We do not consider adding a requirement for adequate parking would be sufficient as it would not be clear as to what is 'adequate'. This will be different in different localities. Also different parties may have different views as to what is meant by adequate.

DP24A: Housing Density

Densities are influenced by a number of factors often specific to the very local characteristics. We agree with the Inspector's comments in relation to this policy. The policy is not consistent with the NPPF as it is not based on locally specific evidence and risks a one size fits all approach across the district, which is not justified by evidence. The policy will not be effective at ensuring appropriate densities are achieved that balance between making efficient use of land and local character.

We support the inclusion of a reference to optimising the potential of sites to accommodate development to Policy DP24 and the removal of Policy DP24A to make the plan sound and consistent with national policy in relation to this topic.

Policy DP26: Accessibility

The PPG for 'Housing: optional technical standards' highlights the approach for the setting of technical standards for new housing. The Government set out its policy on the application of these standards in decision making and plan making in a written ministerial statement, which also withdrew the Code for Sustainable Homes.

Paragraph 002 of the Planning Practice Guidance for Housing: optional technical standards states:

“Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans.”

The PPG goes on to state at paragraph 003 that when assessing viability concerns:
"Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment".

The PPG does not state that if it is viable to require the standards that they should be applied. The process set out is that the Local Plan needs to gather evidence to justify if optional standards are needed and then test whether it is viable to implement them.

The Local Plan states:

"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."

It goes on to state that it is viable on their assessment to apply the standards as set out in the policy.

We do not consider a rising proportion of residents with higher accessibility needs, taken from the district HEDNA, justifies a policy requiring the optional standards on all new residential dwellings. There is also no specific evidence to justify how the 5% for affordable homes was reached.

Therefore, we do not consider this policy to be justified or consistent with the requirements set out in the planning practice guidance.

Policy DP27: Noise, Air and Light Pollution

We consider this policy is not effective in relation to noise and therefore unsound in this regard. We consider the noise element of the policy will be ineffective as the policy does not set out thresholds to evaluate impact against. The requirements against which applications will be assessed are not only unclear for the applicant but also the decision maker.

For example, it is not clear how 'unacceptable levels of noise, light and air pollution' will be measured. It is also unclear what is meant by 'significant levels of noise' identified in bullet two and the 'high levels of noise' identified in the following paragraph. Finally, it is unclear what the 'appropriate circumstances' will be that require the additional information on noise.

Policy DP29: Affordable Housing

It is difficult to comment on the Council's affordable housing policy as it is unclear what the Council's intentions are in regard to the policy. The policy submitted with the plan sought provision of a minimum of 30% affordable housing for all residential developments providing a net increase of 11 dwellings and above with mix of tenure of approximately 75% social/affordable rented homes and 25% for intermediate homes. We had no objection to the policy as submitted. However, the Council then sought to change this after the submission of the plan but subsequently revoked the change.

It is our view that the Council should not be seeking to make significant changes to the policy submitted as part of the plan unless it is in response to a soundness concern raised by the Inspector. A significant change in policy approach in relation to affordable housing from that submitted for Examination could affect viability of other policies within the plan that seek to set locally specific requirements. The full impact of a change needs to be considered and evidenced alongside the other requirements of the plan so the cumulative impacts on viability and market housing can be considered alongside reasonable alternatives. Only once a draft policy and associated evidence is available would we be able

to comment further.

Summary

In addition to the soundness issues raised as part of our representations on housing, these representations have set out where we consider under paragraph 182 of the NPPF non-housing policies to be unsound.

The policies highlighted in these representations are considered to be unsound as they are:

- Not positively prepared – a number of policies are negatively worded and restrictive in their approach
- Not justified – a number of policies are not justified by adequate evidence;
- Not effective – a number of policies are not effective as they do not set out clear deliverable requirements; and
- Not consistent – a number of policies fail to accord with the principles and requirements of the NPPF.

We also agree with the soundness concerns raised by the Inspector on the other policies within the comments and questions but we have not gone through all policies in this statement to minimise repetition.

We would like to participate in the examination hearings scheduled to open on Tuesday 28 February to discuss these matters.

Should you have any questions or wish to discuss our comments then please do not hesitate to contact us.

Yours sincerely,



CAROLYN ORGAN
Planning Associate

Encs.

Cc: C. Penny - Hallam Land Management (by email only)