



21 March 2019

Dear Mr Ashcroft,

Mid Sussex District Council's response to Examiner's Clarification Note

Thank you for seeking clarification from Mid Sussex District Council on a number of issues raised by the Examination of the Slaugham Neighbourhood Plan. Set out below is our response to your questions.

- 1. Are there any updates to the current progress on Site Allocations DPD (mentioned in paragraph 6.13 of the Plan) beyond that shown on your website?***

MSDC response

The Council's work programme for the preparation of the Site Allocations DPD is still on target to reach Regulation 18 stage in Summer 2019, with Submission in Spring 2020, as set out on the Mid Sussex website <https://www.midsussex.gov.uk/planning-building/development-plan-documents/>

- 2. What is the general approach being taken by MSDC to site allocations in general, and those in the AONB in particular?***

MSDC response

Mid Sussex District Plan Policy DP4: Housing commits the Council to prepare a Site Allocations Development Plan Document (DPD) to identify around 2,500 additional residential units. This is to meet the remaining District Housing requirement of 876dpa until 2023/24 and 1090dpa thereafter over the plan period, as reflected in the housing trajectory. This is essential if the District is to maintain a 5 year housing land supply. DP4 commits the Council to adopting the DPD by 2020. Town and Parish Councils may also bring forward allocations in Neighbourhood Plans or through revisions to Neighbourhood Plans. In this respect there are currently three Neighbourhood Plans yet to be Made, including this one, and three more Parish Councils who have indicated that they intend to review their Neighbourhood Plan.

In order to decide which sites will be allocated for development in the Site Allocations DPD, the Council is carrying out a robust process to identify and assess potential sites. The first stage of that process was to prepare a Strategic Housing and Employment Land Availability Assessment (SHELAA), which sets out the sites which will be considered further through the Site Selection process. The SHELAA was published in April 2018 <https://www.midsussex.gov.uk/planning-building/strategic-housing-and-economic-land-availability-assessment/>. This document provides the palette of sites for consideration

during the preparation of the Site Allocation DPD. There are a total of 235 housing sites in the document, of which 86 are in the AONB.

From this palette of sites, Officers have also been working with a Member Working Group to develop the methodology to refine the selection of sites. The methodology (Site Selection Paper 2 – Methodology for Site Selection) was agreed by the Scrutiny Committee for Housing, Planning and Community in November 2018. This can be found here: <https://www.midsussex.gov.uk/media/3776/site-allocations-document-site-selection-paper-2.pdf> The site selection criteria are divided into 3 sections: planning constraints; development considerations; and sustainability/access to services.

The next stage of the process involves the assessment of sites against the District Plan Strategy set out in Policy DP4. This policy provides a spatial distribution of the housing requirement according to settlement category. It seeks to focus the majority of growth in the larger settlements, particularly in Burgess Hill, with the remainder of the growth cascaded down according to the settlement hierarchy set out in the table in Policy DP4 on page 32 of the District Plan.

It is proposed, that in the event that one settlement category cannot meet its requirement due to the lack of suitable sites, any shortfall will need to be met in the next settlement category in the hierarchy. For example, if there are not sufficient suitable, available and developable sites to deliver the 838 dwellings in category 2 (as required by DP4: Housing), the residual amount will then be passed down to the settlements within category 3.

In terms of the Slaugham Neighbourhood Plan; Pease Pottage and Handcross villages are identified as a category 3 settlement i.e. a medium sized village providing essential services for the needs of their own residents and immediate surrounding communities. Within this category of settlement there is a minimum requirement to deliver an additional 311 dwellings, in addition to completions and commitments. There are 13 settlements in this category and 11 of these are either wholly or partly within the High Weald AONB.

Slaugham and Warninglid are identified as Category 4 settlements i.e. small villages with limited services often only serving the settlement itself. There are 5 settlements in this category. Only a limited amount of additional new development (19) overall is proposed for settlements in this category.

Policy DP6 is also relevant to the preparation of the Site Allocations DPD, as it sets out the distribution of the housing requirement by individual settlement. The Site Selection Methodology states that the distribution set out in DP6 will also be taken into account during the site selection process.

Allocations in the AONB

Over 50% of Mid Sussex District lies within the High Weald AONB. The Inspector who examined the District Plan accepted that there will need to be development within the AONB to meet the overall District housing requirement and also to meet the local needs of settlements in the AONB, so that they remain sustainable and vibrant. This is explained in the Inspector's Report:

<https://www.midsussex.gov.uk/media/2216/mid-sussex-lp-report-mar-2018.pdf>

At paragraph 49 of his report, he acknowledges the high quality of the landscape of the District and at paragraph 50 he states that it is possible to meet housing need without causing undue harm to these valued landscapes and without compromising the District's

character. Importantly, at Paragraph 53 he states. “Some settlements lie within the AONB and may be appropriate for modest housing schemes”.

The methodology for selecting sites for MSDC’s Site Allocation DPD includes assessment criteria that relate to the AONB. The District Council is liaising with the High Weald AONB unit to inform its site assessment work. For each site, the High Weald AONB Unit is providing an assessment of the potential impact of the development site on the AONB. Sites that are assessed as having a high impact on the AONB landscape will not be considered further following this stage. Sites with a medium or low impact will be taken forward for further assessment taking into account any appropriate mitigation that is required.

Regarding whether an allocation is deemed to constitute major development in the AONB, footnote 55 to paragraph 172 of the National Planning Policy Framework (NPPF) explains that whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting and whether it would have a significant adverse impact on the purposes for which the area has been designated.

The NPPF paragraph 172 does not set out a presumption against development in the AONB. Rather it notes that “the scale and extent of development within these areas should be limited”

3. Have the proposed housing sites at St Martin Close already been assessed as part of the DPD process?

MSDC response

The assessment work of the sites for the Site Allocations DPD is ongoing. The St Martin Close site is one of 8 sites within Slaugham Parish, and 4 within Handcross village that are currently under consideration. All sites, including St Martin Close will be assessed against the criteria set out within Site Selection Paper 2 mentioned above.

4. Is there any functional or open space connection between the original planning application for the development of St Martin Close and either or both of the two parcels of land now proposed for residential development?

MSDC response

Research into the planning history has indicated that the planning application that granted consent for the construction of 20 low cost dwellings at St Martin Close, identified land at St Martin Close, East as open space associated with the development (planning application ref no: SV/038/96). The land was transferred to the Parish Council via a Section 106 Agreement. Clause 5 of this agreement refers to the Open Space. The land at St Martin Close (West) is in private ownership and we are not aware of any functional or open space connection with the original planning application for St Martin Close.

The land has not been formally identified as open space on the adopted Policies Map nor on the Council’s mapping system nor in any of the published District Council open space surveys.

5. Are there any updates on the current level of current and future residential development in the neighbourhood area beyond that shown in Appendix 4 of the Strategic Housing and Economic Land Availability Assessment on your website?

MSDC response

The commitments list as set out in Appendix 4 of the Strategic Housing and Economic Land Availability Assessment is the latest published position at 1st April 2018. This document can be found here: <https://www.midsussex.gov.uk/planning-building/strategic-housing-and-economic-land-availability-assessment/>

In addition to this there is permission for an additional 15 units on small sites (1- 4 units) in Slaugham Parish.

6. I saw that a start had been made on the development of the Pease Pottage strategic allocation (DP10) when I visited the neighbourhood area. What is the anticipated trajectory for the development of the site?

MSDC response

The table below sets out the expected phasing of the development.

2019/20	31
2020/21	98
2021/22	65
2022/23	78
2023/24	101
2024/25	127
2025/26	100
Total	600

7. How does the Mid Sussex District Plan provide the framework for the preparation of neighbourhood plans?

MSDC response

The framework for the preparation of Neighbourhood Plans is provided by District Plan Policies DP4: Housing and Policy DP6: Settlement Hierarchy and their supporting text.

As explained in the response to the clarification question on MSDC’s approach to site allocations, Policy DP4 sets out the District wide housing requirement. It explains that a large part of this requirement is met through strategic allocations and existing commitments. This leaves a residual amount to be identified elsewhere in the District through the preparation of Neighbourhood Plans, or revisions to existing ones, and through the Site Allocations DPD.

The supporting text to DP6: Settlement Hierarchy states that “The preparation of Neighbourhood Plans is a part of the strategy for the delivery of housing”.

The Table on page 37 of the District Plan gives guidance on the minimum residual housing requirement within each settlement from 2017 onwards. The figure for each settlement has been calculated by splitting the district Objectively Assessed Need (OAN) proportionately based on the number of households in each settlement according to the most recent Census (2011); then making a number of adjustments to account for settlements containing a District

Plan strategic allocation or location within the AONB (see below). The full methodology is available at:

https://www.midsussex.gov.uk/media/2924/msdc8c_dp5anddp6_final_12052017.pdf

(note that the final figures were amended slightly prior to adoption of the Plan, to account for an additional strategic site allocation at Hassocks.)

With regards to the housing requirement of settlements within the AONB, as this is a protected landscape in national policy terms, a discount of 50% has been applied to settlements with the AONB, with the rest proportionately re-assigned to less constrained villages. This approach was agreed as appropriate by the District Plan Inspector as it recognises the need to conserve and enhance the AONB landscape, while helping to ensure that local housing needs are met within villages in the AONB, along with addressing the wider significant housing need that exists.

The Inspector concluded (paragraph 33) that, in reference to the framework for Neighbourhood Plans set out in the supporting text to DP6, “the methodology applied by the Council in this regard, and the resulting distribution...is fair and sound”

Importantly, it is explained in the supporting text to this table that during the life of the District Plan it is likely that the settlement requirements will need to change in response to the allocation of additional sites by the District Council; under or over-delivery by settlements, and the identification of future constraints. It is for this reason that the figures in the table on page 37 of the District Plan are assumed to be minima (page 36 of the District Plan refers).

Therefore, while Neighbourhood Plans will need to be in general conformity with policies DP4 and DP6, the availability of suitable housing sites and localised infrastructure constraints and opportunities will also be factors which will legitimately influence the amount of development that is eventually planned for in each individual settlement.

8. How should District Plan Policy DP6 be applied by town and parish councils when preparing neighbourhood plans?

MSDC response

As explained above, the table on page 37 in the supporting text to Policy DP6 provides the indicative minimum housing requirement Neighbourhood Plans should seek to deliver when preparing a new Plan or revising an existing Plan. This is not prescriptive, and the District Plan makes it clear that these figures are minimum figures and do not preclude Town and Parish Councils identifying further sites to meet local housing needs and to boost supply in the District.

While footnote 6 to this table explains that settlements in Slaugham Parish are not required to identify further growth due to the allocation to the east of Pease Pottage (Policy DP10), the supporting text to Policy DP10 (page 48) makes clear that this a strategic allocation to meet the wider needs of the Northern West Sussex Housing Market Area, including some of the unmet needs of the adjacent local authority at Crawley. Furthermore, as explained previously, MSDC will be seeking to allocate sites in its Site Allocations DPD as well as looking at the need to allocate further dwellings if required up to 2031 as part of the review of its District Plan.

It is within this context and that of the National Planning Policy Framework (NPPF) that the Parish Council has decided to allocate a housing site and a reserve housing site at their

principal settlement of Handcross to meet local housing needs, particularly the need for affordable housing.

This approach is in accordance with the guidance set out in the NPPF which states in paragraphs 11 and 16 that plans should plan positively for development for the needs of their area, should be sufficiently flexible to adapt to rapid change and be aspirational. Importantly in para 14, the NPPF explains that one of the conditions that needs to be met in order for Neighbourhood Plans to be immune from speculative development when a Local Planning Authority does not have a five year land supply, is that the Neighbourhood Plan contains allocations to meet its identified housing requirement.

Therefore, in preparing their Neighbourhood Plan and allocating sites, the Parish Council has sought to: maintain the long term economic and social vitality of their principal settlement of Handcross and the smaller surrounding communities; as well as ensuring the long-term robustness of their Neighbourhood Plan over the Plan period. This is in light of the need for any future additional housing requirement in their Parish determined through MSDC Development Plan Documents or through the Local Planning Authority being unable to maintain a five year land supply. The Parish Council has sought to ensure through the site assessment and sustainability process that the sites allocated for development are sustainable and do not cause undue harm to the landscape and primary purpose of AONB designation.

Yours sincerely,



Alma Howell

Senior Planning Officer,

Mid Sussex District Council