

Development management policies: Inspector's response to the Council's suggested modifications

This is a response to the Council's document MS-08. Some further wording adjustment is required to certain policies, as set out below, and I invite the Council to make the necessary adjustments and send a revised version to me. If I have not referred to a policy, it means that I have no further comment on it at this stage. Once the wording is settled the Council can start to populate a draft schedule of main modifications.

DPS2: Sustainable Design and Construction

The background text has several paragraphs devoted to building energy performance, BREEAM and independent assessment which need to be deleted. The five paragraphs after the bullets should be deleted. The final paragraph before the policy does not reflect national policy. It should simply say that development should "take advantage of opportunities to re-use existing structures and materials" as per Policy CC2.1.d. of the emerging Framework.

In Policy DPS2 itself, the expression "All development should" / "All development will be required" is used in several places. This should be changed to reflect the realistic expressions used in the emerging Framework: "Development proposals should, where relevant to the proposal"

Householder development / energy efficiency – there does not seem to be much purpose in having a separate householder heading. Energy efficiency is not confined to householder development. The emerging Framework encourages "design approaches which conserve energy and other resources" and states that "substantial weight should be given to the benefits of improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights)". It is suggested that the Council should draw on the wording and the topics used in the emerging Framework.

Prevent overheating – this singles out only one aspect of design. Cooling is relevant but so may the use of solar gain to reduce the need for heating and the grouping and orientation of buildings to provide shelter and shade and protect ground-level microclimate.

Water resources and water efficiency – it is not appropriate to require development to "accord with" the findings of the Gatwick Sub Region Water Cycle Study. This is an external study, not a development plan document, and it has not been examined so it carries limited weight. It is not clear which of its findings development is meant to accord with. The need for BREEAM credits is not substantiated. This section should be deleted, except for the last paragraph "Sustainable water consumption..." and the bullet points, which can be retained.

It would be better to condense Policy DPS2. The emerging Framework states that development should "contribute to climate change mitigation and adaptation and the

transition to net zero, by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating”.

DPN2: Biodiversity Net Gain

Under the heading “Level of Biodiversity Net Gain”, the first sentence of the third paragraph should read “The minimum percentage of biodiversity net gain ~~required~~ provided will be 10% as set out in legislation (or as amended by the Government”. The remainder of the sentence “or greater...another policy” should be deleted, for the reasons given in my previous note.

DPC6: Ashdown Forest SPA and SAC

Recreational Pressure – in the first sentence, it is not appropriate to seek mitigation requirements in accordance with “the strategic solution...in force at the time of the application”. There is no indication what that solution is; it is not an examined document and is not part of the development plan. If there is such a document, it should be identified and the policy should say that regard should be had to it (not that development should be in accordance with it).

A further point, which I have previously made, is that it is not acceptable to have a zone of influence which might become less or more than 7km at some unknown point in the future. This makes the policy unclear and ineffective. The plan must be clear as to its requirements and if 7km is the appropriate distance based on current evidence, that should be the plan’s requirements. The second sentence under the heading “Recreational pressure” must therefore be deleted.

Exceptions, such as very large developments outside the 7km zone, should be addressed in a different way. The sentence that begins “In accordance with the Habitats Regulations” should be re-written to say “Where development proposed outside the 7km zone of influence is of such a size or nature that it is likely to have an adverse effect on the integrity of the SPA, mitigation measures will be required. Such proposals will be dealt with on a case by case basis...”

DPB1: Character and Design

Under item 3, remove “Delivers diverse and affordable homes and” since this is addressed in other plan policies.

DPE2: Existing Employment Sites

The proposed modifications are noted but there is still a need to substantiate the protection policy more fully. The second paragraph changes the policy to allow for extensions to industrial and business areas presumably to allow for further economic growth. I now consider that both DPE2 and DPE3: Employment Allocations should be the subject of a hearing.

DPE8: Sustainable Rural Development and the Rural Economy

No part of the policy refers to the suitability of the local road network to serve the proposed rural development. The Council are invited to consider whether to include this as a criterion.

DPE17: Water and Wastewater Infrastructure

The emerging Framework is rather more positive towards proposals for new water infrastructure than the suggested policy, and it specifically states that applicants should not be required to demonstrate the need for such development. The fourth paragraph of the suggested policy should therefore be altered to state: "Proposals which would increase the capacity of water supply, drainage and wastewater infrastructure to serve proposed development or to improve water quality and reduce water-borne pollution will be supported provided their impacts are appropriately mitigated".

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INSPECTOR

10 February 2026