

Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

The District Council is seeking representations on the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

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

- i) 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;
- ii) 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;
- iii) 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
- iv) to set out additional Strategic Policies necessary to deliver sustainable development.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The Site Allocations DPD is available to view at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

A number of documents have been prepared to provide evidence for the Site Allocations DPD and these can be viewed on the Council's website at the above address.

Paper copies will also be at the Council offices (see address below) and your local library and available to view if the buildings are able to open during the consultation period.

Please return to Mid Sussex District Council by midnight on 28th September 2020

How can I respond to this consultation?

Online: A secure e-form is available online at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so. Consultation responses can also be submitted by:

Post: Mid Sussex District Council
Planning Policy
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS


E-mail: LDFconsultation@midsussex.gov.uk

A guidance note accompanies this form and can be used to help fill this form in.

Part A – Your Details (You only need to complete this once)

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="ROB"/>
Last Name	<input type="text" value="HUNTLEY"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="RHPC"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="HARGREAVES MANAGEMENT LTD"/>
Address Line 1	<input type="text" value="████████████████████"/>
Line 2	<input type="text" value="██████████████"/>
Line 3	<input type="text" value="██████"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="██████"/>
Telephone Number	<input type="text" value="██████████"/>
E-mail Address	<input type="text" value="████████████████████"/>

.....
 Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.

Part B – Your Comments

You can find an explanation of the terms used in the guidance note. Please fill this part of the form out for each representation you make.

Name or Organisation:

3a. Does your comment relate to:

Site Allocations DPD	<input checked="" type="checkbox"/>	Sustainability Appraisal	<input type="checkbox"/>	Habitats Regulations Assessment	<input type="checkbox"/>
Community Involvement Plan	<input type="checkbox"/>	Equalities Impact Assessment	<input type="checkbox"/>	Draft Policies Maps	<input type="checkbox"/>

3b. To which part does this representation relate?

Paragraph Policy SA Draft Policies Map

4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate. Yes No

4b. Sound Yes No

5. With regard to each test, do you consider the Plan to be sound or unsound:

	Sound	Unsound
(1) Positively prepared	<input type="checkbox"/>	<input type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6a. If you wish to support the legal compliance or soundness of the Plan, please use this box to set out your comments. If you selected 'No' to either part of question 4 please also complete question **6b.**

6b. Please give details of why you consider the Site Allocations DPD is not legally compliant or is unsound. Please be as precise as possible.

Paragraph 2.9 of the proposed Site Allocations Plan Document makes clear the need to allocate additional sites to meet the requirement established in Policy DP1 of the Adopted District Plan. However, the former KDG site at Victoria Road Burgess Hill, identified as SA3 in Table 2.1 of policy SA1 is not an “**additional**” site in this context.

It forms part of a larger area of land in respect of which planning permissions have been granted for employment development, which permit occupation for purposes within Classes B1, and/or B2, and/or B8 of the Use Classes Order then in force (or any combination).

Planning permission for the development of the land, by the construction of commercial buildings to be used for purposes within B1, or B2 or B8 of the Use Classes Order, has been previously granted by the Council under references BH/01/00801/FUL, DM/15/4512, DM/16/5436 and DM/19/0188. Development was commenced within the relevant time period specified in condition 1 of the first permission, by the construction of Unit 1, which has been occupied since its construction by Alexander Rose. All these permissions remain extant and the developer intends to complete development of the remainder of the site in response to market requirements. Those requirements are strongly focussed on flexible business accommodation, including use for B8 Storage and Distribution purposes.

Site Allocation SA3 does not acknowledge or reflect the extant planning permissions in force in respect of the site. Restricting the use of development within the site only to purposes within Use Classes B1 or B2, while excluding Storage and Distribution purposes within Class B8 as authorised by the extant permissions is unjustified, ineffective and inconsistent with national policy.

The exclusion of B8 use is not justified. In granting the series of extant permissions, so as explicitly to encompass B8 use, the appropriateness of use for such purposes has been specifically considered and endorsed. Nothing has changed since the granting of the planning permissions which would justify limiting the nature of employment development at the site by excluding B8 use from among those that would be acceptable at the site. The wording of SA3 should therefore be altered accordingly.

The exclusion of B8 from among the uses that may be accommodated at the site would be ineffective. The extant planning permissions are capable of being implemented, all of which encompass and authorise B8 use of the permitted accommodation. It would be inappropriate for the wording of Site Allocation SA3 to be retained as currently proposed, in view of the fact that completion of the developments permitted by the extant permissions would diverge from that wording. To adopt a Development Plan Document with wording that could not ensure that development accorded with its provisions would be ineffective. The wording of SA3 should therefore be altered accordingly.

Paragraph 16b) of the NPPF requires that plans must be deliverable. For the reasons explained above, bearing in mind the extant planning permissions, the exclusion of B8 use of any employment accommodation to be constructed at the SA3 site would not be deliverable.

Taking account of local business needs, on which NPPF paragraph 80 requires significant weight to be placed, requires that policies governing the former KDG site should enable development to take place so as to create the conditions in which businesses can invest, expand and adapt. NPPF paragraph 81d) provides that, in order to build a strong and competitive economy, policies need to be flexible so as to enable a rapid response to changes in economic circumstances. The proposed SA3 wording would tend to frustrate, rather than encourage, sustainable economic growth. This would conflict with the provisions of NPPF paragraph 81a). Imposing greater limitations on the nature of employment development to be accommodated at the SA3 site than is explicitly permitted by the extant permissions (which the wording as proposed would do), runs directly counter to these important national policy objectives.

6b Continued

It is inappropriate for the text of the SA3 allocation to require that a mix of B1 and B2 uses must be included. Such a stipulation would directly frustrate the policy requirement (NPPF para 81d)) for flexibility to enable rapid responses to changes in economic circumstances.

Nor is it appropriate for the policy wording to purport to require that specific justification is to be provided for a particular quantum of distinct uses.

Furthermore, consistent with the changes to the Use Classes Order brought into force from 1 September 2020, the reference to B1 should be replaced by E.

7. Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The text included under the SA3 "Allocation" and "Site Specific Requirements" headings should be deleted and replaced with the following:

Allocation:

Employment land within use classes B2 (General Industrial), B8 (Storage and Distribution) and E (Commercial, Business and Service) are appropriate for this site, and proposals for these uses will be supported.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

No

No, I do not wish to participate at the oral examination

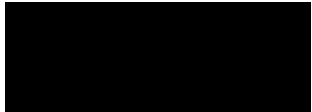
Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please notify me when:

- (i) The Plan has been submitted for Examination
- (ii) The publication of the recommendations from the Examination
- (iii) The Site Allocations DPD is adopted

Signature: 

Date: 17 September 2020

Thank you for taking time to respond to this consultation