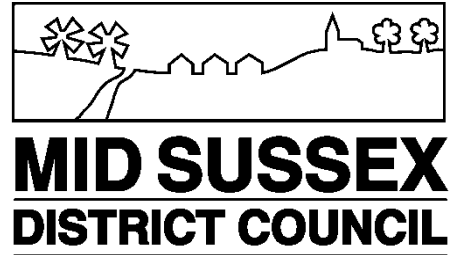


Mid Sussex District Council



Site Allocations DPD

MSDC-19: Response to ID:08 - Implications
of Revised NPPF July 2021

8th September 2021

1.0 RESPONSE TO ID:08 IMPLICATIONS OF REVISED NPPF JULY 2021

1.1 This note has been prepared in response to ID:08, where the Inspectors asks the Council to consider whether there are any implications in the Revised NPPF which might have relevance to the examination of the Site Allocations DPD.

1.2 The table below sets out the changes made in the revised NPPF along with a consideration of the implications of this change on the Site Allocations Examination.

Where additional wording has been added to original NPPF (February 2020) text the new section is underlined>. Where nothing is specified, it means all the wording is new.

Para	Wording ¹	Implications for Site Allocations DPD
7.	At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.	Expansion of the definition of sustainable development to include the 17 Global Goals for Sustainable Development from the United Nation. The Sites DPD Sustainability Appraisal already assesses the implications of each reasonable alternative on social, economic and environmental factors. No implications for the Site Allocations DPD
8.	Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;	Minor amendments to the defined social and environmental objectives of sustainable development. The Sites DPD Sustainability Appraisal already assesses the implications of each reasonable alternative on social, economic and environmental factors. No implications for the Site Allocations DPD

¹ Where additional wording has been added the new section is underlined. Where nothing is specified, it means all the wording is new.

	<p>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, <u>beautiful</u> and safe <u>places</u> built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p> <p>c) an environmental objective – to contribute protecting and enhancing our natural, built and historic environment; including making effective use of land, <u>helping to improve</u> biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	
<p>11. a)</p>	<p>Plans and decisions should apply a presumption in favour of sustainable development.</p> <p>For plan-making this means that:</p> <p>a) <u>all plans should positively seek opportunities promote a sustainable pattern of development that seeks to: meet the development needs of their area and be sufficiently flexible to adapt to rapid change; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;</u></p>	<p>The presumption in favour of sustainable development has been updated with a more ‘green’ focus to include the requirements for development to improve the environment and mitigate climate change. The term ‘positively’ has been removed and the focus remains on meeting development need.</p> <p>As a daughter document, the Site Allocations DPD applies the strategy and policies adopted in the District Plan. The proposed distribution of allocations in the Site Allocations DPD is consistent with the sustainable pattern of growth established within the District Plan. The Plan is supported by an Infrastructure Delivery Plan detailing the infrastructure requirements to be delivered on a site-by-site basis. The District Plan sets out the overarching principles with regard to climate change adaptation and mitigation which are reinforced within the Policy SA GEN.</p>

22.	<p>Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.</p>	<p>Sites likely to deliver longer-term (e.g. beyond the plan period) should be framed in a 30 year vision. It reinforces the ability to include in plans larger proposals that would deliver growth beyond the plan period but is also likely to increase the level of robustness required.</p> <p>All sites proposed for allocation within the Sites DPD are scheduled to be complete before the end of the plan period (2031).</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p>
53.	<p>The use of Article 4 directions to remove national permitted development rights should:</p> <ul style="list-style-type: none"> • where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre) • in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities) • in all cases, be based on robust evidence, and apply to the smallest geographical area possible. 	<p>Guidance on the use of Article 4 Directions has been updated to reflect changes to permitted developments rights creating new homes from non-residential properties, with additional emphasis on restricting the use of Article 4 Directions to the smallest possible geographical area.</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p>
65.	<p>Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the <u>total</u> number of homes to be available for affordable home ownership</p>	<p>Clarifies that this requirement applies to all units rather than the affordable housing contribution</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p>

<p>73.</p>	<p>The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (<u>including a genuine choice of transport modes</u>).</p> <p>Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:</p> <p>a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;</p> <p>b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;</p> <p>c) set clear expectations for the quality of <u>the places to be created</u> and how this can be maintained (such as by following Garden City principles); and ensure that <u>appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community</u>;</p> <p>d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as</p>	<p>Introduces a new level of detail and test with regard to what is expected from larger scale development by spelling out that they should include a genuine choice of transport modes. Sustainable transport has been a key consideration during the site selection process, and sustainable modes have been explored and modelled.</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p>
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	<p>through joint ventures or locally-led development corporations)³⁷; and</p> <p>e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.</p>	
80.	<p>Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:</p> <p>e) the design is of exceptional quality, in that it:</p> <ul style="list-style-type: none"> - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. 	<p>Tightening of the rules governing when isolated home in the countryside can be acceptable. The design no longer needs to be innovative, just outstanding</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p>
92. b)	<p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of <u>attractive, well-designed</u>, clear and legible pedestrian <u>and cycle routes</u>, and high quality public space, which encourage the active and continual use of public areas;</p>	<p>Areas should be designed to be safe and accessible with an emphasis on cycle and pedestrian routes, as opposed to just pedestrian routes.</p> <p>No implications for the Site Allocations DPD. SA GEN requires safe and convenient routes for walking and cycling to be provided, individual site allocations include specific requirements as necessary.</p>
96.	<p>To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.</p>	<p>Added emphasis on LPAs working with developers, delivery partners and statutory bodies to ensure faster delivery of public service infrastructure.</p> <p>The Site Allocations DPD is supported by an Infrastructure Delivery Plan detailing the infrastructure requirements to be delivered on a site-by-site basis. The IDP was prepared in consultation with Infrastructure Providers to ensure the</p>

		early identification of infrastructure needs and their timely delivery.
98.	Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, <u>and can deliver wider benefits for nature and support efforts to address climate change.</u> Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.	Formal recognition of the multifunctional nature of open spaces. This extends the role of planning policies that will need to consider this role as part of their assessment. SA GEN requires the protection and enhancement of Green Infrastructure and recognises the role that natural green space can have in relation to a climate change.
106. d)	Planning policies should: d) provide for high quality <u>attractive and well-designed</u> walking and cycling networks with supporting facilities such as <u>secure</u> cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);	Greater emphasis on well-designed active travel networks with proper supporting facilities. SA GEN requires safe and convenient routes for walking and cycling to be provided. In addition, District Plan policy DP21: Transport requires the provision of secure cycle parking.
110. c)	In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: c) <u>the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code</u> ⁴⁶ ; and	The National Design Guide and the National Model Design Guidance will need to be used when considering sites for allocation or during the application process. No implications for the Site Allocations DPD The Mid Sussex Design Guide SPD provides locally distinct design principles. These need to be taken into account at the detailed planning application stage.
125.	Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.	No implications for the Site Allocations DPD.

		<p>The Mid Sussex Design Guide SPD provides locally distinct design principles. These need to be taken into account at the detailed planning application stage.</p> <p>A number of site allocations policies require the preparation of masterplans to optimise the potential of sites.</p>
126.	<p>The creation of high quality, <u>beautiful and sustainable</u> buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</p>	<p>No implications for the Site Allocations DPD</p> <p>The Mid Sussex Design Guide SPD was adopted in 2020.</p>
127.	<p>Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood <u>planning groups</u> can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, <u>both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.</u></p>	<p>Encourages an active role of local communities when preparing design policies. Neighbourhood Planning Groups are identified as one specific mean to have local communities involved in this process including through the preparation of neighbourhood plan.</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p>
128.	<p>To provide maximum clarity about design expectations at an early stage, <u>all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes</u> provide a local</p>	<p>Requirement to prepare a design guide or code</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p> <p>The Mid Sussex Design Guide SPD was adopted in 2020.</p>

	<p>framework for creating <u>beautiful and distinctive</u> places with a consistent and high quality standard of design. <u>Their geographic coverage</u>, level of detail and degree of prescription should be tailored to the circumstances <u>and scale of change</u> in each place, and should allow a suitable degree of variety.</p>	
<p>129.</p>	<p>Design guides and codes can be prepared at an area-wide, neighbourhood or site- specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.</p>	<p>Creating design guides and codes alongside the local plan is now encouraged. Where no guide or code are in planning national document will be referred to.</p> <p>No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD</p> <p>The Mid Sussex Design Guide SPD was adopted in 2020.</p>
<p>131.</p>	<p>Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.</p>	<p>Importance of trees on the character of an area and the quality of environments. Local planning authorities will need to consider the importance of trees as well as maintain the current stock of tree and plant new trees throughout development. The requirement for new street to be tree-lined are likely to have significant highways implications.</p> <p>Policy DP37 of the District Plan supports the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. Such approach was reflected through the preparation of the Site Allocations DPD. The impact of development on trees was assessed as part of the site selection process. The site allocations policies include</p>

		provision to ensure that the current stock of trees in the district is retained and that new planting will be integrated within proposed development sites.
134.	Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.	Introduction of a new test that development should be well-designed No implications for the Site Allocations DPD. The Site Allocations DPD provides clear directions with regard to design considerations which will need to be assessed against policy and design guide requirements at the applications stage which supports District Plan and Design Guide SPD requirements.
161.	All plans should apply a sequential, risk-based approach to the location of development – taking into account <u>all sources of flood risk</u> and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.	Requirement for plans to manage all sources of flood risk No implications for the Site Allocations DPD. Flood risk is addressed under policy DP41 of the District Plan which all site allocations must comply with.
163.	If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in <u>Annex 3</u> .	No implications for the Site Allocations DPD.
176.	Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The	Express reference to setting of National Parks and AONB. No implications for the Site Allocations DPD.

	conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads ⁵⁹ . The scale and extent of development within all these designated areas should be limited, <u>while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</u>	Policy DP18 of the District Plan addresses the potential impacts of development on the setting of the South Downs National Park, which was reflected through the preparation of the Site Allocations DPD. Site specific policies include requirements related to development within/in the setting of designated areas.
180. d)	When determining planning applications, local planning authorities should apply the following principles: d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments <u>should be integrated as part of their design</u> , especially where this can secure measurable net gains for biodiversity <u>or enhance public access to nature where this is appropriate.</u>	Stronger policies on improving biodiversity No implications for the Site Allocations DPD. SA GEN requires the protection and enhancement of Green Infrastructure and the integration of Green Infrastructure into scheme layout.
198.	In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.	No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD.
210. c)	204. Planning policies should: c) safeguard mineral resources by defining Mineral Safeguarding Areas <u>and Mineral Consultation Areas</u> ⁷⁰ ; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);	No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD

221.	<p>For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point this version is published (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).</p>	No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD
222.	<p>The Housing Delivery Test will apply the day following publication of the results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used. For the purpose of footnote 8 in this Framework, delivery of housing which was substantially below the housing requirement means where the Housing Delivery Test results:</p> <p>a) for years 2016/17 to 2018/19 (Housing Delivery Test: 2019 Measurement, published 13 February 2020), indicated that delivery was below 45% of housing required over the previous three years;</p> <p>b) for years 2017/18 to 2019/20 (Housing Delivery Test: 2020 Measurement, published 19 January 2021), and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.</p>	No implications for the Site Allocations DPD/Outside the scope of the Site Allocations DPD
	Annex 3: Flood Risk vulnerability classification	No implications for the Site Allocations DPD