

## **Mid Sussex District Council: Site Allocations Development Plan Document November 2020**

### **Statement of Common Ground – Update to Statement of Common Ground May 2016**

#### **Parties to the Agreement**

The Agreement involves the following:

- Mid Sussex District Council
- Natural England

#### **Introduction**

This Statement of Common Ground is an update to the Statement of Common Ground signed in May 2016 between the Parties to the Agreement. More specifically its overall aim is to demonstrate that ongoing and appropriate engagement and co-ordination is taking place between the Parties that includes planning for the identified strategic planning issues that exist and/or are likely to arise resulting from the Mid Sussex District Council emerging Site Allocations Development Plan Document (DPD) that was published for the ‘Preferred Options’ consultation (Regulation 18) from 9<sup>th</sup> October to 20<sup>th</sup> November 2019 and the Submission Draft consultation (Regulation 19) from 3<sup>rd</sup> August to 28<sup>th</sup> September 2020.

#### **Current Position**

Mid Sussex District Council adopted the District Plan (2014 – 2031) in March 2018. The District Plan identified a housing requirement for the district of 16,390 dwellings up to 2031. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.

The emerging Mid Sussex Site Allocations DPD has four main aims, which are:

- To allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- To allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- To allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- To set out additional Strategic Policies necessary to deliver sustainable development.

The Site Allocations DPD policies are strategic and, once adopted, will form part of the Development Plan for the district.

The Site Allocations DPD proposes 22 housing site allocations and 7 employment site allocations to ensure that the housing and employment requirements as identified by the District Plan are met in full.

The Site Allocations DPD has been informed by a comprehensive suite of technical evidence, including Sustainability Appraisal and Habitats Regulations Assessment.

## **Strategic Planning Issues**

The following strategic planning issues have been identified that relate to the Mid Sussex Site Allocations DPD and the Parties:

### **1. Proposed Site Allocations**

The emerging Sites DPD proposes 22 housing allocations, 7 employment allocations and one Science and Technology Park to the west of Burgess Hill.

Detailed policy requirements have been developed for the proposed allocations that are published for consultation. These policy requirements have been developed in consultation with stakeholders, including Natural England and so the wording should reflect comments already received.

The Parties agree these allocations represent an appropriate strategy, and in particular, that the policy wording that overlaps with Natural England's responsibilities reflects ongoing engagement between the Parties. This does not preclude the Parties from continuing to work together and refining the policy wording up to submission of the Publication version of the plan.

The policy requirements for the proposed housing allocations includes the following standard requirements (Policy SA GEN of the Site Allocations DPD as at the Regulation 19 stage):

#### **Landscape considerations**

- Undertake Landscape and Visual Impact Assessment or Appraisal (LVIA) on any rural and edge of settlement sites. The LVIA will need to inform the site design, layout, capacity and any mitigation requirements.
- Development in the High Weald AONB or within its setting will need to conserve and enhance the natural beauty and special qualities of the High Weald, as set out in the High Weald Management Plan 2019-2024 and District Plan Policy DP16: High Weald Area of Outstanding Natural Beauty.
- Development within the setting of the South Downs National Park will need to be consistent with National Park purposes and special qualities, as set out in the South Downs Local Plan and South Downs Partnership Management Plan and with District Plan Policy DP18: Setting of the South Downs National Park.
- Provide a Landscape Strategy to identify how natural features on site have been retained and incorporated into the landscape structure and design of the site and informed the landscaping proposals for the site.
- Where development is required to adopt a landscape led approach; this includes respecting the local character of the area in built form by utilising appropriate architectural design, site layout and density which complements and contributes to the overall character and appearance of the area.
- Arboricultural Impact Assessment and Arboricultural Method Statements will be required for all sites where development will be within 5 metres of any trees.

#### **Biodiversity and green infrastructure**

- Carry out habitat and species surveys at the earliest opportunity in order to conserve important ecological assets from negative direct and indirect effects.

- Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric<sup>1</sup>. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy DP38: Biodiversity.
- Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace.
- Improve access to, and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities and climate change. Green Infrastructure is to be incorporated with SuDS, where possible, to improve biodiversity and water quality.

### **Ashdown Forest**

- Developments resulting in a net increase in dwellings within the 7km zone of influence around the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) will require mitigation in order to prevent adverse effects on the Forest and shall accord with District Plan Policy DP17: Ashdown Forest SPA and SAC.

The Site Allocations DPD also sets out site specific policy requirements (included in policies SA12 to SA33 relating to housing allocations and SA2 to SA9 for employment allocations).

## **2. Ashdown Forest Special Protection Area and Special Area of Conservation**

The Site Allocations DPD is informed by a suite of technical evidence including the Habitats Regulations Assessment and air quality modelling work that comprehensively tests the emerging Site Allocations DPD options to ensure there is no adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The Regulation 19 Habitats Regulations Assessment concludes that at this point in time, the Site Allocations DPD does not present any potential risks to European sites that it is considered are not capable of being mitigated. New SANG options are proposed and are considered to present a viable option for additional SANG capacity to meet the growth provided for by the site allocations. The preferred growth scenario as presented in the Site Allocations DPD does not present air quality impacts that are significantly higher than other growth scenarios and includes additional measures in terms of highways improvements that will serve to improve the functioning of the road network and reduce congestion. The modelling results for the growth scenarios are such that the breaches of 1% of the critical loads are so low that, having regard for the wider context, are considered to be a minor retardation low enough to be ruled out from adverse effects. The Habitats Regulations Assessment will be updated and expanded accordingly to inform the next stage of the Site Allocations DPD.

### SAC – Air Quality

Both Parties are active members and attend regular meetings of the Ashdown Forest SAC Working Group, which is chaired by the South Downs National Park Authority. A separate

<sup>1</sup> <http://nepubprod.appspot.com/publication/5850908674228224>

Statement of Common Ground was prepared by the group and both Parties are signatories of the Ashdown Forest Statement of Common Ground that was published in April 2018.

The Ashdown Forest SAC Working Group is ongoing and both Parties continue to work together alongside the other partners of the group.

### SPA – Recreational Disturbance

Both Parties are signatories to another Statement of Common Ground setting out a joint approach to the Ashdown Forest SPA in relation to visitor pressure. This sets out agreement that there is a role for a Strategic Access Management and Monitoring (SAMM) partnership for all relevant local authorities as they work together as part of a joint approach to mitigation for recreational disturbance for new residential development. Both Parties have agreed that 7km is the appropriate mitigation zone to collect SANG and SAMM contributions, based on the technical evidence of the Ashdown Forest Visitor Survey. In addition, Policy DP17 of the District Plan clarifies that large schemes proposed adjacent or close to the boundary of the 7km zone of influence may require mitigation for the Ashdown Forest SPA. Such proposals for development will be dealt with on a case-by-case basis.

The SAMM partnership of six local authorities and the Conservators of Ashdown Forest works together on the formation and operation of a legal partnership for SAMM regarding the Ashdown Forest SPA to address issues arising from visitor pressure.

There is ongoing partnership work to progress the Joint SAMM Strategy.

### **3. High Weald Area of Outstanding Natural Beauty (AONB)**

Mid Sussex District Council has sought advice from Natural England in relation to an approach to assess whether the proposed site allocations could be regarded as major development in the context of paragraph 172 of the National Planning Policy Framework (NPPF). Taking this advice into account and that of the High Weald AONB Unit, Mid Sussex District Council has prepared a 'Major Development in the High Weald AONB Topic Paper'.

Whilst Natural England recognises that, under the NPPF, whether a proposal is 'major development' is a matter for the local authority as decision maker, it welcomes the consultation by Mid Sussex District Council on this matter and agrees with the methodology and assessment of the site allocations in the 'Major Development in the High Weald AONB Topic Paper'.

### **Liaison**

The Parties have engaged on an ongoing basis throughout the preparation of the Site Allocations DPD. Specific engagement has taken place at key stages during plan preparation including during the site selection process, the preparation of the Draft Plan at 'Preferred Options' (Regulation 18) stage, and during the preparation of the Draft Submission Plan at the Regulation 19 stage.

### **Conclusion**

Natural England and Mid Sussex District Council agree that they have engaged positively on an ongoing basis throughout preparation of the Site Allocations DPD and on this basis that the Duty to Co-operate has been met.

Natural England and Mid Sussex District Council agree that there are no areas of disagreement between the Parties relating to the emerging Site Allocations DPD and agree to

continue to work together on the areas of ongoing work discussed in this Statement of Common Ground.

<p>Signed:</p>  <p>Date: 13 November 2020</p>	<p>Signed:</p>  <p>Date: 16 November 2020</p>
<p>Patrick McKernan Manager Sussex and Kent team Natural England</p>	<p>Cllr. Andrew MacNaughton Cabinet Member for Housing and Planning Mid Sussex District Council</p>