



**Development Infrastructure and Contributions
Supplementary Planning Document**

**Affordable Housing Supplementary Planning
Document**

**Development Viability Supplementary Planning
Document**

Consultation Statement

July 2018

1.0 Introduction

- 1.1 Three Supplementary Planning Documents (SPDs) have been prepared to replace the Development and Infrastructure SPD which was adopted in 2006. This SPD is now out-of-date as it was prepared on the basis of the policies contained in the Local Plan 2004, which has now been replaced by the recent adoption of the District Plan 2014-2031.
- 1.2 Since 2006, the policy context and Government guidance on developer contributions has changed considerably. The three new SPDs will be in conformity with the District Plan and current national planning policy and guidance.
- 1.3 One of the objectives of the District Plan is to ensure that development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. Policy DP20: Securing Infrastructure provides the framework for developer contributions, and policies DP24: Leisure and Cultural Facilities and Activities, DP25: Community Facilities and Local Services, and DP31: Affordable Housing provide additional policy guidance. The SPDs support these policies, and provide more detailed guidance for developers and land promoters.
- 1.4 The three SPDs are:
 - A Development Infrastructure and Contributions SPD which sets out the District Council's requirements for the full range of developer contributions. It provides updated information on costs, and sets out requirements for contributions to services provided by Mid Sussex District Council, West Sussex County Council and the emergency services;
 - An Affordable Housing SPD which provides detailed information on the requirements for on-site and off-site affordable housing provision; and
 - A Development Viability SPD which provides information on the viability assessment process. In particular, it notes that any planning applications which are not fully policy compliant should be accompanied by a viability assessment, which will inform the District Council's assessment of the application.
- 1.5 This Consultation Statement has been prepared in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.0 Early engagement

- 2.1 Early engagement and informal consultation on the three SPDs took place in January 2018 with key stakeholders who provided updated information on the costs of infrastructure. For example, other services within the District Council were consulted on open space standards, and colleagues in the Housing team were involved in drafting the Affordable Housing SPD and Registered Providers in the district have been invited to feed in their comments. In addition, West Sussex County Council officers, the Clinical Commissioning Group and the Police were also asked to provide updated information on their requirements. Appendix 1 lists the organisations consulted as part of the early engagement.

3.0 Public consultation

- 3.1 The Scrutiny Committee for Community, Housing and Planning considered the three draft SPDs at its meeting on the 21st March 2018. The authority to approve the draft

SPDs for public consultation was delegated to the Cabinet Member for Housing and Planning.

- 3.2 The three draft SPDs were published for a six week consultation from Monday 9th April 2018 until Monday 21st May 2018. The consultation was carried out in accordance with the Statement of Community Involvement.
- 3.3 The consultation draft SPDs and associated background documents were available on the Mid Sussex District Council website and could also be viewed at the District Council offices in Haywards Heath and in local libraries and Help Points.
- 3.4 The background documents were:
 - Strategic Environmental Assessment (SEA) Screening Report
 - Consultation notice
 - Community Involvement Plan
 - Equalities Impact Assessment
- 3.5 A standard consultation response form was prepared to assist organisations and individuals in responding to the consultation.
- 3.6 An LDF Alert was issued by e-mail to notify all individuals and organisations that have requested to be kept informed on the progress of planning policy work that the consultation documents were now available and could be commented upon.
- 3.7 A note was also included in Member Information Service to advise District Councillors of the consultation.
- 3.8 Appendix 2 lists the key organisations consulted as part of the public consultation.

4.0 Revised draft SPDs

- 4.1 Following public consultation, the comments received were reviewed. Sixteen different organisations responded to the consultation, some of which had comments for all three draft SPDs. Seven organisations had no comment on the draft SPDs, either because of support for the draft documents or because the documents fell outside their remit.
- 4.2 The responses were as follows:
 - Development Infrastructure and Contributions SPD – 15 responses, with a total of thirty-four comments, of which seven comments (from seven organisations) had no points to raise.
 - Affordable Housing SPD – 10 responses, with a total of twenty-seven comments, of which seven comments (from seven organisations) had no points to raise.
 - Development Viability SPD – 9 responses, with a total of twenty-three comments, of which seven comments (from seven organisations) had no points to raise.
- 4.3 The most detailed responses were received from West Sussex County Council, Redrow Homes and the Campaign to Protect Rural England (CPRE). Only one developer (Redrow Homes) responded to the consultation.

- 4.4 Officers have reviewed the consultation responses and proposed changes to the draft documents have been recommended where appropriate. Appendices 4 to 5 summarise the responses received.
- 4.5 Some respondents recommended that the adoption of the three SPDs should be deferred until the revised National Planning Policy Framework (NPPF), National Planning Practice Guidance and updated Government guidance on developer contributions are published. Officers considered that whilst it is an option, the 2006 SPD is out-of-date and needs replacing now. The publication date of the final versions of the NPPF and the Government guidance is unknown, so it is not considered appropriate to defer the introduction of the SPDs. The SPDs have been prepared to reflect the principles set out in the draft NPPF and in the draft Planning Practice Guidance. They could be revised in due course if necessary.

Development Infrastructure and Contributions SPD

- 4.6 Following comments from Thames Water, additional wording has been added to the section on flood mitigation and water infrastructure. Whilst officers considered that current wording in the draft Development Infrastructure and Contributions SPD and the policies in the District Plan are adequate, it is proposed that additional wording is included for clarification.
- 4.7 Following comments from Redrow Homes, additional wording has been proposed to clarify that further information will be provided during the preparation of the Community Infrastructure Levy (CIL) to set out the relationship between CIL and planning obligations once CIL is adopted.
- 4.8 Additional wording has been proposed to the green infrastructure section following comments from the CPRE and the Sussex Wildlife Trust. West Sussex County Council suggested amendments to sections that relate to County Council infrastructure provision and it is proposed these amendments are made.

Affordable Housing SPD

- 4.9 Additional wording has been proposed to clarify the need for affordable housing provision in the High Weald Area of Outstanding Natural Beauty (AONB) following comments from the CPRE.
- 4.10 Comments received from Redrow Homes requested more flexibility with regards to the approach to clusters of affordable housing and the number of affordable homes for each phase of development. Officers have reviewed these comments and consider that the requirement for full 30% affordable housing provision on each and every phase ensures more balanced communities. The SPD already states that clusters of more than 10 affordable housing units may be considered on high density flatted schemes. Therefore, it is proposed that no change to the SPD is required.

Development Viability SPD

- 4.11 Apart from some additional wording to provide extra clarification, no significant changes are proposed to the draft Development Viability SPD following review of comments from Redrow Homes and the CPRE. Issues raised included clarification of the circumstances where viability assessments would be required and the circumstances where viability information would remain confidential.

- 4.12 There were no other substantive comments from the consultation, but minor amendments were made to the documents for the purposes of clarification and to correct factual and typographical errors.
- 4.13 Following consultation, the amended revised draft SPDs were considered by the Scrutiny Committee for Community, Housing and Planning on the 4th July 2018. Following a detailed discussion, the Scrutiny Committee agreed to recommend to Council that the three SPDs are adopted.

5.0 Adoption

- 5.1 The three SPDs were taken to a Council meeting on the 25th July 2018 where the District Council agreed to approve the three SPDs for adoption.
- 5.2 The three SPDs were published on the Mid Sussex District Council website¹ along with the Adoption Statement and this Consultation Statement.
- 5.3 Additionally, copies of the three SPDs and Adoption Statement were made available to view at the District Council offices and in local libraries and Help Points.
- 5.4 An LDF Alert was issued by e-mail to notify all individuals and organisations that have requested to be kept informed on the progress of planning policy work that the consultation documents were now available and could be commented upon.
- 5.5 A note was also included in Member Information Service to advise District Councillors of the consultation.

Appendix 1: Informal consultation stakeholders

Appendix 2: Public consultation stakeholders

Appendix 3: Development Infrastructure and Contributions SPD – Consultation Responses

Appendix 4: Affordable Housing SPD – Consultation Responses

Appendix 5: Development Viability SPD – Consultation Responses

¹ www.midsussex.gov.uk/spd

Appendix 1: Informal consultation stakeholders

Organisations consulted as part of the early engagement and informal consultation in January 2018

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| Horsham and Mid Sussex Clinical Commissioning Group |
| Mid Sussex District Council – officers |
| Registered Providers |
| Sport England |
| Sussex Police |
| West Sussex County Council – officers |

Appendix 2: Public consultation stakeholders

Consultation was undertaken in accordance with the Statement of Community Involvement.

A LDF Alert (e-mail) was sent to all who have subscribed to it. This includes those listed on the Key Contacts List available to view on the Mid Sussex District Council website².

Key organisations consulted as part of the public consultation in April 2018:

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| Gatwick Airport |
| General public (via the Mid Sussex District Council website and LDF Alert) |
| High Weald AONB Unit |
| Highways England |
| Historic England |
| Horsham and Mid Sussex Clinical Commissioning Group |
| Housebuilders and developers |
| Mid Sussex District Council – councillors |
| Mid Sussex District Council – officers |
| Natural England |
| Neighbouring and adjacent local authorities |
| Registered Providers |
| Sport England |
| Sussex Police |
| Town and parish councils |
| Water infrastructure providers |
| West Sussex County Council – officers |

² <https://www.midsussex.gov.uk/planning-building/consultation-monitoring/>

Appendix 3:

Development Infrastructure and Contributions SPD

Consultation Responses

(Paragraph numbers refer to the consultation draft document)

| Number | Organisation | Section of document | Comment | Officer recommendation |
|--------|---------------------------|--|---|---|
| 1 | Surrey County Council | General comment | No comment, but pleased to note the acknowledgement in paragraph 2.20 of the draft Development Infrastructure and Contributions SPD of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas. | Noted – no change required. |
| 2 | Gatwick Airport | General comment | Request that any developments that come forward in the future comply with aerodrome safeguarding requirements. | Noted – no change required. |
| 3 | Natural England | General comment | No comment as consider the SPD does not pose any likely risk or opportunity in relation to its statutory purpose. However, there may be impacts on the environment upon which others may wish to comment. | Noted – no change required. |
| 4 | Southern Water | General comment | No comments to make at this stage. | Noted – no change required. |
| 5 | The British Horse Society | Paragraph 1.2 Paragraph 3.90, 3.91, 3.92, 3.93 | Support the wording in these paragraphs as it could be helpful in securing developer contributions towards non-motorised user | Noted – proposed change. Figure 6 has been expanded to |

| Number | Organisation | Section of document | Comment | Officer recommendation |
|--------|--------------|---|---|---|
| | | Paragraph 3.105 | infrastructure and facilities. New development provides opportunities for better facilities and these should be for all vulnerable road users (walkers, cyclists and equestrians) ideally by providing at least one bridleway route around the fringe of the development which links into the wider countryside network. | include routes for pedestrians, cyclists and equestrians to recognise that some routes may not necessarily be formal public rights of way. |
| 6 | Thames Water | Flood mitigation and water infrastructure section | <p>It is important to consider the net increase in water and wastewater demand to serve the development and also any impact that developments may have off-site, further down the network. The SPD should seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments.</p> <p>Thames Water recommends that developers engage with them at the earliest opportunity to establish demands for water and wastewater infrastructure both on- and off-site.</p> <p>Proposed new text: “Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure</p> | <p>Disagree – proposed new text not included but additional wording has been added.</p> <p>District Plan Policy DP42: Water Infrastructure and the Water Environment sets out the position with regards to the capacity of water infrastructure. It is considered that Policy DP42 already adequately covers the points raised by Thames Water in their proposed new text, however, a new paragraph has been added to the SPD in this section to make reference to Policy DP42 and that developers are encouraged to contact the water/ wastewater company as early as possible to discuss their development proposals.</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
|--------|--------------|---------------------|--|--|
| | | | <p>upgrades.” “The Local Planning Authority will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.”</p> | |
| | | SuDS | <p>Proposed new text to highlight the importance of surface water drainage and SuDS and the responsibilities of the developer: <i>“It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is</i></p> | <p>Disagree – proposed new text not included but additional wording has been added.</p> <p>It is considered that the existing wording in paragraphs 3.99-3.102 is sufficient as it makes reference to the West Sussex County Council Policy for the Management of Surface Water and District Plan Policy DP41: Flood</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | <i>the major contributor to sewer flooding.”</i> | <p>Risk and Drainage, which outlines the preferred hierarchy of managing surface water drainage from a development. Additional wording has been added to paragraph 3.103 to reflect this.</p> <p>Additional wording has been added to paragraph 3.99 to highlight that early consideration of drainage is important so that developments can be constructed around natural features and make use of natural land levels.</p> |
| 7 | Turners Hill Parish Council | General comment | The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council. | Noted – no change required. |
| 8 | Theatres Trust | Paragraph 3.93 and Figure 6, page 29 | The Trust recommends reference to arts and cultural facilities such as theatres within the list and the SPD more generally. The three dimensions of sustainable development set out in the NPPF include a social role within which is the need to support cultural wellbeing. A core planning principle (paragraph 17) is to improve cultural well-being for all and to deliver sufficient community and cultural services and facilities to meet local needs. Arts and cultural facilities such as theatres, and theatrical groups that operate out of other buildings such as | <p>Agree – proposed change.</p> <p>Figure 6 has been expanded to include a reference to arts and cultural facilities including museums, theatres and galleries.</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | community centres, provide opportunities for local people to participate and come together. We note at least one community theatre within Mid Sussex – the Chequer Mead Community Arts Centre in East Grinstead – and this and other potential facilities and groups across the district could positively benefit from the receipt of contributions to ensure the cultural needs of a growing population are met and to enhance the well-being of existing and future residents. | |
| 9 | Sussex Police | Appendix 4 | Corrections to the figures and text for the Police in Appendix 4. | Agree – change required. The wording has been amended in Appendix 4. |
| 10 | Historic England | General comment | No comments as the SPDs fall outside of Historic England’s expertise and remit. | Noted – no change required. |
| 11 | Redrow Homes | General comment | Support the preparation of the new Development Infrastructure and Contributions SPD. | Noted – no change required. |
| | | General comment with reference to paragraph 2.19 and paragraph 3.76 | Consider the SPD as currently written does not reflect in enough detail the relationship between the role of Section 106 and how this will operate upon adoption of CIL. The SPD needs to reinforce and reflect the change that will occur once | Agree – proposed change. Additional wording has been added in paragraph 2.19 to clarify that further information will be provided during the preparation of CIL to set out the relationship between CIL and planning |

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| | | | <p>CIL has been adopted.</p> <p>For example, healthcare could be funded by CIL and as such the Council could not seek additional Section 106 sums.</p> <p>Suggest the SPD is updated to clarify the relationship between CIL and Section 106 and how each of these two funding streams would operate jointly within the District.</p> | obligations once CIL is adopted. |
| 12 | CPRE | General comment | Consider the SPD should be deferred until the new NPPF and NPPG. | <p>Disagree – no change required.</p> <p>The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.</p> |
| | | Paragraph 3.105 | <p>The paragraph takes a narrow view of the importance of treating both on-site and off-site environmental enhancements as an infrastructure need – see District Plan Policy DP38 and paragraph 173 of the draft revised NPPF with respect to net gains for biodiversity.</p> <p>Suggest the last sentence of</p> | <p>Disagree – proposed new text not included but additional wording has been added.</p> <p>The wording in paragraph 3.105 has been expanded and amended to provide more detail.</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
|--------|--------------|---------------------|--|--|
| | | | <p>paragraph 3.105 is expanded to read: 'Improvements may also include contributions to create, improve and upgrade recreational routes, rights of way and public open spaces, for habitat reclamation and for habitat and/or species conservation and enhancement schemes involving areas referred to within DP38, and/or for other environmental, biodiversity and public realm enhancement purposes that will provide net gains to the local community'.</p> | |
| | | Paragraph 3.120 | <p>Query if there is a need to address what will happen once the East Court & Ashplats Wood SANG reaches capacity? Query if monitoring information should be referenced here.</p> | <p>Agree – proposed change.</p> <p>Additional wording has been added in paragraph 3.120 to reflect that the District Council will explore options for another strategic SANG to ensure mitigation can be provided once the East Court & Ashplats Wood SANG reaches capacity. There is ongoing monitoring of SANG capacity.</p> |
| | | Paragraph 3.121-122 | <p>Query if the requirements for a SANG to be provided on the development site should be included here and reference made to the maintenance arrangements and costs.</p> | <p>Agree – proposed change.</p> <p>Additional wording has been added to paragraph 3.118 to clarify that further guidance will need to be sought from the District Council if a SANG is proposed on the development site itself.</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | Paragraph 3.123-3.124 | Need to make reference to the Joint SAMP Strategy. | Disagree – no change required. The Joint SAMP Strategy will replace the Interim SAMP Strategy but it is considered that reference to the SAMP Strategy is sufficient. No change is required. |
| | | Paragraph 3.123-3.124 | Need to ensure costs of monitoring the SANG and SAMP Strategy are met by developers. | Disagree – no change required. Paragraph 4.29 states that the District Council expects developers to contribute towards the monitoring of planning obligations. |
| | | Paragraph 4.29 | Add enforcement of planning obligations as a matter to be covered by developer funding. | Disagree – no change required. The District Council will seek to recover any court costs should a matter progress to that stage. |
| | | General comment | Request to publish details of the infrastructure funded through developer contributions. | Disagree – no change required. Infrastructure funded through developer contributions will be monitored in accordance with the District Plan Monitoring Schedule. |
| 13 | Highways England | General comment | Highways England does not have any comments to make at this point. | Noted – no change required. |
| 14 | Sussex Wildlife | Paragraph 3.105 and | We are encouraged by the inclusion | Noted – proposed change. |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | Trust | 3.106 | <p>of wording that supports and highlights the importance of green infrastructure in Mid Sussex. We feel this is especially important given that the individual green infrastructure policy was removed by the Inspector during the District Plan Examination.</p> <p>Having reviewed these paragraphs we do not feel that they are clearly written and would benefit from being slightly rewritten, in particular the second sentence of paragraph 3.105.</p> <p>If the council wish to contact the Sussex Wildlife Trust to consider how the wording could be revised to strengthen the paragraphs relating to green infrastructure we would be happy to discuss this.</p> | <p>The section of green infrastructure has been amended and expanded to provide more detail on green infrastructure and biodiversity.</p> |
| 15 | West Sussex County Council | Figure 1, paragraph 3, paragraph 2.10 and paragraph 3.49 | <p>Considering the recent national consultation on developer contributions, Figure 1 should be amended to ensure if changes are made to the pooling restrictions, this document does not become 'out of date'. It is suggested 'the pooling restrictions will remain in force until such time as they are removed from government policy' is added after paragraph 3 in the text or remove the paragraph and replace it will 'contributions will be requested in line with government pooling restrictions, if</p> | <p>Noted – proposed change.</p> <p>Figure 1 cannot be amended as this is the District Plan policy on securing infrastructure (DP20). However, wording has been amended in paragraph 2.10 and 3.49 to reflect that legislation and government policy may change in the future.</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | these apply'. | |
| | | Paragraph 2.22 | Suggested that the source of the statistic is provided. | Noted – proposed change. The statistic that refers to 33% of new affordable housing units being occupied by ‘concealed’ households who already live in the District is already included in the current 2006 SPD and it is understood that it is still relevant. However, the wording has been amended in paragraph 2.2. |
| | | Paragraph 2.22 | The section also states that the discount is applicable to all affordable housing units. It would be useful to specify that it is not applicable to ‘Help to Buy’ or other incentive schemes, shared ownership, intermediate homes which will be treated as full market housing for the purposes of calculating contributions. | Disagree – no change required. The District Council feels that all affordable housing units including shared ownership and shared equity should benefit from the discount, whilst other ‘incentive’ schemes such as ‘Help to Buy’ should not. |
| | | Paragraph 3.66 | Request that reference is made to the fact that the costs include fitting out the new school; it should be a ‘turnkey solution’ that is provided. | Agree – proposed change. The wording has been expanded to refer to the fact that the costs include the fitting out the new school. |
| | | Paragraph 3.68 | Request that ‘financial’ is added before ‘contributions are required’ on the first line. | Agree – proposed change. The wording has been amended. |
| | | Paragraph 3.69 | Amend to reflect the WSCC ‘Explaining Contributions Calculator’ | Agree – proposed change. |

| Number | Organisation | Section of document | Comment | Officer recommendation |
|--------|--------------|-----------------------|---|--|
| | | | <p>document 'WSCC provide a calculator to ascertain financial contributions for school infrastructure broken up into four categories, primary, secondary, middle and sixth form. Depending on the existing local infrastructure, only some or none of these categories of education will be required. The calculator is used for smaller developments up to and including 500 units where contributions are sought for the improvement and expansion of existing schools. Strategic developments of more than 500 homes are subject to bespoke negotiation where contributions are sought for the improvement and expansion of existing schools. Strategic developments with pupil numbers greater than the local schools have capacity to take or expand to, are subject to bespoke requirements, which might include securing land or buildings for education facilities'.</p> | <p>The wording has been amended.</p> |
| | | <p>Paragraph 3.73</p> | <p>Amend to reflect the WSCC 'Explaining Contributions Calculator' document '<i>Contributions will be sought where necessary towards youth provision and other facilities such as residential care. Though</i></p> | <p>Agree – proposed change. The wording has been amended.</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | <i>required for large strategic developments of 500 dwellings, each development will be considered on a case-by-case basis.'</i> | |
| | | Paragraph 4.26 | Make clear that it is the BCIS All-in TPI that are applied. Wording is suggested to read ' <i>....and in the case of the County Council, indexation by reference to the Building Cost Information Service <u>All-In Tender Price Index</u> will usually apply.'</i> | Agree – proposed change. The wording has been amended. |
| | | Paragraph 4.32 | Request that the second sentence is removed: ' <i>The County Council has indicated that it will start to charge a monitoring fee for S106 agreements.'</i> | Agree – proposed change. The sentence has been amended and the wording has been checked with West Sussex County Council. |
| | | Appendix 2 paragraph A2.18 | The occupancy rates are from the 2011 Census and provision should be made to enable the occupancy rates to be adjusted when the 2021 Census data is available. | Agree – proposed change. The footnote has been amended to enable the occupancy figures to be adjusted if necessary when data from the next Census is available. |
| | | General comment | It is noted there is no appendix for Education and Highways. | Noted – no change required. Education is included at paragraphs 3.64-3.73 and Highways is included at paragraphs 3.33-3.51. Links are included to the West Sussex County Council website. |

Appendix 4:
Affordable Housing SPD
Consultation Responses

(Paragraph numbers refer to the consultation draft document)

| Number | Organisation | Section of document | Comment | Officer recommendation |
|---------------|-----------------------|----------------------------|---|---|
| 1 | Surrey County Council | General comment | No comment, but pleased to note the acknowledgement in paragraph 2.20 of the draft Development Infrastructure and Contributions SPD of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas. | Noted – no change required. |
| 2 | Gatwick Airport | General comment | Request that any developments that come forward in the future comply with aerodrome safeguarding requirements. | Noted – no change required. |
| 3 | Natural England | General comment | No comment as consider the SPD does not pose any likely risk or opportunity in relation to its statutory purpose. However, there may be impacts on the environment upon which others may wish to comment. | Noted – no change required. |
| 4 | Southern Water | General comment | No comments to make at this stage. | Noted – no change required. |
| 5 | Plan4Localism | Paragraph 2.84 | The wording in the paragraph is not quite correct. The District Plan does not cover the National Park area and therefore DP31 cannot apply to it. In | Agree – proposed change. The wording has been corrected to |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | the National Park area, the Local Plan 2004 policies will continue to apply until the South Downs National Park Local Plan is adopted. | reflect the need to comply with the policies in the Mid Sussex Local Plan 2004. |
| 6 | Turners Hill Parish Council | General comment | The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council. | Noted – no change required. |
| 7 | Historic England | General comment | No comments as the SPDs fall outside of Historic England’s expertise and remit. | Noted – no change required. |
| 8 | Redrow Homes | General comment | Support the preparation of an updated Affordable Housing SPD and the inclusion of how Vacant Building Credit operates is welcomed. | Noted – no change required. |
| | | General comment – with reference to paragraph 2.12 and 2.41 | Request the Affordable Housing SPD is written with more flexibility taking into consideration the commercial realities of providing and delivering affordable housing on development sites, particularly with regards to the total number of units provided in phased developments and the approach to clusters. It is recognised that affordable housing should be spread across development sites, however, the Council should apply a more flexible approach to the total percentage of units in each phase and clusters, for example, with reference | Disagree – no change required. The requirement for full 30% affordable housing provision on each and every phase ensures more balanced communities. The SPD already states that clusters of more than 10 affordable housing units may be considered on high density flatted schemes. |

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| | | | <p>to site specific constraints, build and construction programme and the overall layout.</p> <p>Suggest paragraphs 2.12 and 2.41 are written to include a subject to negotiation clause recognising the Council can be flexible to site specific factors. Officers have been applying a flexible approach to clustering and this should be written into the SPD.</p> | |
| | | General comment | The Council has not considered in enough detail how the registered providers operate and that they prefer to secure affordable housing plots in larger groups so that they can manage and operate those units in a more efficient manner. | <p>Disagree – no change required.</p> <p>The Council works closely with Registered Providers and Registered Providers are happy with clusters of 10.</p> |
| 9 | CPRE | General comment with reference to paragraph 2.68 | <p>Welcome the Affordable Housing SPD.</p> <p>Agree the need for different types of affordable homes in the District is acute.</p> | Noted – no change required. |
| | | General comment | <p>Consider the SPD should be deferred until the new NPPF and NPPG is published.</p> <p>For example, the definition of affordable housing may change and a requirement to deliver entry-level housing may be introduced.</p> | <p>Disagree – no change required.</p> <p>The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised</p> |

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|--------|--------------|---------------------|--|--|
| | | | | in due course, however, the SPD broadly aligns with the draft NPPF and NPPG. |
| | | Paragraph 2.1 | <p>Consider expanding the SPD to provide planning guidance on the District Plan Policy DP30 on housing mix (unless a separate SPD is planned).</p> <p>Would like to see an explanation of the Council's approach to student accommodation given that it is clear that Policy DP31 is not intended to cover this particular market.</p> | <p>Disagree – no change required.</p> <p>The SPD advises that the exact tenure, type and size split for the affordable housing units on each site can be advised during pre-application discussions but is likely to be approximately 25% x 1B/2P, 65% x 2B/4P and 10% x 3B/5P units plus the occasional 4B unit. A made neighbourhood plan may also contain a policy on housing mix.</p> <p>There are currently no Higher Education Institutions in MSDC.</p> |
| | | Paragraph 2.5 | Omission of the Policy DP31 lower threshold requirement for residential developments within the High Weald AONB that trigger a commuted payment. | <p>Agree – proposed change.</p> <p>The wording has been amended and an additional paragraph (now 2.6) added for clarity.</p> |
| | | Paragraph 2.30 | The SPD does not contain details of the Council's expectations of tenure mix whilst allowing for individual circumstances. | <p>Disagree – no change required.</p> <p>The SPD states that normally a balance of 75% social or affordable rented homes with the remaining 25% for intermediate homes will be required unless the best available evidence supports a different mix.</p> |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | Paragraph 2.35 and 2.36 | Welcome the Council's position of not accepting a non-viability case made by a developer when too high a price has clearly been made for the land, but would welcome clarification of the processes for how the Council will determine this to be the case. | Noted – no change required. Land value will be considered by an external valuer as part of the viability assessment. |
| | | Paragraph 2.42 | Design quality could be extended to read: 'design and build quality'. | Agree – proposed change. The wording has been amended. |
| | | Paragraph 2.50 | Should minimum fire safety standards in higher rise properties containing affordable accommodation also be included? | Disagree – no change required. Fire standards form part of Building Regulations. |
| | | Paragraph 2.52-2.60 | Would like to see a clear statement as to the Council's policy for its use of commuted affordable homes payments that it accepts. Would particularly welcome prioritisation of expenditure on the building of affordable homes from commuted payments on sustainable brownfield sites. | Noted – no change required. Commutated payments are only accepted in exceptional circumstances and are used to deliver affordable housing in appropriate alternative locations. |
| | | Paragraph 2.56 | Is this described in too prescriptive terms? Could there be situations where small-scale building of affordable homes within the High Weald will be both appropriate and viable, for example, Policy DP32? Where that is the case, the Council | Noted – no change required. If the scheme has a combined gross floorspace of more than 1000m ² , or the site is a rural exception site, on-site affordable housing provision |

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| | | | should be able to resist accepting a commuted payment. | will be required. |
| | | Paragraph 2.61 etc | <p>Affordable housing should still be secured in the regeneration of brownfield sites where it is viable to do so, with viability being determined by the costs of construction, not the expectations of a return to the landowner.</p> <p>If the use of vacant building credit will not increase the affordable housing supply then CPRE will support this section of the draft SPD, but relies on the Council to maintain ongoing monitoring of the continuing validity of that assessment.</p> | <p>Noted – no change required.</p> <p>Vacant building credit will only be applied where it is necessary to bring back into use brownfield sites which would not otherwise be developed.</p> |
| | | Paragraph 2.79 | Support Policy DP32. Omission that the Council should consult the Parish Council and have regard to any applicable neighbourhood plan. | <p>Agree – proposed change.</p> <p>The following sentence has been added: 'Regard must also be paid to any applicable made neighbourhood plan'.</p> |
| | | Paragraph 4.0 | Suggest reinforce this introductory paragraph by adding a statement to the effect that the Council will presume at all stages of the planning application and pre-application process that the applicant will be able to meet the District Plan requirements for the delivery of affordable homes or (where the District Plan so permits | <p>Agree – proposed change.</p> <p>The following sentence has been added: 'The District Council will presume at all stages of the pre-application process and planning application that the applicant will be able to meet the District Plan requirements for the delivery of</p> |

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| | | | and the Council agrees) a commuted payment in lieu, and that it is for the applicant to demonstrate the contrary to the Council by robust and timely evidence in the required format to the extent that the applicant seeks to challenge the financial viability of meeting in full the District Plan 's requirements. | affordable homes'. |
| | | General comment | Think some of the references to DP29 should be changed to DP31 and DP32. | Noted – proposed change. The policy numbers have been checked and amended where appropriate. |
| | | General comment | Defined terms should be contained in an appendix to the SPD rather than throughout the document particularly as the revised NPPF may change some of the definitions. | Disagree – no change required. Defined terms are highlighted in the document and will be reviewed if appropriate following the introduction of the new NPPF and NPPG. |
| | | General comment | Would suggest amalgamating all the policy guidance on the mix of housing, including affordable housing, and its deliverability/ viability into a single SPD. | Disagree – no change required. The decision was taken that three separate documents would be more appropriate and would improve accessibility. |
| 10 | Highways England | General comment | Highways England does not have any comments to make at this point. | Noted – no change required. |
| 11 | Mid Sussex District | Minor amendment – | Deletion of reference to the SPD | |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | Council | Executive Summary | applying to five or more dwellings. | |
| | | Minor amendment – paragraph 2.3 | Additional wording added to third bullet point: ‘... (including service charges) ...’. | |
| | | Minor amendment – paragraph 2.20 | Additional wording added to the last sentence: ‘... and nil public subsidy.’ | |
| | | Minor amendment – paragraph 2.35 | Additional wording added to the first sentence: ‘...nil public subsidy and ...’. | |
| | | Minor amendment – paragraph 2.43 | Amended to DCLG as it produced the guidance, however, a footnote has been added to reflect the change of name to MHCLG. | |
| | | Minor amendment – paragraph 2.45 | Additional wording added to the last sentence: ‘... as amended.’ | |
| | | Minor amendment – paragraph 2.51 | Additional wording added to the last sentence: ‘... M4(3)(1)(a) as contained in Category 3 – wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended.’ | |
| | | Minor amendment – paragraph 2.59 | Additional wording added to the refer to the Retail Prices Index. | |
| | | Minor amendment – new paragraph 2.62 | New paragraph added: ‘Commuted sums will be used to deliver affordable housing in appropriate, alternative locations.’ | |
| | | Minor amendment – paragraph 4.6 | Amended to ‘planning obligation’. | |

Appendix 5:
Development Viability SPD
Consultation Responses

(Paragraph numbers refer to the consultation draft document)

| Number | Organisation | Section of document | Comment | Officer recommendation |
|---------------|-----------------------------|----------------------------|---|-------------------------------|
| 1 | Surrey County Council | General comment | No comment, but pleased to note the acknowledgement in paragraph 2.20 of the draft Development Infrastructure and Contributions SPD of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas. | Noted – no change required. |
| 2 | Gatwick Airport | General comment | Request that any developments that come forward in the future comply with aerodrome safeguarding requirements. | Noted – no change required. |
| 3 | Natural England | General comment | No comment as consider the SPD does not appear to relate to Natural England's interests to any significant extent. | Noted – no change required. |
| 4 | Southern Water | General comment | No comments to make at this stage. | Noted – no change required. |
| 5 | Turners Hill Parish Council | General comment | The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council. | Noted – no change required. |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| 6 | Historic England | General comment | No comments as the SPDs fall outside of Historic England's expertise and remit. | Noted – no change required. |
| 7 | Redrow Homes | General comment | The approach to viability is clearer in the consultation NPPF and NPPG . The SPD should align with the emerging revised national policy and guidance. | Noted – no change required. The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG. |
| | | General comment | The SPD should clarify the circumstances where viability assessments would be required, and that where proposals align with the development plan, that no viability assessment should be required. | Disagree – no change required. It is considered that paragraph 2.5 adequately sets out the circumstances for when a viability assessment would be required. |
| | | General comment | Reference is made to the assessment of land through an existing use value or alternative use value. The draft NPPG does not include references to the use of an alternative use value and as such in order to align with the emerging revised NPPG, references to alternatives use values could be removed. | Noted – no change required. The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | | in due course, however, the SPD broadly aligns with the draft NPPF and NPPG. |
| 8 | CPRE | General comment | Consider the SPD should be deferred until the new NPPF and NPPG. | Noted – no change required. The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG. |
| | | Paragraph 2.6 | Agree that it is for the Council to determine the appropriate approach to viability and CPRE hopes that the Council will take a robust approach to viability assessments. | Noted – no change required. |
| | | General comment | Will be interested to see how District Plan Policy DP31 is reconciled with the expected new NPPF/ NPPG approach with regards to a new standardised approach to viability assessments. | Noted – no change required. |
| | | General comment | Request the Council assess the viability of delivering affordable homes at least at the 30% level on all assessed sites, and not to wait to see if the viability is challenged by | Noted – no change required. Viability assessment work was undertaken for the District Plan at the plan-making stage. This tested the |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | developers on a case-by-case basis. | ability of a range of developments to be viably developed over the plan period (paragraph 2.2 of the SPD). Paragraph 2.4 of the SPD acknowledges that in some exceptional circumstances, a development proposal may generate insufficient value to support the full range of developer contributions. |
| | | General comment | Would like the Council to argue in appropriate cases for higher affordable housing numbers than the minimum. | Noted – no change required. |
| | | Section 4 | Would like the Council to avoid in most cases the need for further viability assessments at the decision-making stage in line with the new draft guidance which references the plan-making stage. This would simplify viability reviews. | Noted – no change required. |
| | | General comment | It should be made clear in the SPD that only a demonstrably significant and unforeseeable set of circumstances that are outside the applicant's control and are not a normal market risk would justify a viability review, and (as the SPD proposes) that the applicant should fund the Council's investigation of the applicant's viability assessment review claim irrespective of the outcome. A developer's profit margin | Noted – partial changes required. It is considered that this comment relates to a viability assessment rather than a viability review. A viability review is undertaken during the implementation of a planning permission (paragraph 4.9) to see if greater or full compliance with the Development Plan can be achieved at that stage (paragraph 4.6) following a |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | | should not justify a reduction in affordable housing. | viability assessment resulting in reduced requirements at the time of a planning application. Paragraph 2.35 of the Affordable Housing SPD states that the District Council will not accept that the provision of affordable housing is unviable when too high a price has clearly been paid for the land. No change is required. Additional wording has been added to added to paragraph 2.8 to refer to the cost of the external consultant being borne by the developer. This is in line with the Affordable Housing SPD (paragraph 4.4). |
| | | General comment | The SPD has no proposals to address the benchmarking of land values in the context of Policy DP32. | Noted – no change required. |
| | | General comment | Could expand the SPD to explain what information is required from the applicant at the pre-application stage. | Disagree – no change required. Validation requirements for planning applications are set out on the Mid Sussex District Council website. |
| | | General comment | The SPD should explain how the Council intends to establish benchmark land values and other viability criteria based on the expected new standardised assessment methodology. | Disagree – no change required. Benchmark land value and other viability criteria are considered by an external valuer as part of the viability assessment. |

| Number | Organisation | Section of document | Comment | Officer recommendation |
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| | | General comment | <p>Would suggest the Council considers consulting with appropriate bodies and individuals on the practicalities and potential value of establishing two pre-application expert consultative bodies with whom the applicant and the Council can gain useful insight:</p> <ul style="list-style-type: none"> • Design panel • Environmental impact consultative panel. | <p>Noted – no change required.</p> <p>A Design Panel is already in place.</p> |
| | | Paragraph 2.14 and 2.19-2.25 | CPRE welcomes the commitment to transparency requiring viability assessments to be made public. | Noted – no change required. |
| | | Paragraph 2.14 | Expand to list the limited circumstances in which the Council would consider agreeing to confidentiality of viability information. Developers should raise these circumstances at the pre-application stage and provide justification. There should be a strong presumption against non-disclosure of information submitted to support a confidentiality claim after the end of the pre-application stage. | <p>Disagree – no change required.</p> <p>All viability information will be made publicly available, with redaction only taking place in exceptional circumstances. Such circumstances would be where the District Council agrees that the disclosure of a specific piece of information would cause harm that is not outweighed by the benefit to the public of the information being published.</p> |
| 9 | Highways England | General comment | Highways England does not have any comments to make at this point. | Noted – no change required. |