

HAYWARDS HEATH NEIGHBOURHOOD PLAN FEBRUARY 2016

SUBMISSION VERSION

A Report to Mid Sussex District Council of the Examination into the Haywards Heath Neighbourhood Plan

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Summary and Overall Recommendation

0.1 Following my examination of the Haywards Heath Neighbourhood Plan (HHNP), including a site visit to the Neighbourhood Area on 20 July 2016 and Public Hearing on 21 July 2016, it is my view that the HHNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 However my report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the basic conditions. In particular there are tensions with National policy and guidance.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that first and foremost the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the HHNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured. However there are four occasions in respect of policies E2 and E12 and L6 and L7 where modification is not possible and the policy should simply be deleted to ensure Basic Conditions are met. In none of these cases will this affect the ability of the plan to achieve sustainable development.

0.5 It is possible that Haywards Heath Town Council as qualifying body will be disappointed that there are a significant number of modifications. However the plan is a comprehensive one with a large number of policies and by its nature the examination has to be rigorous. Any criticism is not at all to undermine the huge community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan is as robust as possible and that it can play its part in planning decisions and managing change in the future in an effective way.

0.6 In addition to the recommended modifications it should also be noted that there will be a number of consequential changes to the text and referencing that will be needed as a result of making the modifications. It will also be necessary to ensure all document referencing is up to date. I have not highlighted every one of these changes, but these are matters that will need remedying in the final version of the Plan.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.8 Subject to the recommended modifications, the HHNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.9 With the modifications in place the HHNP will meet the Basic Conditions and can proceed to a Referendum. When that takes place I also recommend that the Neighbourhood Area is taken as the basis for the referendum and there is no need to widen the referendum area.

Peter Biggers
26 August 2016
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the Examination into the Haywards Heath Neighbourhood Plan (referred to as the HHNP throughout this report).

1.1.2 The HHNP was produced by the Haywards Heath Town Council (HHTC) in consultation with interested parties and local stakeholders.

1.1.3 Haywards Heath Neighbourhood Area in the main equates to the built up area boundary of the town of Haywards Heath excluding the attached area of Lindfield to the north east but including a small area of Ansty and Staplefield Parish in the south.

1.1.4. The town of Haywards Heath covers approximately 9.75 km² with a population of about 25,200 in 2011 and is situated within Mid Sussex District approximately 12 miles from Brighton and 40 miles from London with Gatwick Airport 20 miles to the north. The town grew up around the railway station and has continued to see significant growth from housing development in the last 10 years. The town sits between the South Downs to the south and the High Weald Area of Outstanding Natural Beauty to the north and between these important landscape areas the wider Sussex countryside provides the landscape setting to the town.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the HHNP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the HHNP would be '**made**' by Mid Sussex District Council. The HHNP would then be used to determine planning applications and guide planning decisions in the Haywards Heath Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by Mid Sussex District Council, with the consent of HHTC, to conduct the examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the Local Authority. I do not have any interest in any land that may be affected by the HHNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 30 years across the public and private planning sectors and am a member of the Royal Town Planning Institute and a member of the National Panel of Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the "Basic Conditions." The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that* :

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA:

The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

** NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report*

1.3.4 I have examined the HHNP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Haywards Heath Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is not to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing ie by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, whilst I confirm that in respect of much of the plan I have considered only written representations, I decided that it was necessary for there to be a Haywards Heath Neighbourhood Plan Hearing (referred to as the Hearing).

2.3 The Hearing was advertised in the local press and on the Haywards Heath Town Council and Mid Sussex District Council Websites. A number of parties were invited to speak and the Hearing itself was open to those making representations on the plan at the Regulation 16 Publicity Consultation stage and to the public. It took place on Thursday 21 July 2016 and was held at the Mid Sussex District Council Chamber at Haywards Heath, lasting from 9.15 until 13.15.

2.4 A neighbourhood plan public hearing is, essentially, to provide for the Independent Examiner to further consider matters against the Basic Conditions, referred to in section 1.3 of this report. It is specific to neighbourhood planning and is different to a planning inquiry, an examination in public or a planning appeal hearing. Invited parties were asked to consider specific parts of the Plan in more depth and to clarify points made during the Regulation 16 Publicity Consultation.

2.5 The reason I considered that a hearing was necessary was specifically in response to substantive objections raised that the Neighbourhood Plan policies and proposals would not meet the basic conditions, would not be in accordance with the requirements of the development plan in respect of the quantity of housing provided and presented proposals for housing development that were not wholly supported. I also took the opportunity of the hearing to clarify a number of more minor matters relating to the environmental policies.

2.6 In addition to 3 representatives from each of the Town Council and Mid Sussex District Council and a consultant adviser on the HHNP, 7 other participants took part directly in the round table discussion representing principally developers (4) and residents (3). The hearing was observed by 12 members of the public. Appendix 1 sets out the programme and discussion topics considered during the hearing and notes of the discussion are available separately via the following link:

<http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/neighbourhood-plans/haywards-heath-neighbourhood-plan/>

My report on the hearing matters is discussed in the relevant policy section of the plan below.

2.7 I am grateful to both the Town Council and Mid Sussex District Council for their assistance in arranging the hearing and for helping the hearing to run smoothly. I wish to record my thanks to the invited participants for their assistance to me in answering my questions and to the courtesy and professionalism extended to me and each other during the hearing.

2.8 Notwithstanding the fact that the hearing allowed these matters to be discussed in more depth, I confirm that *all* representations to the HHNP at the Reg 16 stage have been taken into account in undertaking this examination. A representation is not more or less valid than another simply because it has been considered in further detail at a hearing.

2.9 I undertook an unaccompanied site visit around the Neighbourhood Area on the afternoon of 20 July 2016 in advance of the Hearing.

2.10 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the HHNP dated February 2016:

1. National Planning Policy Framework (The Framework) (2012)
2. The National Planning Practice Guidance
3. Town and Country Planning Act 1990 (as amended)
4. The Planning and Compulsory Purchase Act 2004 (as amended)
5. The Localism Act (2011)
6. The Neighbourhood Planning (General) Regulations (2012) (as amended)
7. Mid Sussex Local Plan 2004
8. Mid Sussex District Plan 2014-31 Pre-Submission Draft

9. Mid Sussex District Plan 2014-31 Focussed Amendments to Pre-Submission Draft
10. Haywards Heath Neighbourhood Plan Basic Conditions Statement Feb 2016
11. Haywards Heath Neighbourhood Plan Statement of Consultation Feb 2016
12. Haywards Heath Neighbourhood Development Plan Sustainability Assessment and Strategic Environmental Assessment Feb 2016
13. Haywards Heath Habitats Regulation Assessment Screening Report March 2016
14. Haywards Heath Neighbourhood Area Map and Designation Application Statement
15. Health Check Haywards Heath Neighbourhood Plan Housing Policies Apr 2015
16. Health Check Haywards Heath Neighbourhood Plan Oct 2015

Also:

17. Representations received during the Regulation 16 publicity period post submission ending 21 April 2016

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 HHTC submitted a Consultation Statement, as required by regulation 15 of the Neighbourhood Planning (General) Regulations 2012, to Mid Sussex District Council in February 2016. This document sets out who was consulted and how, together with a brief outline on the outcome of the consultation and what action was taken in response to representations received.

3.1.3 Public consultation on the HHNP commenced with a prolonged initial consultation period from July 2011 to July 2013. This was followed by various consultation stages, including the formal pre-submission consultation stage as required by Reg 14 and culminating in the formal, publicity stage, as required by Reg 16, the six week consultation period post submission of the plan from 2 March 2016 to 21 April 2016 which resulted in 45 consultation responses. These are considered as necessary within my assessment of the plan in section 6 below.

3.2 Haywards Heath Neighbourhood Plan Consultation

3.2.1 The period between July 2011 and July 2013 was used to establish views about what the plan should achieve. The publicity involved in this stage included press releases, newsletters, website, email, Facebook and twitter feeds, consultation events around the plan area and information stands at the Orchards shopping Centre and Haywards Heath Town Day etc. Various consultation methods were deployed including 'Meet your Councillor, a questionnaire on infrastructure priorities for the town with 319 responses, a consultation on housing locations generating 271 responses, consultation on the Sustainability Appraisal Scoping Report and a business breakfast with 321 attendees.

It is clear from this stage and the response levels received that the initial consultation has been a thorough basis for the HHNP including a particularly strong and geographically well spread range of community events. HHTC also included neighbouring parishes and other stakeholders in discussions about the plan.

3.2.2 The initial pre-submission consultation involved a 6 week period from 8 February 2014 to 23 March 2014. The HHNP was published alongside press releases, website, email, Facebook and twitter feeds and 7 consultation events around the neighbourhood area. 151 submissions were made in writing. These were analysed and responded too and responses agreed by HHTC.

3.2.3 As a result of MSDC's response that a housing needs assessment for the plan area should be carried out and completion of the Housing and Economic Development Assessment for the District, a housing figure was identified for the neighbourhood area. The result of a health check on the HHNP housing policies recommended that the housing strategy of the plan be reviewed in response to the housing requirement figure and it was clear that the previous strategy of depending on brownfield sites only would not suffice. HHTC decided that it should consult on numbers and range of housing sites before carrying out a second Reg 14 pre-submission consultation. This was carried out in July/August 2015 with the same publicity arrangements and 4 consultation events. There was general agreement to all the brownfield sites and broad agreement to the greenfield sites subsequently included in the plan.

3.2.4 Following a full health check of the plan a second pre-submission consultation took place between 2 November and 20 December 2015 with the same range of consultation publicity as for the first round and 4 consultation events around the plan area. 74 representations were received.

3.2.5 Based on the assessment of responses received to this and the initial pre submission consultation agreed changes were made to the plan for submission.

3.2.6 Having reviewed the consultation statement I am satisfied that an effective consultation process has been operating throughout the preparation of the plan.

3.2.7 The Neighbourhood Plan regulations are part and parcel of the 1st Basic Condition and regulation 15 (2) sets out clearly what the consultation statement should include. I am satisfied that the statement and its appendices (including extended and revised appendix 6 setting out the responses to the first pre submission consultation) are compliant with Reg 15. The statement demonstrates who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the submission draft plan.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are as follows:

4.1 Qualifying body

4.1.1 Haywards Heath Town Council is the duly elected lower tier council and is the appropriate qualifying body to prepare a neighbourhood plan for the town.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(5) of the Town and Country Planning Act 1990 (as amended) and in regulations 8, 9 and 10 of the Neighbourhood Planning (General) Regulations 2012 have been met. The Town Council is therefore the *qualifying body* for leading the HHNP.

4.2 Plan area

4.2.1 The Haywards Heath Neighbourhood Area as designated largely coincides with the boundary of the Haywards Heath built up area with the exception of the area of Lindfield which is attached on the north east side of Haywards Heath but falls within a separate parish which has its own 'made' neighbourhood plan.

4.2.2 The application made by the HHTC to designate the Haywards Heath Neighbourhood Area was approved by Mid Sussex District Council on 16 July 2012 following consultation. Subsequently HHTC applied to amend the neighbourhood area to include a small area of the adjoining Ansty and Staplefield Parish immediately to the south of the town which had been omitted from the Ansty and Staplefield Neighbourhood Area. The amended Neighbourhood Area was designated on 14 March 2013.

4.2.3 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

4.2.4 Ansty and Staplefield Parish Council have been actively involved in the preparation of the plan and have formally resolved to accept the HHNP as submitted to MSDC.

4.3 Plan period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The HHNP clearly states in the introductory sections that it covers the period to 2031 to align with the plan period of the emerging Mid Sussex District Plan. It is not entirely clear other than as indicated in the Housing supply tables that the period runs from 2014 and this needs to be rectified.

Recommendation 1-

1A Amend the title on the title page of the plan to include the plan period 2014-

2031

1B Amend the text at paragraph 1.1 on Page 6 to read “....for the period 2014-2031”.

4.3.2 With these modifications in place the requirements of Section 38B of the PCPA as amended are satisfied.

4.4 Excluded development

4.4.1 There are no other neighbourhood development plans in place within the Parish and the Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990.

4.4.2 In all save one respect the HHNP relates solely to the neighbourhood area and no other neighbourhood. This one matter is in respect of the Policies and Proposals Map which shows Areas of Townscape Character in the Lindfield Area outside the Neighbourhood Area and as these are keyed they relate back to policy E10. To avoid confusion and to comply with the legislative requirement the shading should be removed.

Recommendation 2 – Remove the shading on the Policies Map depicting Area of Townscape Character from the areas outside of the Neighbourhood Plan Area.

4.4.3 With the modification at Recommendation 2 the HHNP satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and use of land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to any modifications proposed below in section 6, the HHNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land.

4.6 Plan Publication Following Submission

4.6.1 MSDC undertook a final validation check of the Haywards Heath Neighbourhood Plan on submission and confirmed on 20 April 2016 that it was satisfied that all necessary legal requirements have been met and that the HHNP meets the Basic Conditions and that it can proceed to this independent examination under regulation 17.

5. The Basic Conditions

5.1 National policy and advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan.

5.1.2 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot undermine its strategic policies.

5.1.3 The NPPF indicates that plans should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

5.1.4 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans.

5.1.5 I consider the extent to which the plan meets this Basic Condition No 1 in Section 6 below.

5.2 Sustainable development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.

5.2.2 Whilst there is no legal requirement to do so, a Sustainability Appraisal (SA) was carried out in respect of the HHNP, in conjunction with the Strategic Environmental Assessment. A scoping report was subject to consultation in October /November 2012 and subject to some minor amendments the Statutory Consultees were satisfied that the SA proposed was adequate. The SA was carried out in October 2015 and the SA Report consulted on in November/December 2015. A final version dated Feb 2016 was submitted alongside the Submission Plan at the Reg 16 Publicity stage.

5.2.3 The SA presents a clear assessment of how the Plan's 2 spatial options and the preferred policy options performed against 9 sustainability objectives which included both environmental objectives and objectives relating to economic and social well-being. The findings from the first stage of appraisal on the draft plan were

used in developing the submission draft plan. In general I am satisfied that the sustainability appraisal process carried out was a robust one and overall the results support the HHNP as a sustainable plan but I consider detailed points regarding the plan's ability to meet this Basic Condition No 2 in section 6 below.

5.3 Conformity with the Development Plan

5.3.1 The adopted development plan in force for Mid Sussex remains the Mid Sussex Local Plan (MSLP). Therefore in terms of assessing the plan against Basic Condition No 3 it is the MSLP that must be used. However this was adopted in 2004 and is now quite dated – preceding the NPPF. If there are circumstances where a MSLP policy is no longer consistent with the NPPF and a conformity issue arises with the HHNP I will therefore attach greater weight to the degree of conformity with the NPPF and take a flexible approach to the MSLP. The test in Basic Condition No 3 is after all **general conformity** with strategic policies of the adopted plan.

5.3.2 The PPG explains that NDPs can be developed before or at the same time as the LPA is producing its local plan. The MSLP's replacement, the Mid Sussex District Plan (MSDP), is well advanced and was resubmitted to the Planning Inspectorate for examination on 17 August 2016. In view of the advanced stage reached on this plan the Town Council in consultation with the District Council has collaborated, as advised in the PPG, to align the HHNP with the policies and proposals of the emerging MSDP Submission Version to minimize the possibility of any conflict in the future. I understand why in the circumstances it is reasonable and practical to seek to align the HHNP with the MSDP but the HHNP cannot at this stage be tested for general conformity against the policies in the emerging MSDP.

5.3.3 It is however a requirement of the NPPF that plans are based on sound current reasoning and evidence and I will therefore be considering as part of my assessment against Basic Condition No 1 the extent to which the HHNP has taken account of the most recent evidence available which will be the evidence base of the MSDP.

5.3.5 Mid Sussex District Council has confirmed that it has no concerns over the general conformity of the HHNP with the strategic policies of the Mid Sussex Local Plan 2004. I reach my conclusions in Section 6 below on issues of general conformity with the plan.

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environment Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive

92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 As stated above the Sustainability Appraisal of the HHNP has progressed in tandem with the preparation of the plan and the scope was deliberately designed to meet the requirements of the SEA Directive in view of the development proposals in the plan. This was agreed by the statutory consultees at the scoping stage. The outcome of the SA indicates that the plan is broadly compliant to the requirements of the Directive and I have no reason to disagree.

5.4.4 In addition to the SA of the HHNP referred to above a screening opinion in respect of the need for Habitat Regulation Assessment (HRA) was prepared by the District Council in March 2016 in consultation with the statutory bodies. This concluded that there would be no need to carry out an HRA. The Special Protection Area and Special Area for Conservation at Ashdown Forest is the nearest European site to the Neighbourhood Area. However the Neighbourhood Area is outside of the 7 Km zone of influence established for the forest.

5.4.5 The test in the additional basic condition is that the making of the neighbourhood development plan is "not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects." Given the nature and content of the Neighbourhood Plan and the distance from Ashdown Forest it seems unlikely there would be any direct significant effect. Any in-combination effects with other strategic site allocations closer to the forest would already be covered by mitigation measures in the form of Suitable Alternative Natural Greenspaces and Strategic Access Management and Monitoring established for these areas. I am satisfied therefore that there would be no significant effects as a result of the HHNP and no bodies commenting on the plan have taken a contrary view.

5.5 Other EU obligations

European Convention on Human Rights (ECHR)

5.5.1 The Human Rights Act encapsulates the Convention and its articles into UK Law.

5.5.2 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the HHNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.5.3 In respect of Article 6 -the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the HHNP is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and this independent examination process including the public hearing held on 21 July 2016.

5.5.4 In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the HHNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible. Although no specific Equalities Impact Assessment has been carried out the vision statement at section 4.1 of the HHNP and related key aims are designed to ensure that all sections of the community in Haywards Heath have appropriate access to community services. I am satisfied that across the plan as a whole no sectors of the community are discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.5.5. I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.5.6 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the CNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of my Report following the structure and headings in the Plan. Given my findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General Conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.0 The General Form of the Plan

6.0.1 The structure of the HHNP is clear with a sensible structure leading into the policy topic sections. Each policy is accompanied by some supporting text and I suggest in the topic sections below where a greater degree of justification is required.

6.0.2 My main concern with the layout is that there are sections of the plan where it is not clear, as a result of the lack of subheadings, what the issue is that the policy is responding to and where the subject matter switches to the next policy topic. Moreover in some cases the justifying text is misplaced.

6.0.3 The NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and to comply with Basic Condition No 1 and advice that plans should be clear and unambiguous I recommend that a subheading structure is added.

Recommendation 3 – Insert topic subheadings in the policy sections at 6 to 10 of the plan. In this way the topic matter of the policy is clearly presented and it is clear where one policy topic section stops and another starts.

6.0.4 The idea of a Proposals Map (or as they are now more commonly referred to a Policies map) is essential for the operation of the policies and I support its inclusion. However as currently presented it has a number of shortcomings as follows:

- The inset area for the town centre should be marked on the main Fig 4 Proposals Map.
- Not all housing sites in particular H4 are clear on the main Fig 4 Proposals Map at its current size and scale.
- As referred to in Recommendation 1 the main Fig 4 Proposals Map carries notations outside the neighbourhood area
- Some green corridor areas shaded light green on the main Fig 4 Proposals Map do not carry the policy E5 notation but presumably the policy applies to them.
- The Map at Figure 4 includes a policy reference B2 on employment sites which is

now no longer relevant as B2 relates to town centre development

- The map at Figure 4 includes some housing commitments and proposed allocations in the built up area and excludes others. It was accepted at the hearing that this was a drafting error and all housing proposals should be included in the built up area.
- The key for the Fig 5 Town Centre Proposals Map refers to policies that are no longer in the plan.

6.04 As above the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and to comply with Basic Condition No 1 and advice that plans should be clear and unambiguous I recommend that the Proposals Map is revised as follows:

Recommendation 4 – Make the following modifications to Figures 4 and 5:

4A - Retitle Figure 5 as the Town Centre Inset Policies and Proposals Map

4B – Delete the references to policies H1 / B8 and B9 in the key to Figure 5

4C – Show the area / boundary of the Town Centre inset on the main Figure 4 Proposals Map

4D – Delete any notations on Figure 4 that are outside the neighbourhood area

4E - Insert policy E5 notation on the proposed green corridors south and east of Housing site H1 and at the southern end of the Penland Farm site on Figure 4

4F – Include all housing commitments and proposed allocations within the built up area boundary on Figure 4

4G – Delete references to B2 on employment sites on Figure 4

4H – Make available the main Figure 4 Proposals Map - at A3 size.

6.0.5 With these modifications the general form of the plan and its proposals mapping will meet Basic Condition No 1.

6.1 Section 1 - Introduction

6.1.1 The first section of the BHNP sets out the contextual information about the neighbourhood planning process and how it has been developed in partnership with the local community in the plan area. The only point I have to make on this section is with respect to paragraph 1.3 where the basic conditions are set out. As the paragraph implies these are directly taken from the legislation the actual wording should be used.

Recommendation 5 – Replace the basic condition wording as it appears in the legislation ie as set out at paragraph 1.3.1 of the report above.

6.2: Section 2 – About Haywards Heath

6.2.1 Section 2 of the HHNP sets out a largely factual background to the town and I have no comments on it.

6.3 Section 3 – Constraints and Opportunities

6.3.1 Section 3 of the plan sets out the constraints and opportunities and the only correction that needs to be made is a factual one. Paragraph 3.1 refers to Figures 3A, B and C as providing a summary of the issues. Neither the hard copy of the HHNP I was provided with nor the online version includes Figures 3B and 3C. This matter was explored at the Hearing and it was clarified that Figure 3B should have been included which illustrates the urban constraints. Figure 3C no longer exists.

Recommendation 6 – Remove reference to Figure 3C in paragraph 3.1 and provide Figure 3B in the final version of the plan.

6.4 Section 4 Vision Statement and Core Aims

6.4.1 The PPG states that “*Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people*”. Accordingly there should be a clear thread in the HHNP from the community’s identification of issues to the Plan’s vision and aims and into the policies and proposals. Section 4 helps to set this out and the vision and key aims in the section are in general conformity with the 12 objectives at section 2.5 of the MSLP. The vision and aims also generally establish the basis of a sustainable future and therefore Basic conditions Nos 1, 2 and 3 would be met.

6.4.2 Again the only comment I have is a factual correction. At paragraph 4.10 reference is made to the ‘aspirational’ policies, deleted from the pre-submission HHNP, being included at Appendix 5. This is not the case and therefore the reference needs to be deleted.

Recommendation 7 Delete the second sentence in paragraph 4.10 to remove reference to Appendix 5 and the ‘aspirational’ policies.

6.5 Section 5– Introduction to Proposed Neighbourhood Planning Policies

6.5.1 The overview section at the start of the policies is a largely factual section illustrating the scope of the plan. Overall the structure proposed for each policy section of objective, supporting text, evidence base, policy text is appropriate and complies with Basic Condition No 1 subject to the caveat at Recommendation 3 above to provide subheadings particularly where one objective has a number of policies.

6.6 Section 6 – Environment, Sustainability and Design Quality Policies E 1 – E13

6.6.1 Policy E1 sets out to protect existing open space within the town because of the

important role it plays in the character of the town. Whilst the policy is in general conformity with policy B6 of the MSLP this policy predates the NPPF and is no longer consistent with it. HHNP Policy E1, in stating that loss of open space will be resisted except where there is proven need for infrastructure, sets a muddled test which is not consistent with the NPPF. The NPPF approaches protection of open space based on understanding the need and value of the space and whether alternatives to it are available. This is a more flexible approach which policy E1 needs to reflect.

6.6.2 The exception which policy E1 includes relating to infrastructure is not rehearsed in the NPPF either, although the PPG at paragraph 005 does imply that exceptionally infrastructure may have to be accommodated on otherwise protected areas. At the hearing this was discussed and it was pointed out that the infrastructure exception was included within other Mid Sussex Neighbourhood Plans. For consistency it can therefore stay part of policy E1 but more clearly expressed.

6.6.3 Respondents at the Reg 16 stage also raised concerns that the policy appeared to relate to all open space whether it was publicly accessible or not and those attending the hearing proposed that the policy should be amended to public open space only.

6.6.4 The NPPF in the glossary section makes it clear that open space has public value. Although for the most part this will be open space that is publically accessible it could also be because the open space has a public benefit in terms of its visual amenity. Clearly therefore there may be open space that is privately owned that has public value because its openness is of public visual benefit. It would not therefore be appropriate to modify the policy to relate only to public open space or even publically accessible land. However it is necessary to qualify the text in policy E1 to state that the open space should be of public value.

Recommendation 8 – Reword policy E1 to read:

8A *“Planning applications which would result in the loss of existing open spaces of public value will generally be resisted except where:*

- *They are supported by an open space assessment that demonstrates the open space is no longer needed or*
- *Proposals for equivalent or better alternative provision are made in a suitable location or*
- *There is a proven need for essential utility infrastructureavailable”*

8B – Amend paragraph 6.2 to reflect the change in the policy by adding in line 7 after ‘permitted’ – *“save in a limited number of circumstances as set out in the National Planning Policy Framework”.*

6.6.5 With these amendments in place the policy meets Basic Condition No 1. Notwithstanding the modification it will continue to contribute to Sustainable development and therefore also meets Basic Condition No 2.

6.6.6 Policy E2 seeks to provide new open space as part of new developments or secure

finance for off-site provision. Inasmuch as the NPPF at section 8 seeks access to high quality open space and opportunities for sport and recreation the principle of the policy has regard to the NPPF but it is neither clear in its intent nor justified properly by its supporting text. As these are requirements of the PPG, Basic condition No 1 is not therefore met. The supporting text at paragraph 6.3 preceding the policy is all about improving existing provision and it is unclear what HHTC means by multi-functional green/open spaces when the same phrase is used as part of the Plan's glossary definition of Green Infrastructure dealt with in policy E6.

6.6.7 Given that Policy E2 does not add anything in terms of locally specific requirements and the basic requirement is already clearly set out in policies R3 and R4 of the MSLP and in the Development and Infrastructure SPD 2006 I recommend that policy E2 be deleted. I suggest however that the text at paragraph 6.3 be amended to provide the pointer to the appropriate policies and SPD.

Recommendation 9 – Delete policy E2 and revise text at paragraph 6.3 as follows:

- Relocate the last sentence of paragraph 6.2 to the end of paragraph 6.3
- Add an additional sentence stating - *“Policies R3 and R4 of the MSLP and emerging policy DP22 of the MSDP together with the Development and Infrastructure SPD 2006 set out the open space requirements expected of new residential development in Haywards Heath.”*

6.6.8 Policies E3 and E4 allocate land in the Hurstwood Lane area for allotments and a new cemetery. I have no concern with the policies themselves which in principle have regard to the NPPF at section 8 and policy HH22 of the MSLP but the NPPF requires that plans should provide a practical basis for decisions on planning applications. The proposals map at Figure 4 only indicates the policy references E3 and E4; it does not allocate a particular area. It is assumed that the cemetery and allotments are proposed to be in the E5 land east of Hurstwood Lane given the H1 housing proposal to the west of the lane but this is not clear. The area of E3 and E4 should be shown on the proposals map and given that this is to be enlarged to A3 (see Recommendation 2) it should be possible to achieve this.

6.6.9 The PPG requires proportionate robust evidence to support the choices made and as part of this the supporting text should always correctly relate to the policy. Paragraph 6.5 relates to policy E3 and E4 and should be moved to precede policy E3.

Recommendation 10 –

10A – Move paragraph 6.5 of supporting text to precede policy E3

10B- Identify the area of land to be used for the allotments (E3) and cemetery (E4) on the policies and proposals map at Figure 4.

6.6.10 With these modifications in place policies E3 and E4 meet Basic Condition No 1.

6.6.11 Policies E5 and E6 together seek to protect the rural landscape setting of Haywards

Heath and the green infrastructure networks extending into and through the town. The principle of these policies has regard to the NPPF at section 11 in particular and is in conformity with the MSLP policies. However again neither policy provides the clear and consistent basis for decision makers to apply it as required in the PPG.

6.6.12 With respect to policy E5 the second half of the policy is unclear in appearing to present two sets of circumstances which new development must meet to be acceptable. This is confusing and the policy needs to be modified to present one set of circumstances to meet Basic Condition No 1 and provide the basis for clear and consistent decisions.

6.6.13 The policy attracted objections at the Reg 16 stage from Southern Water concerned about the application of the policy to essential infrastructure; from developers promoting specific sites, in particular land around and north of Sunte House and Birchen Lane; and from a property owner at North Colwell Barn on the east side of the town.

6.6.14 Southern Water have objected in respect of policy E5 that the protection given to landscape character outside the built up area is unacceptable unless it allows for development by infrastructure providers. I have 2 concerns regarding this proposal. Firstly the infrastructure providers have been given extensive Permitted Development Rights expressly to ensure that essential infrastructure can be provided without the need for planning permission. Specifically Southern Water's activities in respect of water supply, sewerage and drainage are covered by Schedule 2 Part 13 Classes A, B and C of the General Permitted Development Order 2015. For the most part therefore the HHNP policies do not need to make a special case for the utility providers. Moreover, although Southern Water state that the policy will be in conflict with the NPPF and PPG if references to development by utility providers is not made, in fact the PPG at paragraph 005 does not warrant the revision Southern Water seeks. It states that in identifying suitable sites for new or enhanced infrastructure *'it will be important to recognise that water and wastewater infrastructure sometimes has particular locational needs which mean otherwise protected areas may **exceptionally** (my emphasis) have to be considered where consistent with their designation'*. Policy E5 does not preclude development and the tests it would require of development including infrastructure development, beyond the permitted development rights, is consistent with the purposes of the E5 designation. I am not therefore persuaded that the amendment sought by Southern Water to policy E5 is necessary to meet Basic Condition No1.

6.6.15 Regarding the developers' concerns, the policy does not entirely preclude development within the policy E5 areas but rather seeks to apply tests for development. Thus there is some flexibility within the policy E5 constraints. The specific proposals at Sunte House and North of Birchen Lane were discussed in detail at the hearing. My role in examining the plan is to consider whether the policies and existing proposals of the HHNP meet the basic conditions. Procedurally it is difficult for examiners to make recommendations to include additional sites when these were not previously proposed in the plan and therefore have not been subject to earlier consultation. Inasmuch as policy E5 sets the principle of safeguarding the landscape and green setting of Haywards Heath,

which I consider to be an objective in conformity with the Basic Conditions, I do not consider it would be appropriate to allocate the sites. However both proposals are at appeal and being considered separately by Inspectors. The larger of the 2 sites north of Birchen Lane has just been determined by the Secretary of State who has endorsed the Inspector's decision to allow the scheme. Whilst acknowledging the value of the landscape and heritage setting he did not consider that it outweighed the fact that currently (pending the preparation of the MSDP and the HHNP) there is not a 5 year supply of housing available in the district and in that scenario the provisions of paragraphs 14 and 49 of the NPPF meant that the presumption in favour of development should apply. It will be for the Inspector for the Sunte House site to review the development plan policies, HHNP policies and the NPPF to reach a view as to whether the Sunte House site should or should not be permitted. Whichever decision is reached does not undermine the merit of policy E5 and what it seeks to achieve. LRM Planning in their Reg 16 representation argued that the policy was not required and in requiring a landscape buffer went further than was justified by national and local policies. However as stated above the policy does not preclude development and rather presents a set of tests. Subject to the modification recommended below it is appropriate that policy E5 should continue to apply to all areas with the exception of that section north of Birchen Lane that is affected by the Secretary of State's decision.

6.6.16 The objection from the owner of North Colwell Barn in respect of policy E5 relates to the fact that the proposed boundary of the built area and policy E5 transects the garden of his property. The matter was discussed at the hearing in the context of the wider discussion regarding policy E5 and the HHTC accepted that the inclusion of the owner's garden land within the E5 area was a drafting error and the Council would be content to see the boundary adjusted. As such I recommend that this minor drafting error is corrected.

Recommendation 11 – Reword Line 5 onwards of Policy E5 to read:

11A - “*New development outside the built up area will only be permitted if it:*

- *would not unduly erode the landscape character of the area or its ecology*
- *would not harm the setting of the town and*
- *would retain and enhance the separate identity of communities.”*

11B - Amend the Proposals Map at Figure 4 to exclude the area north of Birchen Lane (now the subject of permission for the construction of 40 homes) from the E5 area and identify it as a site with planning permission. Revise the built up area boundary accordingly to include the site.

11C – Exclude the area of garden curtilage at North Colwell Barn from the policy E5 area on the east side of the town and include it within the built-up area boundary.

6.6.17 With these modifications in place policy E5 meets Basic Condition No 1 and will continue to contribute to sustainable development meeting Basic Condition No 2.

6.6.18 In respect of policy E6 the policy fails to provide a clear and effective basis for

decision making. The start of the policy seeks to require **all** new development to support the enhancement of footpaths and cyclepaths (unspecified) in the Plan area without any regard to whether this is relevant to the type or scale of development proposed or its geographic location in respect of the component elements of green infrastructure. The end of the policy seeks onsite or offsite provision (unspecified) from the development. The policy must be modified to ensure the requirements of development are reasonable and relevant to the development. In that respect it should relate only to major development and Green Infrastructure in the immediate vicinity of the site. As Green Infrastructure is defined in the glossary to the HHNP the revised policy will be clear as to its intended target.

Recommendation 12 – reword policy E6 to read:

“New major development will be required to promote Green Infrastructure opportunities within the site and establish and / or enhance links between this and existing Green Infrastructure in the immediate vicinity of the site.”

6.6.19 With these modifications in place policy E6 meets Basic Condition No 1, 2 and 3.

6.6.20 Policy E7 seeks to secure sustainable drainage systems which has regard to the NPPF at section 10 and conforms to emerging policy DP41 within the MSDP. (Note no directly comparable policy exists in the MSLP). The policy also performed well in the sustainability appraisal. It therefore meets basic conditions Nos 1, 2 and 3. The only matter to be addressed is a factual correction. These drainage systems are now referred to as Sustainable Drainage Systems or SuDS and the reference to ‘urban’ in the text and policy should be removed.

Recommendation 13 – Amend reference to “Sustainable Urban Drainage” in paragraph 6.12 and policy E7 to read “Sustainable Drainage Systems (SuDS)”

6.6.21 Policy E8 seeks to ensure that all major development supports the objective of making the town more sustainable particularly in respect of waste and recycling, transport modes, energy and water use and health and well-being. The principle of the policy has regard to the NPPF and MSLP policy and will ensure the plan contributes to sustainability. However, specifically in respect of the second bullet point, policy E8 requires all major developments to produce a travel plan. The NPPF at paragraph 36 only requires the production of a travel plan for developments that generate significant amounts of movement. Given that the policy will relate to schemes as small as 10 houses, the requirement is unreasonable and to meet Basic Condition No 1 it should be modified to be more flexible as to how the development demonstrates transport sustainability.

Recommendation 14 – Reword the second bullet of policy E8 to read:-

“submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing.”

6.6.22 With these modifications in place policy E8 meets Basic Condition No 1, 2 and 3.

6.6.23 Policy E9 seeks to secure development that reinforces local character and quality and again has regard to the requirements of sections 7 and 12 of the NPPF and development plan policies and will strongly support the environmental aspect of sustainability. However the PPG requires policies to be supported by robust evidence and be clearly justified. Again the layout of this section fails in this respect as policy E9 follows on after a brief discussion about car parking when in fact the policy addresses much more than this point. Paragraphs 6.25 to 6.28 should also form part of the justifying preamble and precede the policy.

6.6.24 In addition in respect of the paragraph at the top of page 24 regarding listed buildings and conservation areas it is not entirely clear whether this is part of the policy or why it is in quote marks. Furthermore it goes beyond the statutory test which only requires the heritage asset to be preserved or enhanced. In order to meet Basic condition No 1 the following modifications are required.

Recommendation 15 –

15A - Relocate paragraphs 6.25 – 6.29 to precede policy E9

15B - Make clear that the section of emboldened text at the top of page 24 relating to heritage assets is part of policy E9; delete the quote marks from this section and reword line 3 of this section to read “...should preserve or enhance their special...”

6.6.25 With these modifications in place policy E9 meets Basic Condition No 1, 2 and 3.

6.6.26 Policy E10 seeks to ensure that within the Areas of Townscape Character (ATCs), identified originally through policy B16 of the MSLP, development proposals respect and safeguard areas of special character. Section 12 of the NPPF supports the protection of undesignated heritage assets, which in effect is what the ATCs are. The principle of the policy therefore has regard to the NPPF. The Council has decided not to carry the ATCs forward into the new MSDP instead preferring to leave protection of these areas as a matter for neighbourhood plans where appropriate and HHTC wishes to maintain the protection through policy E10.

6.6.27 Mr Ball objected to the policy protection at the Reg 16 consultation stage particularly in respect of Birchen Lane and the matter was discussed at the Hearing. Birchen Lane is an attractive tree lined lane with large houses standing in substantial landscaped grounds. The area has a tranquil sylvan character, typical of the more established parts of Haywards Heath. The policy does not preclude further development in these areas and merely seeks to ensure that where development is proposed it does not adversely impact on the special character. I see no reasons in terms of the Basic Conditions to suggest that Birchen Lane’s inclusion in the ATC is inappropriate. No change is necessary to the policy or its application.

6.6.28 Policy E11 seeks to ensure that major development on the edges of Haywards Heath shows consideration of important views to and from the proposed development. In this respect the principle of the policy has regard to the NPPF at sections 7 and 11 and is

in conformity with the MSLP.

6.6.29 However again the PPG requires policies to be supported by robust evidence and be clearly justified and the layout of the preamble and the wording of the policy fails to do this as clearly as it should. Paragraph 6.32 is part of the supporting text to the policy but again follows it instead of preceding it. In addition the NPPF seeks planning controls to be relevant, proportionate and necessary and in this respect the requirement that the assessment of views must be part of a planning statement is unreasonably prescriptive when this could also be provided in other documents for example a design and access statement. In this respect the policy does not meet Basic Condition No 1 and needs to be modified.

Recommendation 16 –

16A - Relocate paragraph 6.32 to precede policy E11

16B - Delete the text “and this must be included in a planning statement” at the end of the first sentence of policy E11 and from lines 5/6 of paragraph 6.32.

6.6.30 With these modifications in place policy E11 meets Basic Condition No 1, 2 and 3.

6.6.31 Policy E12 sets out a list of requirements that the HHTC consider should be incorporated into the design of major residential developments. Contrary to the PPG there is no evidence as to why this policy is considered necessary or specifically why this list of 7 requirements and not the many others that may equally be considered a necessary part of major residential developments are included. It may be that handled badly (or simply not provided) these detailed aspects of design can erode the design integrity and quality of a residential scheme but neither this nor any other reason is given for the policy. Whilst paragraph 6.33 does explain what the HHTC wish to achieve in respect of some of these detailed matters (cycle stores and lighting are not mentioned) the wording of the policy does not deliver this, instead simply requiring that the design must incorporate these matters.

6.6.32 The policy has attracted representations at the Reg 16 consultation stage that it is overly prescriptive. I can find no support for this degree of design control within either the NPPF or the MSLP and, in the absence of appropriate justifying evidence, the policy does not meet the Basic Conditions.

Recommendation 17 – Delete policy E12 and paragraph 6.33

6.6.33 With these modifications in place the plan meets Basic Condition No 1 and even with the policy deleted the plan will not conflict with the need to achieve sustainable development.

6.6.34 Policy E13 looks to secure good quality amenity space in residential developments and in that respect has regard to section of the NPPF and policy of the MSLP. The policy will contribute to the achievement of sustainable development and it meets the Basic

Conditions.

6.7 Section 7 Business and Retail– Policies B1 to B3

6.7.1 Section 2 of the NPPF seeks to ensure the vitality and viability of town centres including encouraging a mix of town centre type uses and residential development. In that respect the focus of the HHNP in objective 7A and policies B1 and B2 in seeking to secure the regeneration of the town centre are consistent with these general principles and therefore with Basic Condition No 1.

6.7.2 Similarly the principle of the approach to the town centre in policies B1 and B2 is in conformity with both the aspirations of the MSLP policy S1 and S2 and the emerging MSDP policy DP3 and therefore Basic Condition 3 is met in principle.

6.7.3 This section demonstrates again the point that the supporting text should correctly relate to the policy. Paragraphs 7.4 and 7.8 relate in particular to policy B1 rather than B2 and should be moved to precede policy B1.

6.7.4 It is clear the intention of the second part of policy B1 is that it relates to smaller out of centre proposals but given the advice in the PPG that policies should be clear and unambiguous it should be clarified in a footnote that major out of centre and edge of centre retail proposals will be considered against policy S8 and S9 of the MSLP and policy DP3 of the MSDP.

Recommendation 18 – Relocate paragraphs 7.4 and 7.8 to precede policy B1
Insert footnote to policy B1 that states “*For the avoidance of doubt major retail development outside of the town centre will be considered against policies S8 and S9 of the MSLP and policy DP3 of the MSDP*”.

6.7.5 Policy B2 in its second half gives particular protection to the retention of residential use in the town centre and yet there is no supporting text that explains this. Paragraph 7.9 of the plan only refers to the fact that there are a range of uses possible within the town centre that will support its vitality and sustainability. The prioritising of residential use is not inappropriate in terms of Basic Condition No 1 as paragraph 23 of the NPPF does note the importance of a residential population to town centre vitality but in line with the requirement of the PPG that there should be adequate evidence to support the policies an addition to the text at paragraph 7.9 is required.

Recommendation 19 – Replace paragraph 7.9 with the following:
“To support the vitality and sustainability of the town centre a range of commercial uses are encouraged including offices, leisure, community, hotel and retail uses. Support is also given to the provision of new residential accommodation in the town centre but as the opportunities for this are limited it is also important that existing residential units in the town centre are retained. This will help the vitality, viability and security of the town centre particularly outside the hours when commercial

activities are operating.

6.7.6 With these 2 modifications in place policies B1 and B2 and their supporting text will meet the Basic Conditions Nos 1, 2 and 3.

6.7.7 Policy B3 seeks to improve and enhance the stock of existing industrial and commercial property in the town much of which is dated with resultant vacant floorspace. In this respect the policy has regard to the NPPF at section 1 paragraph 21 which includes support for economic regeneration, infrastructure provision and environmental enhancement and conforms to the MSLP at policy E2 which looks to protect existing employment land.

6.7.8 Given that the NPPF requires that plans should provide a practical basis within which decisions can be made with a high degree of predictability and efficiency there is a need for a modification to the bullet points. All the bullets are criteria which must be met with the exception of one. The bullet that states that the Council would be supportive of innovative design approach is not a requirement. It should therefore be taken out of the bullet points and added to the end of the policy.

Recommendation 20 - Remove the 5th bullet from the list of tests in Policy B3 and reinsert it as ordinary text after the bullets.

6.7.9 With this modification the policy will meet the Basic Conditions.

6.8 Section 8 Highways and Transportation Policies T1-T3

6.8.1 Policies T1 and T2 of the HHNP seek to ensure that major developments in the town are appropriately connected to encourage walking and cycling and reduce reliance on vehicles. In this respect the principle of the policies has regard to the NPPF at section 4 which seeks to promote sustainable transport and to policy T4 of the MSLP.

6.8.2 However in practice policy T1 fails against Basic Condition 1 in 3 respects. First the PPG requires policies to give clear, unambiguous advice such that the decision maker can apply them consistently to planning applications. The requirement in the policy that development must provide connections to 'other local destinations' is vague, imprecise and unclear. Secondly the NPPF at paragraph 204 requires obligations to be fairly and reasonably related in scale and kind to the development. Policy T1 requires all major developments (that could be a development as small as 10 houses) to provide pedestrian and cycle connections to the town centre and other local destinations. This is unreasonable and goes beyond what the MSLP seeks in policy T4. There the expectation is that connections will be made within the site and to the wider pedestrian and cycle network. Thirdly the policy requires a travel plan for all major developments. This goes beyond the requirement of the NPPF at paragraph 36 where it is only developments which generate significant amounts of movement that are required to produce a travel plan.

6.8.3 This section demonstrates again the point that the supporting text should correctly relate to the policy. Paragraphs 8.2 to 8.5 relate in particular to policy T1 rather than T2 and should be moved to precede policy T1.

6.8.4 To resolve these issues the policy and text should be modified.

Recommendation 21 –

21A – Relocate paragraphs 8.2 – 8.5 to precede policy T1

22B - Reword Policy T1 to remove the last sentence regarding travel plans.

23C - Reword Policy T1 line 3 to read “... *points to the existing pedestrian and cycle network linking to the town centre and local services.*”

6.8.5 The only comment I have in respect of policy T2 (which otherwise makes reasonable provision for development to contribute to sustainable transport projects) is that the references to the Community Infrastructure Levy are incomplete and therefore imprecise.

Recommendation 22 – reword lines 3 and 4 of policy T2 to read:

“...the proposed Mid Sussex Infrastructure Delivery Plan, Mid Sussex Community Infrastructure Levy Charging Schedule and any S106 Obligations document or equivalent in place at the time.”

6.8.6 Policy T3 seeks to protect and improve the level of off-street car parking provision in Haywards Heath town centre which is broadly in accordance with paragraph 40 of the NPPF. However the middle sentence of the policy again does not have regard to the NPPF and PPG requirements of policies. It is not clear what financial contributions are to be made. In the context of the policy, presumably contributions are towards the improvement of off street parking provision but the Mid Sussex Infrastructure Delivery Plan does not include any projects in this respect. It only includes projects relating to parking management. As such the policy is unclear and imprecise as written and needs to be modified to meet Basic Condition No 1.

Recommendation 23 – Delete the middle sentence of policy T3.

6.8.7 There are a number of references in the remainder of the transport section which refer to the Mid Sussex CIL. In each respect this should refer to the Mid Sussex IDP and the CIL Charging Schedule.

Recommendation 24 – Amend references to CIL in paragraphs 8.16 and 8.18 to:

“...in accordance with the proposed Mid Sussex Infrastructure Delivery Plan and Mid Sussex CIL Charging Schedule.”

6.9 Housing

6.9.1 Section 9 of the HHNP on housing starts with a section setting out how housing provision in Haywards Heath sits within the wider district context. The matter of housing

provision and the sites which the HHNP proposes to allocate was the major topic for discussion at the hearing in view of the considerable number of representations received at the Reg 16 stage.

6.9.2 In preparing for the hearing I requested that MSDC produce a position statement regarding objectively assessed housing need (OAHN) in the district and in Haywards Heath and the progress being made to meet it. (This is attached at Appendix 2).

Housing Need

6.9.3 The matter of the (OAHN) figure was challenged at the Reg 16 stage and referred to at the hearing. The Council explained that the figure of 2204 units was a pro-rata extrapolation from the district wide OAHN. It is only a guide to the level of need within the town/parish. It is not a target set by the District Council although it is expected that towns and parishes will attempt to deliver close to this figure. In the same way that Local Plans are prepared, consideration should be given to relevant constraints, suitability/availability of sites within the town and sustainability considerations when determining the number to be proposed within the Neighbourhood Plan. The District Council made it clear at the hearing that it saw the responsibility of making up any shortfall as its own and that this would be achieved through strategic allocations in the emerging MSDP.

6.9.4 The HHNP is not currently clear on this matter and simply presents the figure of 2204 with no context provided and which has led to a number of criticisms that the provision made in the plan is inadequate. In order that the plan can deliver clear and unambiguous advice as required in the PPG in respect of housing need it is appropriate that supporting text is added.

Recommendation 25. – Add the following text at the end of paragraph 9.6:
“This figure is only a guide to the level of need within Haywards Heath. It is not a target set by the District Council although it is expected that towns and parishes will attempt to deliver close to this figure. In the same way that Local Plans are prepared, consideration has been given to relevant constraints, suitability/availability of sites within the town and sustainability considerations in determining the number to be proposed within the Neighbourhood Plan.”

Housing Provision

6.9.5 The respondents at the Reg 16 stage objected that, as written, the HHNP should make a larger housing provision in view of the gap between the OAHN and the provision set out in the table at paragraph 9.25 of in excess of 600 units.

6.9.6 From MSDC’s position statement on housing provision it was immediately clear that there was a need for some factual corrections to the HHNP housing section and tabulations, in particular because the plan does not currently account for completions between 2014 and 2016. Adding these, the gap between the OAHN figure for the town and the provision made is substantially less than that set out in the table at 9.25.

Recommendation 26

26A – At paragraph 9.7 insert new first bullet stating “*Completions 1/4/14 to 31/3/16*”

26B – Reword the first line of 9.8 to read “*The background is that since 1.4.14 to 31.3.16 432 housing units have been completed and 797 units have been permitted or are.....*”

26C - Delete text at paragraph 9.9 as the Rookery Farm allocation is included in the 797 figure for existing commitments. Replace the text with “*In addition an appeal decision on land north of Birchen Lane in summer 2016 grants permission for a further 40 dwellings. If this number is added to the schemes above the existing commitments in the plan area will total 837.*”

26D – Reword the first 2 lines of paragraph 9.25 to read:

“*The combination of completions, committed sites, allocated sites in this plan and windfall sites provides for*”

26E - Insert “*completions,*” in the first line of paragraph 9.28 after “taking into account”

6.9.7 The Reg 16 consultation attracted both objections to the provision proposed and objections proposing new sites. I deal with the provision proposed first and then newly proposed alternative sites. In view of the challenges to the proposed allocations I recommend that the site assessment appraisal which was carried out against the 9 sustainability objectives is referred to and that the overall conclusion that the sites are deliverable, developable and sustainable development proposals is stated in each of paragraphs 9.10 and 9.17.

Recommendation 27 - Add at the end of paragraph 9.10 and paragraph 9.17:
“*The site assessment demonstrates the proposed allocations to be deliverable, developable and sustainable when assessed against the sustainability objectives.*”

Gamblemead (Existing Commitment)

6.9.8 Residents of the Fox Hill area have made representations that the Gamblemead area should not have been proposed as part of the housing provision in the HHNP. Whilst I understand the frustration that this site has progressed to become a commitment before the neighbourhood plan has been ‘made’ when residents consider the site unsuitable, the fact is that it now has planning permission and has rightly been counted as part of the housing provision for the plan. I cannot therefore recommend any change in respect of this site.

Land at Hurst Farm (H1)

6.9.9 Policy H1 of the plan - Land at Hurst Farm - attracted criticism principally from residents of the Fox Hill area. Concern was also raised about the need for the policy to control potential impacts on the listed buildings at Hurstwood Grange. The proposal also involves the provision of a new primary school, open space including allotments and open space to the east of Hurstwood Lane and greater clarity in respect of these proposals is

required.

6.9.10 The Fox Hill Association objects on 3 main grounds first that this and similar development would gradually erode strategic gaps between Haywards Heath and neighbouring settlements, second that the proposal takes an area allocated as open space in the MSLP and third that impact of development on infrastructure and particularly on the local transport network on Hurstwood Lane and elsewhere would be unacceptable.

6.9.11 The MSLP identifies both strategic and local gaps with the intention of ensuring that development does not result in the coalescence of settlements. The policy H1 site is not identified as either a strategic or a local gap. With development to the south-west of the site at Fox Hill and to the north-east at Greenhill Way the land at H1, particularly that to the west of Hurstwood Lane, forms something of an 'indent' in the built form of the town. The proposed allocation is therefore in general conformity with the MSLP' stated aim of preventing coalescence.

6.9.12 Although the land west of Hurstwood Lane was allocated for open space in the MSLP it is currently farmland and not open space. The intention is to provide open space including burial ground and allotments to the east of Hurstwood Lane. The precise location of open space in the area is not a strategic policy matter for the MSLP and redefining its location is an appropriate matter for a neighbourhood plan to consider.

6.9.13 Finally with regard to infrastructure and traffic implications policy H1 already requires consideration of both matters within it and these can be appropriately dealt with at the design stage.

6.9.14 Regarding the point from Historic England that the policy should require the development proposals to be prepared with appropriate regard to the preservation or enhancement of the listed buildings at Hurstwood Grange this was discussed at the Hearing. I accept that the statutory test must be applied to the design of the new development at Hurst Farm and therefore I recommend that the additional wording proposed by Historic England is accepted in order that Basic Condition No 1 can be met.

6.9.15 Because the H1 proposal is for a mixed use development involving primary school, burial ground, allotments and open space components, the H1 policy area on the proposals map needs to extend over the whole area including to the east side of Hurstwood Lane up to the District boundary. However to provide certainty that this whole area will not be developed the notation on the policies and proposals map needs to clearly indicate the component parts. I understand from MSDC and HHTC that there is already sufficient information to be able to achieve this. Without this additional detail the plan fails to meet the NPPF requirement that plans must provide a practical basis within which decisions on planning applications can be made.

6.9.16 The need for plans to be clear and unambiguous also requires a number of minor changes. For example it is unclear the extent of the developer's responsibility in bullet

point 3 when the policy seeks measures to mitigate impact on roads in the wider Haywards Heath area. This is imprecise and unreasonable. The Highway Authority has also pointed out that the proposed closure of Hurstwood Lane would be subject to the statutory process of a Traffic Regulation Order and the text in the final bullet point of the policy should reflect this.

Recommendation 28

28A – Precede the first bullet in the first part of the policy with:

“The new development will:”

Start Bullet 1 as follows: “ *Be progressed in accordance.....”*

28B – In the second bullet point replace “Infrastructure Development Plan” with “Infrastructure Delivery Plan”

28C – In the 3rd bullet point change the 3rd line to read:

“...to mitigate impact upon the local road network in the vicinity of the site”

28D - Delete the words “listed building” from the 4th bullet point and insert an additional new bullet point stating:

“Retain the listed farmhouse and barn at Hurstwood Farm, including the curtilage of both buildings, in a continued beneficial viable use that sustains their special historic or architectural interest and maintain an open, rural setting to the farmhouse that sustains its special historic interest and character”.

28E – Add at the end of the last bullet point to the policy the following:

“...which will be subject to statutory procedures.”

6.9.17 With these modifications the policy meets the Basic Conditions Nos 1, 2 and 3.

Land South of Rocky Lane

6.9.18 Policy H2 sets out proposals for housing south of Rocky Lane and Rookery Farm in addition to the existing housing allocation set out in the MSLP. The proposal has attracted representations at the Reg 16 stage from the Fox Hill Association, from the prospective developer and from Historic England.

6.9.19 Two of the main grounds in the Fox Hill Association’s objection set out above relate equally to the H2 allocation, namely that this and similar development would gradually erode strategic gaps between Haywards Heath and neighbouring settlements, (Burgess Hill in particular) and second that the impact of development on infrastructure and particularly on the local transport network would be unacceptable.

6.9.20 The MSLP identifies both strategic and local gaps with the intention of ensuring that development does not result in the coalescence of settlements. The policy H2 site is part of an area identified as a strategic gap in MSLP policy C2. However there has been a material change in circumstances since the adoption of the MSLP in 2004 whereby major development to the west of the H2 site has been permitted in order to help meet the requirement for a 5 year housing land supply and is now under construction. The result of this is that the H2 site now forms an indent in the settlement form of Haywards Heath between South of Rocky Lane Phase 2 and the Fox Hill development such that the H2 site

can no longer be taken to be part of a strategic gap. Even with development at South of Rocky Lane Phase 2 and the H2 site there would remain sufficient of a break between Haywards Heath and Burgess Hill for coalescence to be avoided. Development of H2 would not therefore raise any issues of general conformity with strategic policies of the MSLP.

6.9.21 With regard to infrastructure and traffic implications policy H2 already requires consideration of both matters within it and these can be appropriately dealt with at the design stage. I acknowledge that Fox Hill residents are concerned at the potential disturbance from development on both sides at H1 and H2. However the HHNP is seeking to provide for the needs of Haywards Heath as a whole and in terms of my responsibility as examiner there is no reason in terms of the Basic Conditions why these allocations should not proceed.

6.9.22 Representations were made in support of policy H2 by the site developers. However the point was made that the allocated site could both be extended to include Rookery Farm and the paddock area immediately to the south of the farm buildings and west of the currently allocated area of H2. The developer also pointed out that the density of the site overall was very low and could be increased. As a result of this the site could accommodate 340 homes (including the 45 units already allocated on the HH11 site in the MSLP).

6.9.23 As discussed elsewhere in this report to increase the extent of an allocated area or to add additional sites at this stage in the neighbourhood plan process leaves no opportunity for consultation on the revised proposal. Thus, although at the hearing HHTC indicated that the omission of these areas was simply a drafting error, their inclusion now would establish the principle of development closer to residents particularly in Cedar Avenue without them having the opportunity to make their views known. In order that neighbouring residents can express their views about this proposal before the principle of development is established it is best left to be dealt with through the mechanism of the Masterplan required by policy H2 and by future planning applications.

6.9.24 Regarding the matter of the proposed density, the developable area of the current H2 allocation (excluding the areas of ancient woodland and a 15 metre buffer to these important ecological areas plus the area at risk of flooding in the south of the site which should remain undeveloped) amounts to 7.56 hectares. The MSLP at policy H2 seeks densities of 30 per hectare where appropriate; a figure that is proposed to be taken forward in the emerging MSDP. Although the NPPF does not specify particular densities it does seek effective use of development land. Land adjoining the proposed site on the west side currently under development and sited on the edge of the town achieves an average of 25 dwellings per hectare. In this context I accept that the density would be low if the site were to include only 150 units as indicated in HHNP policy H2. In the interests of meeting Basic Condition No. 1 and securing the effective use of land it would be reasonable for development on H2 to at least match the density achieved in a similar urban edge development to the west. Accordingly the figure within the policy could justifiably rise to

approximately 190 (7.56 hectares x 25) without adversely impacting on environmental quality.

6.9.25 In respect of the representation from Historic England that the policy should require the development proposals to be prepared following archaeological investigation, given the potential for archaeological interest in the site, this was discussed at the Hearing. I accept that in accordance with paragraph 128 of the NPPF, where there is known to be potential archaeological interest, investigation should be carried out. I therefore recommend that the additional wording proposed by Historic England is accepted in order that Basic Condition No 1 can be met.

6.9.26 The need for plans to be clear and unambiguous also requires a number of minor changes as with policy H1. For example it is unclear the extent of the developer's responsibility in bullet point 3 when the policy seeks measures to mitigate impact on roads in the wider Haywards Heath area. This is imprecise and unreasonable. The Highway Authority has also pointed out that as it is unclear exactly how the site would be accessed, the policy should also require provision of safe and satisfactory access to the site.

Recommendation 29

29A – Replace '150' with '190' in line 2 of the policy.

29B - Precede the first bullet in the first part of the policy with :

"The new development will:"

Start Bullet 1 as follows: "*Be progressed in accordance.....*"

29C – in the second bullet point replace "Infrastructure Development Plan" with "*Infrastructure Delivery Plan*"

29D – In the 3rd bullet point change the 1st line to read:

"Deliver safe and satisfactory access to the site and sustainable transport measures...."

Change the 3rd line to read :

"...to mitigate impact upon the local road network in the vicinity of the site"

29E - Delete the words "archaeological" from the 4th bullet point and insert an additional new bullet point stating:

"Be informed by archaeological investigation undertaken according to a written scheme of investigation agreed in writing with the District Council's archaeological advisor and will seek to retain archaeological remains, and particularly those of national importance, in-situ. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present a suitable programme of recording and publication of those remains will be required."

Policies H3 and H4

6.9.27 No objections were raised to the proposed allocations at H3 and H4 and I am satisfied that their allocation would meet Basic Conditions 1 and 3. They perform well in sustainability terms and therefore also meet Basic Condition No 2. There is only a need for paragraph 9.19 to make it clear which site is being referred to.

Recommendation 30 – Add at the start of paragraph 9.19 “Land at the rear of Devon Villas is a site located in....”

Beech Hurst Depot Bolnore Road (H5)

6.9.28 Policy H5 proposes the allocation of a small area of land incorporating the Beech Hurst Council depot and adjoining parcels of land the easternmost of which currently forms a kick about area adjacent to Beech Hurst Gardens.

6.9.29 A significant number of representations were received at the Reg 16 stage objecting to the development of this kick about area on the basis that it would constitute a loss of open space at a time when generally there was a need in the area for open space.

6.9.30 This matter was discussed at the Hearing. Although it is the Council’s position that the site is not formally part of Beech Hurst Gardens, from my visit to the site it was quite clear that functionally, even if not in ownership terms, it is closely related to the Gardens. The kick about area is open to the rest of the gardens and the orientation map of the gardens on the Bolnore Road entrance clearly identifies the Kick about area as part of the garden ‘offer’.

6.9.31 The Officer representing the MSDC’s property interests at the hearing indicated that the intention was to change the maintenance regime of the gardens such that the extent of the garden currently managed as wildflower meadow was in future to be more closely mown so that informal kick about activities could take place in other areas of the garden. In the Council’s terms this would mean that the loss of the kickabout area would not be so problematic.

6.9.32 The NPPF at paragraph 74 plus policy R2 of the MSLP as well as the HHNP itself at policy E1 seek to protect open space particularly that of public value save in circumstances where there is deemed to be no need for the open space or where there are proposals to replace it or reuse it for improved open space and recreation purposes. I have not been provided with any evidence to suggest the kickabout area is surplus to requirements and I sought to establish at the hearing whether there were definite plans for alternative provision to replace the area of open space to be lost. Whilst I acknowledge that the Sussex Miniature Locomotive Society Ltd (SMLS) propose to open their track area for picnicking and as informal open space, which is an area not currently available on a regular basis, I am not persuaded that this would be a suitable replacement for the kickabout area. Equally although the change in the maintenance regime may allow use of a wider area of the gardens for games there would still be a net loss in the available area of the gardens if the H5 site were to be developed. No other proposed replacement open space was put to me.

6.9.33 I accept that the wording of policy H5 is such that alternative open space is required in order for the proposed development to take place. However for a neighbourhood plan to

be promoting loss of open space, particularly when the plan itself opposes the loss of open space at policy E1 and the proposal is opposed by a significant number of people is inappropriate. It has been put to me that the proposed development will provide much needed affordable housing and, whilst I accept this would be a benefit to the community in terms of meeting housing needs, I am not persuaded that this outweighs the loss of the publically accessible open space. As the proposal stands the inclusion of the kickabout area conflicts with the NPPF and MSLP policy and fails to meet Basic Conditions No 1, 2 and 3.

6.9.34 As other land is involved in the allocation, including the depot itself and intervening land between the kick about area and the depot, the allocation and policy can remain but limited to a smaller site approximately half the size of the current site. I acknowledge from the hearing that access through this area for machinery needs to be retained for the SMLS but this is not likely to be an insuperable matter in the design of a smaller site. The main implication as far as the policy is concerned is that the capacity of the site will reduce.

Recommendation 31 –

31A - Para 9.20 – Remove the reference to the site being partly in use as an area of open space – line 3

31B - Policy H5 Reduce the capacity of the site to 15 and remove the last bullet clause and replace with the following “*Maintain access to the Sussex Miniature Locomotive Society site*”.

31C - Remove the kickabout area from the allocated site on the proposals map.

Land at Harlands Road

6.9.35 Policy H6 proposes the development of the Harlands Road car park for approximately 40 dwellings subject to a number of provisions. The site is centrally located in the town and makes effective use of a brownfield site. The policy therefore has regard to the NPPF.

6.9.36 Agents acting for the site owner made representations at the Reg 16 stage that the site could accommodate a higher number of dwellings and as it was in a sustainable central location the density should be higher and subject to design a higher number of dwellings could be accommodated. They also claim that the site at this density and with the affordable housing requirement would be unviable and undeliverable.

6.9.37 The proposed capacity of 40 units given the size of the site at 0.2 hectares would equate to a density of 200 per hectare. Thus HHTC have already reflected paragraph 5.23 of the MSLP which encourages higher density schemes in town centre locations where this can be facilitated by good design. Moreover the policy has also had regard to the emerging policy DP24a of the MSDP which requires at least 50 dwellings per hectare in the built up area of Haywards Heath. To make the requirement in the policy that the site should accommodate ‘at least 40 dwellings’ as the agent proposes would be likely to result in an even higher density on site. This would be likely to compromise the living conditions

of residents in apartment blocks to the south and west of the site which would conflict with the core principles and sections 6 and 7 of the NPPF on housing and design.

6.9.38 No specific mention is made in the policy regarding affordable housing and it would be for the developer to demonstrate at the time of any application that the level of affordable housing required in MSLP policy H4 would make the site unviable. It is not a reason to encourage a higher density on the site.

6.9.39 Whilst I acknowledge that a well-designed scheme may allow slightly more units on the site, the current wording of ‘approximately 40 dwellings’ would not rule out either a slightly higher or slightly lower figure. I do not therefore recommend any modification to the policy other than to correct a typographical error whereby the text relating to Infrastructure should have its own bullet point.

Recommendation 32 - Insert 4th bullet point as follows:

- ***“Infrastructure : Sustainable drainage systems.....”***

Land at Downlands Park

6.9.40 Policy H7 proposes the development of Downlands Park for housing for the elderly. Again the proposal would make effective use of a brownfield site and provide housing for a specific need sector within the community. As such it has regard to the NPPF and is in conformity with the MSLP and will contribute to achieving sustainable development. It meets the basic conditions. As with policy H6 however there is a typographical error that needs to be corrected where the text relating to pedestrian access should have its own bullet point.

Recommendation 33 - Insert 4th bullet point as follows:

- ***“Pedestrian access should be.....”***

Windfall Sites Policy H8

6.9.41 The plan takes a cautious approach to windfall based on past trends and an assumption that all sites over 4 units would already be identified through the site assessment process. This approach and the requirements of policy H8 are consistent with national planning advice and the development plan.

Barton Willmore at the Reg 16 stage made representations that it should be made clear that the policy would also refer to larger windfall sites. The policy does not expressly restrict itself to small sites and whilst the supporting text refers to sites with a capacity of 1-4 units I do not consider that a modification to the policy is necessary. However an amendment is needed in the first bullet point because the intent is unclear and therefore the policy does not meet the requirements of the PPG and NPPF.

Recommendation 34 – Reword the first bullet point to read:

“The scale, height and form fit unobtrusively with the existing buildings and the

character of the street scene”.

Building Extensions

6.9.42 Policy H9 sets out the HHNP approach to extending existing homes. The policy has had regard to the core principles and design section of the NPPF, would contribute to sustainable development and be in general conformity with the MSLP. No modifications are necessary to meet the basic conditions.

Other Proposed Sites

6.9.43 Land south of Old Rocky Lane – Barton Willmore, representing Crest Nicholson, made representations that the status of the site in the plan was unclear because, although it was included numerically in existing commitments as a pending site, it did not at that time have planning permission. The site was granted planning permission in May 2016 and its future status is therefore secure. The 30 units are counted as part of the commitments at paragraph 9.8 and the site is already shown on Figure 4 as a commitment. There is therefore no need for any modification to meet the Basic Conditions.

6.9.44 A.B. Planning and Development made representations at the Reg 16 stage that land south of Sunte House should be allocated under its own policy to include similar considerations as in policy H8. I have considered this proposal in the context of E5 above and as explained there I have no reason in terms of the Basic Conditions to reach a different conclusion to the HHTC regarding the importance of protecting the site. However, as this site is at appeal – procedurally it is necessary to let the appeal run its course and if the site ends up being granted permission – adjusting the proposals map and text to reflect it as a commitment at that stage.

Summary of housing Delivery

6.9.45 As a result of the above examination of the housing section, in sum the situation with regard to housing supply needs to be reflected in the table at 9.25.

Recommendation 35 – Revise the table at paragraph 9.25 as follows:

Source of Supply	Units
Completions (1/4/14 to 31/3/16)	432
Committed / Pending Sites (Including Rookery Farm allocation and land north of Birchen Lane)	837
Greenfield sites (H1 and H2)	540
Brownfield Sites	97
Allowance for Windfall sites	128
Total	2034

Other Matters Relating to the Housing Section

6.9.46 In the interests of the PPG advice for clarity in neighbourhood plans I also recommend that paragraphs 9.14 and the second half of paragraph 9.16 after the weblink are removed. I understand why the HHTC has included them to refer to other housing that would contribute to housing supply within the wider Haywards Heath area but in respect of the supply actually brought forward by the plan they are confusing and have the potential to result in double counting of supply elsewhere.

Recommendation 36 – Delete paragraph 9.14 and the second half of paragraph 9.16 after the weblink

6.9.47 Southern Water in their Reg 16 representations asked that policies H1 Hurst Farm, H2 Land South of Rocky Lane, H5 Bolnore Depot and H6 Harlands Road all have a clause added that states “...provide a connection to the local sewerage system at the nearest point of adequate capacity as advised by the service provider.” They argue that this is necessary in view of known shortcomings in the current system. Policy CS11 of the MSLP and policy DP42 of the emerging MSDP already place a very clear policy requirement in respect of providing infrastructure in advance of occupation and I therefore do not accept that it is necessary to insert this clause in these 4 policies of the HHNP.

6.9.48 In any event in respect of both policies H1 and H2, covering the largest sites in the HHNP, these already ask for an infrastructure delivery strategy and for the masterplan to include site specific infrastructure requirements which will provide ample opportunity for Southern Water as the service provider to direct developers as to what infrastructure, and particularly what foul sewerage connection, would be necessary. I do not therefore recommend any modification in response to this matter.

6.10 Leisure, Recreation and Community Buildings

6.10.1 Policies L1 – L9 variously seek to protect and improve or enhance community services provision in the town. Inasmuch as the NPPF at section 8 paragraph 70 does require policies to plan positively for the provision of community facilities to enhance the sustainability of communities and guard against the loss of valued facilities and services these policies have regard to the NPPF.

6.10.2 Policies L1 and L2 seek to protect Clair Hall and the Dolphin Leisure Centre from loss to other uses. The NPPF at paragraph 70 states that community cultural facilities may be protected where facilities are valued and loss would prevent the community meeting its day to day needs. The principle of the two policies therefore has regard to the NPPF. However the test for the facility to be needed and valued implicit in the NPPF policy is absent from policies L1 and L2. In other words the principle of replacing facilities lost should only be applied where there continues to be an established need for the facility. It is therefore necessary to modify the policy wording to meet Basic Condition No 1.

Recommendation 37 – Reword Line 1 of policies L1 and L2 to read:

“Development resulting in the loss of Clair Hall / Dolphin Centre whilst the facility remains needed and valued by the local community will be resisted....”

6.10.3 Policy L3 seeks to allocate land for a country park in conjunction with proposals for housing at Hurst Farm (H1). This seeks to compensate for the open space allocation in the MSLP which has never been implemented and I have no concern over the principle of the proposal. However again the NPPF requires that plans should provide a practical basis for decisions on planning applications. The proposals map at Figure 4 only indicates the policy reference L3. It is assumed that the country park is proposed to be in the E5 land east of Hurstwood Lane but this is not clear. The area of L3 should be shown on the proposals map and given that this is to be enlarged to A3 (see recommendation 2) this should be possible.

Recommendation 38 : Identify the extent of the L3 proposal on the Proposals Map at Figure 4

6.10.4 Policy L4 purports to allocate land at Haywards Heath railway station to provide a terminus for the western extension of the Bluebell Railway. An earlier change in wording to this policy following the pre-submission stage attracted a representation from agents for the Bluebell Railway at the Reg 16 stage. The Railway is concerned with the wording change that support for the extension is no longer expressed. I have a further concern over the wording of the policy that brings it into conflict with the advice in the PPG and NPPF that plans and policies should provide a clear and practical basis for decision making. Although L4 says land is allocated for the terminus this is not in fact the case. The proposals map merely includes an identifying circle on figure 5 and not a specific area of land. The policy is therefore incapable of giving clear guidance. I note that the emerging policy DP17 in the MSDP does propose to safeguard both the route and land that will be necessary to deliver the extension. However as the District Plan is not yet adopted and policy R14 of the adopted MSLP does not safeguard the route I recommend that policy L4 is retained but reworded to ensure it is a land use policy. It is important that in making the proposed change the wording is such that it does not preclude **all development** (for example development necessary for the operational needs of the mainline railway) merely development that would prevent completion of the Bluebell Railway extension.

Recommendation 39

39A Revise policy L4 to read:

“The route of the proposed Bluebell Railway western extension to Haywards Heath within the neighbourhood plan area and its terminus at Haywards Heath Station, as shown on the policies map, will be protected from development that would prevent its completion.”

39B Identify the route of the extension on the policies and proposals map.

6.10.5 Policies L5, L6 and L7 seek to encourage the provision of new community buildings where L5 gives general encouragement and L6 and L7 support provision of new D1

medical services and additional school facilities respectively. There is no justification provided for either L6 or L7 which is in direct conflict with the advice in the PPG that proportionate, robust evidence should be provided to support the plan choices made. I am aware that there has been a longstanding proposal for a new school in the south west of the town and indeed that is specifically provided for in policy H1. However both L6 and L7 seem superfluous when no justification is provided and in any event the policies say nothing additional to policy L5 which can easily be adjusted to refer to all services including medical services and school facilities.

Recommendation 40 - Delete policies L6 and L7 and revise the wording of policy L5 line 1 to read :

“The provision of new community service buildings including medical and educational services in the Plan area will be supported.....”

6.10.6 Policy L8 seeks to provide enhanced facilities at St Francis sports site. I have no concerns with this policy which presents clear guidance as to the basis on which development at the site would be supported. It has regard to national policy, is in general conformity to the MSLP and is likely to contribute to sustainable development. Basic conditions 1, 2 and 3 are therefore met.

6.10.7 Policy L9 protects existing playing fields and sports facilities which does have regard to the NPPF at section 8 and also to MSLP policy B6 and emerging MSDP policy DP22 but the policy does not have adequate regard to the tests in paragraph 74 of the NPPF. The second sentence of the policy only allows development of the facility if alternative provision is made elsewhere but this ignores the fact that the NPPF would allow development for a non-sports use if the facilities were surplus to requirements. I note from paragraph 10.14 that a shortage of sports pitches has been identified in Haywards Heath but the Mid Sussex Playing Pitch Strategy 2015- 31 does not suggest a shortfall across all sports. It is conceivable therefore that in some cases facilities may be surplus to requirements and the means by which this must be objectively evidenced is by a full assessment. There is therefore insufficient evidence to apply stricter tests in the policy than the NPPF requires and the policy needs to be modified to comply with Basic Condition No1.

Recommendation 41 – reword the second sentence of policy L9 to read:

“Should an existing facility come forward for redevelopment for non-sports use and it is shown the site or facility is not surplus to requirements the applicant will.....”

Other Matters Requiring Correction

6.10.8 Throughout the HHNP but particularly in sections 10 and 11 reference is made to the MSDC Infrastructure Plan which is incorrect and should be amended to refer to the MSDC Infrastructure Delivery Plan. Also where the Community Infrastructure Levy is referred to it should refer to the MSDC Community Infrastructure Levy Charging Schedule.

Recommendation 42 - Replace all references to the MSDC Infrastructure Plan with “MSDC Infrastructure Delivery Plan” and all references to the MSDC Community Infrastructure Levy as the *MSDC Community Infrastructure Levy Charging Schedule*.

6.10.9 With these modifications implemented the policies in section 10 of the HHNP will meet the requirements of the NPPF and PPG, and MSLP policies. In addition the sustainability appraisal generally indicates that they will provide for sustainable development. The Basic Conditions Nos 1, 2 and 3 are therefore met. The policy modifications will also satisfy the concerns expressed at the Reg 16 stage.

6.11 Other Policy Related Matters

Infrastructure Provision

6.10.1 Southern Water at the Reg 16 stage made representations that there should be a new policy in the HHNP regarding infrastructure provision to serve new development. As with the Burgess Hill Neighbourhood Plan, where there was a similar representation, I consider that both the MSLP at policies CS11 and CS12 and the emerging MSDP, which has been amended to cover this strategic issue in policy DP18, adequately cover the matter.

6.10.2 Different parts of the Development Plan work together to secure sustainable development and where a matter is adequately dealt with in the MSLP and emerging MSDP strategic policies there is no need for the HHNP to duplicate policy. HHNP is therefore in accordance with Basic Condition 1, 2 and 3 without a separate policy on the provision of new infrastructure. In any event it is procedurally difficult for an entirely new policy to be added to the plan at this stage without the plan going back through a resubmission stage.

7 Referendum

7.1 Subject to the recommended modifications set out above being completed, the Haywards Heath Neighbourhood Plan should proceed to a Referendum.

7.2 I am required to consider whether the Referendum Area should be synonymous with the Haywards Heath Neighbourhood Area or extended beyond it.

7.3 As discussed above the Neighbourhood Area largely follows the parish boundary with the exception of the additional section of Ansty and Staplefield Parish to the south. However as Haywards Heath has grown it has joined in the north east with neighbouring Lindfield and it is likely that residents of Lindfield look to Haywards Heath for jobs, services, retail, leisure, etc.

7.4 This was a matter discussed at the Hearing as I wished to gather participants' views on the matter. It was noted in the discussion that whilst functionally there may be interlinkage between the settlements, residents of Lindfield did not consider themselves to be part of Haywards Heath. Moreover there were no really significant proposals in the HHNP that would materially affect the residents of Lindfield. Taking these matters into consideration I am satisfied that there is no need to extend the area for the referendum beyond the Haywards Heath Neighbourhood Area.

Recommendation 43

I recommend to Mid Sussex District Council that the Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Haywards Heath Neighbourhood Area as designated by the Council on 11 March 2013.

Peter D Biggers 26 August 2016
Independent Examiner
Argyle Planning Consultancy Ltd

Appendix 1 Hearing Programme and Topics

Haywards Heath Neighbourhood Plan Hearing Programme

Date – Thursday 21st July 2016

Time – 9.15 – c 13.15

Venue – Mid Sussex District Council Council Chamber

The Independent Examiner Mr Peter Biggers BSc Hons MRTPI appointed to carry out an examination of the Haywards Heath Neighbourhood plan has requested that a hearing in public be held to consider whether the Neighbourhood Plan has regard to national policy and advice and is in general conformity with the Mid Sussex Local Plan particularly in respect of housing provision. The Hearing will only deal with selected areas of the plan as set out in the draft programme below.

Draft Programme

9.15 Introductions, opening remarks and scope of the hearing.

9.30 Understanding the housing requirement

10.15 Meeting the Housing Requirement. Part 1

- Concerns over the submission draft proposed allocations in terms of the basic conditions

11.15 Break

11.30 Meeting the Housing Requirement. Part 2

- Do alternative / additional allocations better meet the basic conditions?

12.30 Related Matters

- Policy E1 - Protecting open space
- Policy E5 - Protecting landscape character

13.15 Close

Haywards Heath Neighbourhood Plan Examination – Hearing 21 July 2016.

Independent Examiner's Pre-Set Questions to Guide the Discussion

Session 1 – Understanding the Housing Requirement and Proposed Provision

- 1.1 Is the figure of 2204 houses required for Haywards Heath a reasonable figure based on the housing needs assessment and the most recent findings of the evidence base for the emerging District Plan? Is the reference in the housing consultation in Appendix 7 of the HHNP Consultation Statement that this figure is an over estimate supported by new evidence? What figure is MSDC likely to require of Haywards Heath to be met in the HHNP to meet its own OAHN if not 2204? (MSDC to open).
- 1.2 Of the 2204 houses (or such revised figure as may be appropriate) required for Haywards Heath what is the current position as to how many are already met through commitments and existing allocations and how many will the plan proposals contribute? (MSDC to open)
- 1.3 Are the units referred to in paragraph 9.14 proposed to contribute to the supply or are they already considered as part of supply in other neighbourhood plan areas? Are the 140 units referred to additional to the Greenhill Way commitment? (HHTC to open)
- 1.4 Where does the figure of 211 units referred to at paragraph 9.16 as identified sites by MSDC which may come forward feature in the table of provision at section 9.25? – Is the intention that they may be additional windfall sites and if so should the figure in the provision table for windfall be higher? (HHTC to open)
- 1.5 Is the strategy proposed by HHTC that it is reasonable not to meet all of 2204 figure because of environmental constraints a reasonable one? (HHTC to open)
- 1.6 Is the assumption that the strategic housing site North of Burgess Hill will contribute to the current shortfall feasible and sustainable in the context of Haywards Heath?– If this is taken as part of the strategy to make up the 667 shortfall can we be sure that this supply is not and will not be double counted in association with other plans? (MSDC or HHTC to open).
- 1.7 If the quantity of housing required in Haywards Heath exceeds that currently proposed through the neighbourhood plan can the plan be deemed to meet paragraph 184 of the NPPF? (MSDC to open)

Session 2 – Meeting the Housing Requirement Part 1 – Concerns regarding Existing Proposals

2.1 Housing Site H1 Hurst Farm

- 2.1.1 Is the countryside in the area of Hurst Farm a strategic gap which should be retained? (Fox Hill Residents to open)
- 2.1.2 If MSLP R2 and MSDP DP22 seek to protect open space is there evidence as required in the NPPF showing that there is reasonable prospect that the allocated OS in the MSLP HH20 which will be lost can be made up by equivalent or better provision in a suitable location? (HHTC to open)
- 2.1.3 What were the findings of the housing site assessment in respect of impacts of the proposal on infrastructure and the transport network? (HHTC to open)

- 2.1.4 Is it sensible in the light of national and local policy on heritage assets that protection is added in the policy to the listed farm and barn at Hurstwood Farm as advocated by Historic England? (MSDC to open)

2.2 Housing Site H2 south of Rocky Lane

- 2.2.1 Is it sensible in the light of national and local policy on heritage assets that a requirement for archaeological investigation is added in the policy for land south of Rocky lane as advocated by Historic England? (MSDC to open)

2.3 Housing Site H5 Bolnore

- 2.3.1 Notwithstanding reassurance regarding the fact that no part of the site is part of the Beech Hurst Garden Trust land, if the site is partly in use for open space purposes is it appropriate that it is proposed for housing development given paragraph 74 of the NPPF? (ARROWW to open)
- 2.3.2 If MSLP R2 and MSDP DP22 seek to protect open space is there evidence as required in the NPPF either of an assessment showing that the land is no longer required or that there is reasonable prospect that the land lost can be made up by equivalent or better provision in a suitable location? (HHTC to open)
- 2.3.3 What would be the impact on supply if the development area excluded the Kick About Area and was restricted to the depot area only ?

Session 3 Meeting the Housing Requirement Part 2 – Alternatives / Additions to Existing Proposals

3.1 Land South of Rocky Lane at Rookery Farm

- 3.1.1 Is it feasible that the Rookery Farm allocation H2 could accommodate more than the 150 units proposed without compromising sustainability principles and in particular archaeological and ecological interests? Would a higher density conflict with either national or local policy? (Rodway Planning to open)
- 3.1.2 What is the reason why the existing buildings immediately south of the presently allocated site HH11 and the land south of the buildings are not included as part of the H2 allocation? (HHTC to open)

3.2 Land North of Birchen Lane

- 3.2.1 What are the material differences as to why land north of Birchen Lane and south of Sunte House was considered to be unsuitable for allocation compared to the proposed sites at H1-H7? (HHTC to open)
- 3.2.2 What is the justification for allocating the whole green wedge north of Birchen Lane, Sunte Close and Gander Green under policy E5 and is this supported by National and local policy? (HHTC to open)

Session 4 – Related Matters

4.1 Policy E1 Protecting Open Space

- 4.1.1 Policy E1 sets out criteria that go beyond the tests in paragraph 74 of the NPPF. Paragraph 162 may justify providing for strategic infrastructure but if there are not specific

known requirements what is the purpose of rehearsing the possibility in policy E1?
(Southern Water or HHTC to open)

- Should the policy be clarified that it relates only to open spaces with public access? (LRM Planning to open)

4.2 Policy E5 Green Corridors and Built up Area

- 4.2.1 What evidence is there to justify the selection of policy E5 areas? (HHTC to open)
- 4.2.2 What is the rationale for excluding allocations H1 and H2 plus committed development sites from the proposed built up area when other such sites are included ? Is this a coherent basis for the boundary? (HHTC to open)
- 4.2.3 Is it necessary or appropriate for garden land at North Colwell Barn to be excluded from the built up area? (Mr Lewry to open)

4.3 Policy E10 Areas of Townscape Character

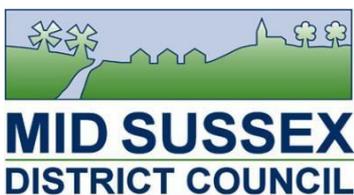
- 4.3.1 What is the rationale for the Area of Townscape Character around Birchen Lane in terms of national and local policy? (HHTC to open)

Closing - Understanding General Matters Relating to the Plan

- 1.1 To what extent do residents of Lindfield look to Haywards Heath for services and employment. (HHTC to open)
- Notwithstanding the fact that Lindfield has its own recently 'made' Neighbourhood Plan, if there is strong dependence on Haywards Heath for services and employment do you consider it necessary to extend the referendum area beyond the neighbourhood area to include attached Lindfield residential areas to the north east? (MSDC to open)

Peter D. Biggers
Independent Examiner
8 July 2016

Appendix 2 Responses Prepared by Mid Sussex DC on Housing



Haywards Heath Neighbourhood Plan Examination – 21st July 2016

Mid Sussex District Council written response to Examination Hearing Session 1 questions 1.1 and 1.2

Mid Sussex District Council has been asked by Peter Biggers, the independent examiner for the Haywards Heath Neighbourhood Plan, to provide a response to 2 questions for session 1 of the Neighbourhood Plan examination hearing, along with an update on the preparation of the District Plan. The District Council's responses are set out below.

District Plan, Infrastructure Delivery Plan and Community Infrastructure Levy Update

The District Council is proposing to submit the District Plan for examination in the Summer 2016.

An Infrastructure Delivery Plan is being prepared to support the District Plan. A draft IDP (June 2015) is available to view on the District Council web site at <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/evidence-base/infrastructure-delivery-plan/>

A Preliminary Draft Charging Schedule was issued for consultation in August 2015. The Draft Charging Schedule will be issued for consultation ahead of an examination following submission of the District Plan.

1.1 Is the figure of 2204 houses required for Haywards Heath a reasonable figure based on the housing needs assessment and the most recent findings of the evidence base for the emerging District Plan? Is the reference in the housing consultation in Appendix 7 of the HHNP Consultation Statement that this figure is an over estimate supported by new evidence? What figure is MSDC likely to require of Haywards Heath to be met in the HHNP to meet its own OAHN if not 2204?

Current position in respect of the Objectively Assessed Housing Need and the derived figure of 2204 for Haywards Heath

It is important to note that the figure of 2,204 is not a Neighbourhood Plan requirement or housing target set by the District Council. Mid Sussex District Council is strongly supportive of Neighbourhood Planning. The District Council's position is to support local communities in choosing how best to meet their own housing and other needs. However, the District Council has committed to producing a Site Allocations Document to ensure housing delivery across the District Plan period. Any shortfall in provision through Neighbourhood Plans will be addressed through this document, rather than by placing a specific requirement upon individual Neighbourhood Plans. The figure of 2,204 serves only as an indication of local Haywards Heath

housing need, based on a proportion of the District's need as a whole.

The District Plan is due for submission to Government (Planning Inspectorate) imminently, with an examination due towards the end of 2016 which will test the District Council's housing need evidence in detail. For the purposes of Neighbourhood Plan examinations and therefore this statement, it is assumed that the District Council's housing need figures are sound.

The District Council published its Housing and Economic Development Needs Assessment (HEDNA) in February 2015. The "HEDNA Update" was published in November 2015 to take account of more up-to-date housing projection figures published by DCLG. It sets out the methodology and calculation of the housing need for Mid Sussex. It also distributes this housing need to the towns and parishes as a guide to assist with preparation of Neighbourhood Plans.

The HEDNA Update identifies a 'starting point' housing need of **11,152 households (656dpa)** – this is based on government household projections (CLG 2012-based Household Projections). Adjustments are made to this at a District level to account for vacancy rates and market signals, increasing the need to 11,815 households, an average of 695dpa. The District Council also intends to assist neighbouring authorities who cannot meet their housing need, making an allowance of 1,785 households (105dpa) for this purpose. In total, the District Plan provides for **13,600 households, an average of 800dpa.**

District Plan policy DP5 sets out how this will be delivered:

Completions 2014-2016	1,498
Commitments	5,290
Strategic Development at Burgess Hill	3,500
Strategic Development at Pease Pottage	600
Windfall Allowance	450
Elsewhere in the District , as allocated through future Neighbourhood Plans, the Site Allocations Document and identified SHLAA sites (years 1-5)	2,262
Total	13,600

Table 1: Mid Sussex Housing Need (Modifications to District Plan, July 2016)

Most of the District's housing need is already planned for, with a further 2,262 households still to be identified through Neighbourhood Plans or a future allocations document. The new sites identified within the Haywards Heath Neighbourhood Plan will contribute towards this number.

As shown in the HEDNA documents, the District's housing need is based on population and household projections. As this data is not available at Town/Parish level, it was deemed pragmatic to 'proportion out' the District's total 'starting point' housing need of 11,152 units (656dpa) (as vacancy, market signals and unmet need of neighbouring authorities are strategic matters for the District Plan to deal with) to the Towns/Parishes based on their current proportion of the District population and households as shown by Census 2011 data. This was to ensure that a consistent approach was being taken for all the Neighbourhood Plans being prepared in Mid Sussex.

For Haywards Heath, based on the District’s housing need of 11,152, the HEDNA Update shows:

Haywards Heath: Census 2011 Household Proportion (%)	District (11,152) Household Split	Haywards Heath: Census 2011 Population Proportion (%)	District (11,152) Population Split	Average
20.18	2,251	19.35	2,157	2,204

Table 2: Haywards Heath Housing Need (HEDNA Update, November 2015)

Therefore the basis for the Haywards Heath Neighbourhood Plan is a housing need of 2,204 units over the plan period. This reflects the findings of the most up-to-date published evidence on housing need, based on the most up-to-date data at the time of writing (July 2016).

As stated within the HEDNA Update (paragraphs 8.24-8.26) this is only a guide to the level of need within each town/parish. It is not a target set by the District Council although it is expected that towns and parishes will attempt to deliver close to this figure in the first instance. In the same way that Local Plans are prepared, consideration should be given to relevant constraints, suitability/availability of sites within the town and sustainability considerations when determining the number to be proposed within the Neighbourhood Plan.

In this location, the impact of strategic development at Burgess Hill could also be a consideration – the strategic development proposed in the District Plan is delivering more homes than the housing need generated within Burgess Hill (using the proportionate approach), it will therefore inevitably accommodate some housing need generated within Haywards Heath (although the amount is not quantified). This is set out in paragraphs 9.26 - 9.28 of the Haywards Heath Neighbourhood Plan.

Whilst the need for Haywards Heath is 2,204 households over the plan period, some of this will have been delivered or planned for already – either as a commitment or completion (counted in table 1 above) therefore it is not expected for the Neighbourhood Plan to meet the 2,204 figure on its own. The Haywards Heath Neighbourhood Plan will contribute towards the 2,262 households still to be identified across the District to meet the District’s need. The Council’s response to Examiner’s question 1.2 sets out the distribution and extent to which this is being achieved.

1.2 Of the 2204 houses (or such revised figure as may be appropriate) required for Haywards Heath what is the current position as to how many are already met through commitments and existing allocations and how many will the plan proposals contribute?

Whilst the need for Haywards Heath is 2,204 households over the plan period, some of this will have been delivered or planned for already – either as a commitment or completion (counted in table 1 above) therefore it is not expected for the Neighbourhood Plan to meet the 2,204 figure on its own. The Haywards Heath Neighbourhood Plan will contribute towards the 2,262 households still to be identified across the District to meet the District’s need.

Table 3 below sets out the number of completions in Haywards Heath Town since 1st April 2014 until 31st March 2016. It also shows that there are 606 units allocated in the Neighbourhood Plan. This gives a residual amount of 241 units against the 2,204 Haywards Heath Housing Need.

Haywards Heath Housing Need	2,204
Completions 2014/16	432
Commitments as at 1 st April 2016	797
Residual amount taking into account completions and commitments	975
Haywards Heath Neighbourhood Plan Allocations (Hurst Farm and Rocky Lane)	500
Brownfield site allocations	106
Windfall Allowance	128
Residual amount taking into account NP Allocations	241

Table 3: Housing Need and planned developments

In this location, the impact of strategic development at Burgess Hill could also be a consideration – the strategic development proposed in the District Plan is delivering more homes than the housing need generated within Burgess Hill (using the proportionate approach), it will therefore inevitably accommodate some housing need generated within Haywards Heath (although the amount is not quantified). This is set out in paragraphs 9.26 - 9.28 of the Haywards Heath Neighbourhood Plan.

On the southern side of the Town, within Ansty and Staplefield Parish but within the Haywards Heath Neighbourhood Plan Area there are commitments for a further 220 units at Rocky Lane (through planning permissions and allocations, in addition to those set out in table 3). Given the proximity of the site to the town it is logical to assume that some of these units will also meet some of the OAN of Haywards Heath (as identified when including this area within the Neighbourhood Plan Area). The Ansty and Staplefield Neighbourhood Plan is currently at Examination. The HEDNA updated states that the Ansty and Staplefield OAN is 132. The emerging Ansty and Staplefield Neighbourhood Plan allocates 26 units, and states that some of the shortfall will be made up by the Burgess Hill Strategic Development and the Rocky Lane sites. There is an oversupply of 114 units in Ansty and Staplefield Parish taking into account the existing commitments and emerging allocations, some of which will contribute to the Haywards Heath Parish OAN.

18th July 2016