

DISTRICT PLAN – CONSULTATION DRAFT (REGULATION 18)

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Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Planning, Economic Growth and Net Zero
18th October 2022

Purpose of Report

1. The Scrutiny Committee is requested to consider the consultation draft (Regulation 18) District Plan 2021 – 2039 and all supporting material (including the Sustainability Appraisal and Habitats Regulations Assessment) and to recommend that the Council approve the consultation draft (Regulation 18) District Plan 2021 – 2039 and supporting documents for six-weeks public consultation starting in November 2022.

Summary

2. This report:
 - Provides an update following Scrutiny Committee on 5th October 2022
 - Sets out the Housing Need, Site Selection Methodology and proposed allocations
 - Sets out the full suite of documents for consultation including the draft revised District Plan (with the proposed site allocations) and the supporting documents
 - Outlines the next steps, including consultation arrangements.

Recommendations

3. **That the Scrutiny Committee for Planning, Economic Growth and Net Zero:**
 - (i) **Considers and comments on the consultation draft District Plan 2021 – 2039 in Appendix 1 in the light of the Sustainability Appraisal (set out in Appendix 2) and other supporting documentation**
 - (ii) **Recommends Council approves the Consultation Draft District Plan (2021 – 2039) in Appendix 1, along with the supporting documentation for six-weeks public consultation starting in November 2022**
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Background

4. At the meeting of the Scrutiny Committee for Planning, Economic Growth and Net Zero on 5th October 2022, this Committee was asked to consider and comment on the Scope of the draft District Plan Review (the draft Revised Plan), the draft revised District Plan Strategy, and the draft non-housing site policies.

5. The report to Committee on 5th October 2022 set out the background to reviewing the adopted District Plan and the reasons for doing so. It is vital that the authority maintains an up-to-date District Plan to maintain control of how to address housing need and to secure a five-year housing land supply, without which housing policies are deemed 'out of date' and the presumption in favour of sustainable development would apply resulting in speculative unwanted development.
6. The Committee considered the Scope of the Review, the draft revised District Plan Strategy and the draft non-housing site policies. The report and discussion in the meeting set out the work of the cross-party Members Working Group on these topics. The Committee made no comments on the Scope or the draft revised District Plan Strategy.
7. The Committee scrutinised the full suite of non-housing site policies. In response to a Member's query related to policy DPN8: Light Impacts and Dark Skies, officers have included the word 'temperature' in the final bullet point. Aside from this, there were no further changes to the non-housing site policies.
8. At this meeting the Committee is asked to consider the consultation draft (Regulation 18) District Plan 2021 – 2039 in Appendix 1 which includes the strategy and policies considered by this Committee on 5th October. In addition, the Committee is asked to consider the following policies related to housing sites:
 - **DPH1: Housing** - which sets out the proposed approach to meeting the district's Housing Need
 - **DPSC1 – DPSC3** – Sustainable Communities policies, allocating sites capable of accommodating 1,000+ dwellings with accompanying on-site infrastructure (such as education, health and community facilities and services)
 - **DPH5 – DPH25** – Housing allocations
 - **DPH27 – DPH28** – Older Persons' Housing and Specialist Accommodation allocations
9. This report sets out the process for determining proposed sites for allocation, including consideration against the evidence base (including statutorily required documents such as Sustainability Appraisal and Habitats Regulations Assessment) and next steps.

Housing Need

10. Paragraph 11 of the National Planning Policy Framework (NPPF) requires strategic policies to provide for objectively assessed needs for housing as a minimum, as well as any needs that cannot be met within neighbouring areas. This is unless other policies within the Framework that protect areas or assets of importance provide a strong reason for not doing so, or adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
11. To determine the district's housing requirement, an updated Strategic Housing Market Assessment (SHMA) was commissioned and is included within the evidence base (see Background Papers).

12. The starting point for housing need is the Government's Standard Method. This confirms a housing need of **20,142 (1,119 dwellings per annum)** for the plan period to 2039. The SHMA confirms that there are no exceptional circumstances (such as national growth strategies or strategic infrastructure likely to increase future housing need) to justify following an alternative approach. Therefore, the Standard Method represents the minimum number of dwellings to meet the need in Mid Sussex. Note that this figure does not account for unmet need arising in neighbouring areas which the Council must consider under the Duty to Co-Operate.
13. As the adopted District Plan (2014 – 2031) and revised draft District Plan (2021 – 2039) plan periods overlap, most of the housing requirement has already been planned for because it is already allocated (in the adopted District Plan, Site Allocations DPD and 'made' Neighbourhood Plans) or has planning permission. In addition, dwellings completed in monitoring year 2021/22 can be included.
14. Therefore, to meet Mid Sussex housing needs, an additional **8,169** dwellings will need to be found to ensure the district's housing need is met up to 2039. The position is set out in the table below:

| | |
|--|---------------|
| Total Mid Sussex Need | 20,142 |
| Completions 2021/22 | 1,187 |
| Commitments (existing permissions and allocations) | 10,786 |
| Total Supply | 11,973 |
| Residual "To Find" in District Plan 2021 – 2039 to meet Mid Sussex housing need | 8,169 |

15. The Council has a legal Duty to Co-Operate with its neighbouring authorities. This includes a duty to consider whether unmet need arising from neighbouring authorities can be met within Mid Sussex.
16. Mid Sussex is primarily located within the Northern West Sussex Housing Market Area (NWSHMA). The SHMA confirms that this remains the primary Housing Market Area (HMA) and includes:
- Mid Sussex District Council
 - Crawley Borough Council
 - Horsham District Council
17. Both Crawley and Horsham are in the process of reviewing their Local Plans.
18. Crawley published their Local Plan for Regulation 19 consultation which closed in summer 2021. The plan indicated that Crawley would have an unmet need of 6,680 dwellings and would be seeking assistance from other authorities within the HMA to contribute towards this need. This is due to the constrained nature of Crawley Borough, which is built up to its administrative boundaries and the High Weald AONB to the east and south.
19. Horsham previously consulted upon a Regulation 18 Local Plan which indicated that they could meet their housing need, with potential to contribute towards unmet need arising in Crawley.
20. It is important to note that progress on the preparation of the Crawley and Horsham Plans has been paused due to Water Neutrality implications; further details are set out below in paragraphs 32- 35.

21. There are also some overlaps in the southern part of the district with the Coastal West Sussex HMA which comprises:

- Brighton and Hove City Council
- Adur and Worthing Councils
- Arun District Council
- Chichester District Council
- Lewes District Council
- South Downs National Park Authority

22. The unmet need arising from these areas is circa 30,000 homes, Brighton's unmet need alone is over 15,000 homes. The West Sussex and Greater Brighton Strategic Planning Board, comprising the above authorities and Crawley and Horsham, is committed to progressing a Local Strategic Statement (LSS3) to collate evidence and identify potential strategic options for addressing this unmet need.

23. During preparation of the adopted District Plan the Inspector confirmed a priority order for meeting housing need. Based on the findings of the latest SHMA and recognising the current position in neighbouring authority areas, this priority order is still applicable:

Priority 1: Meeting Mid Sussex need

Assuming there is some capacity left to meet other's needs:

Priority 2: Meeting Mid Sussex need and assisting the Northern West Sussex HMA

Priority 3: Meeting Mid Sussex need and assisting the Northern West Sussex and Coastal West Sussex HMAs

24. The Site Selection process and the extent to which sites can deliver sustainable development will determine the extent to which Mid Sussex can meet these priorities.

25. In May and June 2022 officers met with neighbouring Crawley, Horsham and Brighton & Hove Councils to discuss housing need, the quantity and yields of sites within the Strategic Housing and Employment Land Availability Assessment (SHELAA) and to discuss the draft Site Selection Methodology (set out below). These meetings have helped neighbouring authorities understand the options for housing supply in Mid Sussex, the environmental and infrastructure implications of allocations for the district, and therefore the extent to which Mid Sussex could contribute towards unmet need arising in Priority 2 and Priority 3 areas.

26. The Duty to co-operate is an ongoing process and further engagement will occur as the draft Plan progresses. In accordance with the NPPF, Statements of Common Ground will be prepared to capture cross-boundary matters and progress made to address these, as the Draft Plan progresses towards Submission.

Progress since January 2022

27. A draft District Plan was published in January 2022. At its meeting on 19th January, this Committee resolved to defer discussion until further work had been carried out on maximising brownfield and windfall development, there was more clarity about the unmet need from neighbours and the impact of the Water Neutrality position affecting neighbouring authorities, and to await the outcome of potential changes to the planning system being proposed by the Government. Scrutiny Committee resolved to establish a cross party Members Working Group to review policies (as discussed in the report to this Committee on 5th October 2022) and sites proposed for allocation.

Brownfield and Windfall Allowance

28. To ensure development on Brownfield (i.e. previously developed) sites is maximised, an Urban Capacity Study (UCS) was commissioned – this is available in the online evidence library at www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/district-plan-2021-2039-evidence-base/
29. As a predominantly rural district (less than 12% is within a defined built-up area) opportunities for brownfield development are limited. The UCS combined desktop and on-site analysis to identify potential brownfield sites that could feasibly be developed within the plan period, thereby contributing towards the district's housing need. The UCS recognises that there are often feasibility issues, neighbouring uses to consider, and that development of brownfield sites are often challenging in viability terms due to existing land values and site clear-up costs.
30. Alongside brownfield development, National Planning Policy allows for a windfall allowance to be included from year 6 of the plan onwards based on evidence. Windfall is defined as growth from sites not specifically defined within the plan, usually on small sites.
31. The NPPF states that local authorities should only include a windfall allowance where they have compelling evidence that windfall sites will provide a reliable source of supply. The January 2022 draft of the District Plan included a Windfall Allowance of 1,008 and Brownfield Allowance of 200 i.e., a total of **1,208**. As a result of the UCS work it is proposed that this is increased to **1,714** based on evidence.

Impact of Water Neutrality and Unmet Need

32. In September 2021, Crawley and Horsham were notified by Natural England that developments within the Sussex North water supply area (which both authorities are almost wholly within) must not add to impacts on protected nature conservation sites in the Arun Valley and must ensure that they are 'water neutral'.
33. This has had implications for progression of both authorities' Local Plans, as the councils must demonstrate that the level of growth identified in their Local Plan will not have an adverse effect on the integrity of the Arun Valley protected area, either alone or in combination. Progression of both Plans has been paused since September 2021. The affected authorities are jointly working on a Water Neutrality strategy to help unlock development and enable them to progress with their Local Plans.
34. However, at this stage, the ability of both authorities to meet their housing need, or ability to contribute to unmet need, is still to be confirmed and will be dependent on successful implementation of the emerging Water Neutrality Strategy. The three HMA (Crawley, Horsham and Mid Sussex) authorities are engaging regularly to assess the implications, a Statement of Common Ground setting out the agreed position is being prepared and will be finalised when the Water Neutrality Strategy is agreed, and the full implications known.
35. Given the continuing uncertainty in progression of neighbouring authorities plans and the importance of Mid Sussex progressing with a revised District Plan to maintain a five-year housing land supply, work on the Mid Sussex draft Revised Plan must continue.

Changes to the Planning System

36. The Government published its Levelling Up and Regeneration Bill in May 2022. The Bill re-iterated the Government's commitment to delivering 300,000 homes per year and gave no indication of a change to housing needs methodology, or revised housing need figures.
37. The Bill set out incentives for plan-making (for example, removing the five-year housing supply requirement) but only where a plan is less than 5 years old. These incentives would only apply should the district have an up-to-date plan in place. The Bill also contained sanctions for slow plan-making, or not having a Plan in place, including provisions for a Local Plan Commissioner to take over the Council's plan-making functions.
38. At the time of its publication, it was indicated that it would not receive Royal Assent until at least 2024. Until the Bill receives Royal Assent, the current legislative plan-making framework still applies. This includes the current sanctions that would apply if an authority does not have an up-to-date plan, including the presumption of sustainable development if a five-year housing land supply cannot be demonstrated. Therefore, it remains vital to continue to progress the District Plan to ensure the authority can maintain an up-to-date plan.

Evidence Base Updates

39. As well as the additional work on Brownfield capacity Officers have progressed with the preparation of more detailed analysis and transport modelling usually expected at the later stages in Plan making. Officers have been working closely with site promoters to gather additional evidence on sites, including evidence to support mitigation and more detailed work on site yields to maximise supply. The outcomes of this work are set out later in this report.

Members Working Group - Sites

40. As the Committee is aware the politically balanced, cross-party Members Working Group considered the site selection methodology; the sites submitted to the council for allocation; and the sites proposed for allocation.
41. The Members Working Group commented on the Site Selection Methodology and the conclusions reached at each of the stages (set out below). They were provided with the assessments for the sites rejected at each stage and had the opportunity to challenge the draft conclusions reached by officers. Where changes to the assessments were agreed by the Working Groups, these have been reflected in the published Site Selection Paper.
42. The following sections of this report set out the outcomes of all additional work carried out since January 2022 as set out above, inclusive of the outcomes from the Members Working Group.

Site Selection Process

Strategic Housing and Employment Land Availability Assessment (SHELAA)

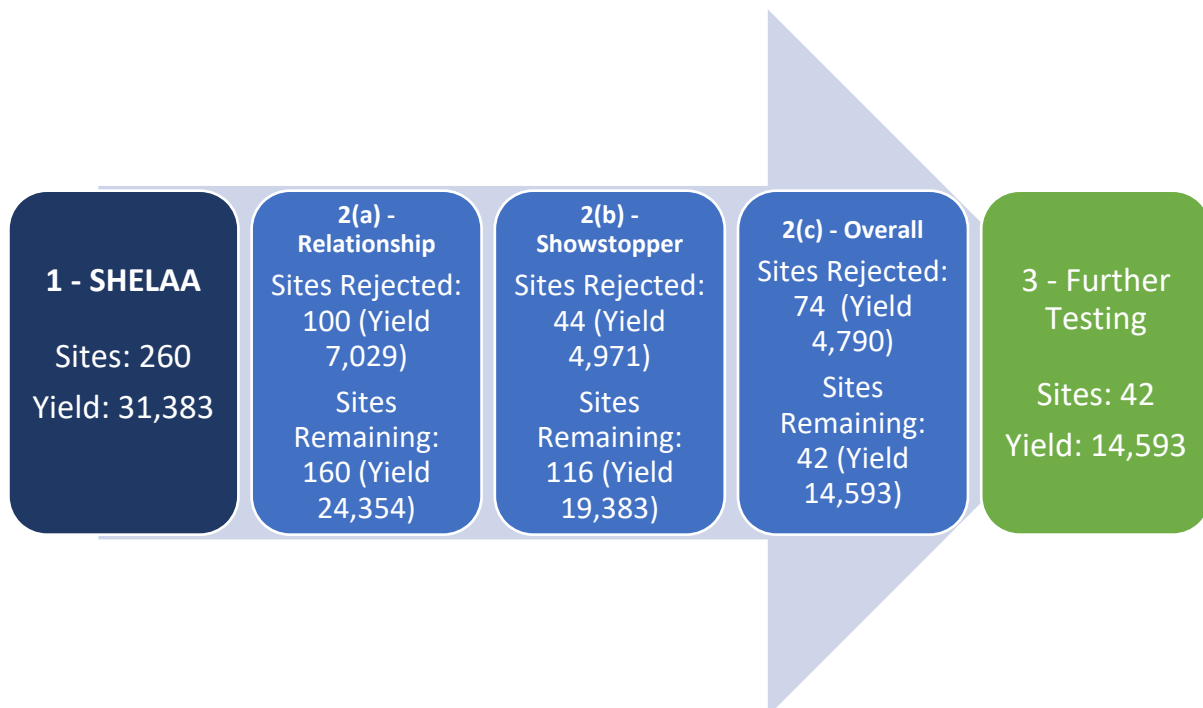
43. The SHELAA forms a 'pool' of 260 sites from which to assess for potential for allocation. The SHELAA contains sites from numerous sources:

- Sites previously rejected during the Site Allocations DPD and previous District Plan preparation
- New sites submitted for consideration

44. All sites in the SHELAA were subject to a Site Selection Methodology (set out below) to determine the most suitable and sustainable sites for allocation.

Site Selection Methodology

45. The Site Selection Methodology, available to view in the online evidence library, was based on the Site Allocations DPD methodology which was established in consultation with Town and Parish Councils, Neighbouring Authorities, and the Mid Sussex Developers' Liaison Group. It has been amended to reflect learning from the Sites DPD process. The methodology conforms to best practice and reflects expert legal advice and comments made during focussed consultation. As part of their work to review the appropriateness of sites identified for development, the Members Working Group were provided the opportunity to scrutinise the methodology. The published Site Selection Methodology contains minor amendments made by the Working Group to assist with clarity. Overall, the Working Group was satisfied that the methodology was fit for purpose.
46. The application of the Site Selection Methodology ensures that only those sites the Council concludes are developable (as defined by the NPPF – a suitable location for development with a reasonable prospect that they would be available) are selected for allocation. This process also determines which sites should be tested as “reasonable alternatives” in the Sustainability Appraisal process, as required by legislation.
47. Following application of the Site Selection methodology, the initial 260 sites were refined to 42 for further testing as set out in the diagram below:



48. The 42 remaining sites were subject to detailed testing, including transport modelling, Sustainability Appraisal, Habitats Regulations Assessment and Air Quality modelling.

49. The details of this assessment, including reasons for rejecting and selecting sites, are set out in the Site Selection Paper: Conclusions paper which forms part of the evidence base available to view in the online evidence library.

Proposed Allocations

50. As noted in paragraph 14, a minimum of 8,169 dwellings are required to meet Mid Sussex housing need.
51. Paragraph 68 of the NPPF requires planning policies to identify a supply of specific deliverable sites for years 1-5 of the plan; specific, developable sites or broad locations for growth for years 6-10 and, where possible, 11-15 of the plan.
52. The NPPF is clear about the importance of having a sufficient amount and variety of land to come forward where it is needed to support the Government's objective of significantly boosting the supply of homes. Paragraph 20 requires strategic policies to set out an overall strategy for and to make sufficient provision for housing, looking ahead over a minimum 15-year period from adoption (i.e. to 2039). This is to provide certainty and to help plan to meet need, and to plan for long-term requirements such as infrastructure.
53. It is important to remember that Paragraph 68 requires that local planning authorities should have a clear understanding of land available in their area through the preparation of the SHELAA. Given the extent of sites promoted to this Council and the outcome of the assessment of their suitability, availability and deliverability in accordance with the site selection methodology, this enables the Council to allocate sufficient developable sites for the full plan period. This allows the Council to provide certainty to the local community on future growth locations, but also to infrastructure providers who need to plan for growth. The allocations provide a range of larger significant sites and smaller sites.
54. The NPPF at paragraph 74 requires local authorities to identify and update annually a supply of specific deliverable sites to provide a minimum supply for five years' housing against their housing requirement. Following the adoption of the Site Allocation DPD the council has sufficient **deliverable** sites to demonstrate a five-year supply of housing, however in line with regulations this is only 'fixed' until October 2023. This position needs to be maintained, and whilst as at 1st April 2022, there are 10,757 **developable** sites in the Council's housing supply, not all of these are **deliverable** in the next five years. The NPPF is very specific about the evidence required to demonstrate that a site is **deliverable**. Many of the factors that influence the delivery of housing, such as the economy, availability of skilled labour and materials and the strength of the housing market are outside the Council's control. However the Council can influence the supply of suitable land for housing through Plan making. The adoption of the District Plan will increase the pool of deliverable sites which the Council can include in its five-year housing land supply, thereby protecting the district from unplanned development.
55. The reasonable alternative options for site allocations have been considered against the draft Plan Strategy (as discussed by this Committee on 5th October) to ensure sites proposed for allocation are in accordance with it. The four principles of the draft strategy are:
- Protection of Designated landscapes (such as AONB)
 - Making effective use of land

- Growth at existing sustainable settlements where it continues to be sustainable to do so
- Opportunities for extensions to improve sustainability of existing settlements which are currently less sustainable

Sustainable Communities – ‘Significant Sites’

56. The draft District Plan Strategy, considered by this Committee on 5th October is based on the principle of creating sustainable communities, including the 20-minute neighbourhood principle.
57. Sites of a significant scale (‘Significant Sites’) are capable of accommodating on site infrastructure to support growth, such as primary and secondary education, health facilities, community centres, retail, employment and open space to meet future needs. Sites of approximately 1,000+ dwellings are more likely to support the provision of on-site infrastructure because they are more viable and provide opportunities to masterplan to incorporate facilities and services. The allocation of significant sites represents the most sustainable way of providing development with the infrastructure to support it, which can benefit not only new communities but existing communities. These sites are referred to in the plan as Sustainable Communities.
58. As well as being tested through the Site Selection process, additional due diligence and evidence base work is required to determine the most suitable significant sites for development. This has included gathering evidence from site promoters, including Vision and Masterplan documents which are available to view online in the evidence library.
59. As a result of the findings within the evidence base, detailed testing and consideration by the Members Working Group, the following ‘Significant Sites’ are proposed for allocation.

| Policy Ref | Site | Settlement | Housing Yield | On-Site Infrastructure Proposed |
|--------------|--|--------------|---------------|---|
| DPSC1 | Broad location to the West of Burgess Hill | Burgess Hill | 1,400 | <ul style="list-style-type: none"> • Extra Care housing provision • 2 Form Entry Primary School • Playspace • Self-service Library • Leisure • Retail • Sustainable transport measures and provision |

| Policy Ref | Site | Settlement | Housing Yield | On-Site Infrastructure Proposed |
|--------------|---|---------------|---|--|
| DPSC2 | Land south of Reeds Lane, Sayers Common | Sayers Common | 2,000 (1,850 in the plan period to 2039) | <ul style="list-style-type: none"> • Extra Care housing provision • All-through school with 2FE at Primary and 4FE at Secondary, with or without Sixth Form • Playspace • Self-service Library • Leisure • Retail • Sustainable transport measures and provision • Gypsy and Traveller accommodation • Commercial • Healthcare provision • Community Hall |
| DPSC3 | Crabbet Park, Old Hollow, Copthorne | Copthorne | 2,300 (1,500 in the plan period to 2039) | <ul style="list-style-type: none"> • Extra Care housing provision • All-through school with 2FE at Primary and 4FE at Secondary, with or without Sixth Form • Playspace • Self-service Library • Leisure • Retail • Sustainable transport measures and provision • Healthcare provision • Community Hall • Community facilities |
| TOTAL | | | 4,750 | |

60. **Land West of Burgess Hill** is sustainably located on the edge of the town where a range of services and facilities exist and is in close proximity to employment opportunities nearby such as The Hub and planned Science and Technology Park.
61. **Reeds Lane, Sayers Common** has potential to significantly improve the sustainability of Sayers Common. Currently no residents are within a 20-minute walk of a primary school or health facility. This allocation would mean that all current and new residents would be within a 20-minute walk of both facilities as these facilities are proposed to be delivered on-site. The proposal includes Secondary school provision, reducing the need to travel much further afield; this provision would also cater for demand arising in the downland villages.
62. **Crabbet Park** is located to the south west of Copthorne, on Crawley's eastern border and can deliver approximately 2,300 dwellings. This site was carefully considered during the preparation of the adopted District Plan but was rejected due to land ownership uncertainties and infrastructure concerns. However, the site is now being actively promoted and work is being progressed by the site promoter to address these concerns.

63. Given the scale of work required to bring this site forward it is considered that 1,500 homes are likely to be brought forward in the draft Plan period. This position will be reviewed as work on the draft Plan progresses. Officers are liaising closely with Crawley Borough Council given the proximity of this site to their boundary.
64. Alternative Significant Site options were submitted for consideration and tested against the site selection methodology. Reasons for rejecting these sites are set out in the **Site Selection: Conclusions** paper in the online evidence library. In summary:

- **Ansty Farm, Ansty (1,600 dwellings):** This site has not been included within the draft District Plan due to concerns arising from the Council's transport modelling. The latest Transport Study (Scenario 4) considers mitigation based upon the Site Promoters proposed measures and is based on the sites proposed for allocation in the January version of the Plan. The Transport Study is available in the Council's online Evidence Library.

The results indicate that there are 12 'severe' impacts on the highways network when accounting for these mitigation measures. The main contributor to 8 of these is the significant site at Ansty Farm, Ansty, which was proposed in the January draft District Plan for 1,600 dwellings. The Transport Study results also show that 4 of the junctions affected are likely to be solely impacted by the Ansty site.

Identification of severe impacts at Regulation 18 stage does not automatically rule out a site for allocation if there is some prospect that the impacts can be effectively mitigated. However, following discussions with WSCC and SYSTRA, officers conclude that seeking additional sustainable mitigation is unlikely to solve the severe issues and that there is no evidence to suggest physical mitigation is achievable given land constraints, likely costs, and limited benefit (i.e. would not sufficiently reduce traffic volumes to within capacity). Therefore, given the evidence currently presented and the advice from WSCC and SYSTRA, officers are recommending that the Ansty Farm site for 1,600 dwellings should not be proposed for allocation in the draft revised District Plan at this stage.

- **Malthouse Lane, Burgess Hill (1,800 dwellings):** This site was promoted to the Council in late-2021 and therefore was not considered as an option for the draft Plan in January 2022. The site promoters have not yet provided sufficient detail regarding quantum and uses for the site; promotion of this site is still at a very early stage. On the basis of the positive assessment of **DPSC1: West of Burgess Hill** the Malthouse Lane site would need to be considered in combination with it. There is no justification for choosing this site instead of DPSC1. This quantum of development is likely to exacerbate existing issues at the A23/A2300 junction, as impacts are already arising through the allocation of DPSC1 and at this stage the Council does not have sufficient evidence to have confidence this site is deliverable in combination with DPSC1.
- **West of A23 "Mayfield Market Town" (2,000 dwellings):** This site has been proposed for 10,000 home mixed-use development with the majority (8,000 dwellings) within Horsham district. This would be a standalone settlement rather than providing extensions to existing settlements, so would not comply with the draft District Plan strategy. In addition, there is considerable uncertainty regarding delivery – the site has historically not been supported by Horsham District Council and did not feature in their adopted Local Plan or draft

Regulation 19 Local Plan review. The site would now be subject to Water Neutrality considerations.

Proposed Housing Allocations

65. In addition to the Significant Sites, the following housing sites are proposed for allocation:

| Policy Ref | Site | Settlement | Yield |
|--------------|---|----------------|--------------|
| DPH5 | Batchelors Farm, Keymer Road, Burgess Hill | Burgess Hill | 33 |
| DPH6 | Land at Hillbrow, Janes Lane, Burgess Hill | | 25 |
| DPH7 | Burgess Hill Station | | 300 |
| DPH8 | Land off West Hoathly Road, East Grinstead | East Grinstead | 45 |
| DPH9 | Land at Hurstwood Lane, Haywards Heath | Haywards Heath | 45 |
| DPH10 | Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath | | 30 |
| DPH11 | Land east of Borde Hill Lane, Haywards Heath | | 60 |
| DPH12 | Orchards Shopping Centre, Haywards Heath | | 100 |
| DPH13 | Land to west of Turners Hill Road, Crawley Down | Crawley Down | 350 |
| DPH14 | Hurst Farm, Turners Hill Road, Crawley Down | | 37 |
| DPH15 | Land rear of 2 Hurst Road, Hassocks | Hassocks | 25 |
| DPH16 | Land west of Kemps, Hurstpierpoint | Hurstpierpoint | 90 |
| DPH17 | The Paddocks Lewes Road Ashurst Wood | Ashurst Wood | 8-12 |
| DPH18 | Land at Foxhole Farm, Bolney | Bolney | 200 |
| DPH19 | Land at Chesapeake and Meadow View Reeds Lane Sayers Common | Sayers Common | 33 |
| DPH20 | Land at Coombe Farm London Road Sayers Common | | 210 |
| DPH21 | Land to west of Kings Business Centre Reeds Lane Sayers Common | | 100 |
| DPH22 | Land south of LVS Hassocks London Road Sayers Common | | 200 |
| DPH23 | Ham Lane Farm House Ham Lane Scaynes Hill | Scaynes Hill | 30 |
| DPH24 | Challoners Cuckfield Road Ansty | Ansty | 37 |
| DPH25 | Land to the west of Marwick Close Bolney Road Ansty | | 45 |
| TOTAL | | | 2,007 |

66. In the January draft District Plan, Foxhole Farm, Bolney (DPH18) was promoted for 100 dwellings alongside three further small allocations in the village totalling 161 dwellings – 261 dwellings in total.
67. Since then, the site promoter of Foxhole Farm has indicated that they would be able to provide a larger scheme for 200 dwellings and, due to this increased yield, would be able to provide a site which could also deliver associated on-site infrastructure (including country park, community allotments, community facility and education provision) to support additional growth at Bolney and to benefit the community. As the provision of dwellings on one site will help secure the necessary infrastructure provision on-site, therefore providing more certainty and better compliance with the draft District Plan strategy, it is proposed that we remove the three smaller allocations from this version of the Plan and replace it with this site.

68. As a result of further evidence a further two sites DPH6: Land at Hillbrow, Janes Lane, Burgess Hill and DPH15: Land rear of 2 Hurst Road, Hassocks are also proposed for allocation in the draft District Plan. As follows:

- **DPH6: Land at Hillbrow, Janes Lane Burgess Hill (25 dwellings)** – This site was previously promoted for a smaller yield which would have been compliant with the Council’s windfall policy and therefore would not have required allocation. The site has now been promoted for a greater yield of 25 and assessed accordingly against the methodology. As the site scores positively, it is proposed for allocation.
- **DPH15: Land rear of 2 Hurst Road, Hassocks (25 dwellings)** – A planning application for this site was refused in 2018 due to insufficient information regarding highway safety. The applicant has now provided the required information to WSCC who have confirmed they have no objections in principle. Given this conclusion, the Council can now support the allocation of this site.

Brownfield Sites

69. In response to the Scrutiny Committee’s requirement to maximise development on Brownfield sites, two additional allocations are proposed since the January draft District Plan. Both are previously developed brownfield sites and are in the ownership of the District Council. These are:

| Policy Ref | Site | Settlement | Yield |
|--------------|-------------------------------|-----------------------|------------|
| DPH7 | Burgess Hill Station Car Park | Burgess Hill | 300 |
| DPH12 | The Orchards | Haywards Heath | 100 |
| TOTAL | | | 250 |

70. **Burgess Hill Station Car Park** is currently allocated in the Burgess Hill Neighbourhood Plan. It had previously been assumed that 150 dwellings were possible on this site as part of a mixed-use development that would deliver a relocated station entrance and transport hub, creating a new gateway development to Burgess Hill. Further work has since identified that the site could accommodate 300 dwellings, therefore 150 more dwellings than already planned for.

71. **The Orchards Shopping Centre, Haywards Heath.** The adopted Haywards Heath Town Centre Masterplan identifies the site as an ‘Opportunity Site’ for mixed-use regeneration, including retail, leisure and residential. National Planning Policy recognises the role that residential development can play in maintaining vibrant town centres.

72. In addition, the yield of **DPH22: Land south of LVS Hassocks London Road Sayers Common** has been increased from 120, recognising the site promoter’s intention to improve and relocate the special educational needs (SEN) facility on-site, releasing up to 80 additional dwellings on brownfield land.

Meeting Mid Sussex Housing Need

73. In conclusion the following is proposed in the updated draft District Plan (set out in policy DPH1: Housing) to address housing need for the purposes of Regulation 18 consultation.

| | |
|---|---------------|
| Housing Requirement (Mid Sussex Housing Need) | 20,142 |
| Commitments (Existing allocations and Permissions) | 10,786 |
| Completions 2021/22 | 1,187 |
| Significant Sites | 4,750 |
| DPSC1: Land to West of Burgess Hill | 1,400 |
| DPSC2: Land to South of Reeds, Sayers Common | 1,500 |
| DPSC3: Crabbet Park | 1,850 |
| Housing Sites DPH5 – DPH25 | 2,007 |
| Windfall / Brownfield Allowance | 1,714 |
| Total Housing supply from 2021 – 2039 | 20,444 |
| Total under/over supply for resilience and wider HMA | + 302 |

74. This approach meets the housing need arising within Mid Sussex and a contribution towards unmet need within the priority Housing Market Area and/or resilience and robustness as the District Plan proceeds through examination. The same approach was taken during preparation of the Sites DPD which provided resilience to ensure that housing need will still be met should site yields reduce, or sites are removed, following consultation and examination by the Planning Inspector.
75. Without a contingency for Mid Sussex, there is a risk that the District Plan would be found unsound should site yields be reduced or sites removed during the examination process. This would lead to considerable delay, and it is highly likely that the Inspector would require the Council to find additional sites, update the evidence base (such as transport and air quality modelling) and re-consult. By this time the adopted District Plan would be out-of-date. This would significantly increase the risk of speculative, unplanned and unwanted development.
76. It must be noted that the spatial distribution of the sites proposed for allocation within the draft District Plan must be looked at in combination with the sites already planned for (i.e. commitments). The total proposed housing growth for the period to 2039 is 20,444 of which nearly 60% (11,973) is already planned for. Tables 1a and 1b (pages 35/36) of the draft District Plan sets out the full plan period spatial distribution by both Parish and settlement.

Meeting Other Specialist Housing Needs

Older Persons' and Specialist Accommodation

77. This Committee considered policy DPH26 Older Persons' and Specialist Accommodation (use class C2) at its meeting on the 5th of October, which requires provision of such accommodation on Significant Sites. In addition, two sites are specifically allocated for this use (DPH27: Land at Byanda, Hassocks and DPH28: Land at Hyde Lodge, Handcross)

Employment

78. Crawley, Horsham and Mid Sussex make up a local Functional Economic Market Area (FEMA). An Economic Growth Assessment (EGA) was commissioned for the FEMA and was published in 2020. A Mid Sussex EGA update has been prepared to consider changing economic circumstances since, in particular the Covid-19 pandemic and forecast impact on job growth and land requirements.
79. The EGA update confirms that, based on predicted future housing growth, economic forecasting and current supply of employment sites permitted and allocated, there is a surplus of employment land up to 2039. The EGA update therefore concludes that no further employment allocations are required at this stage.

Gypsy and Traveller Provision

80. The updated Gypsy and Traveller Accommodation Assessment establishes an unmet need for 4 pitches for travellers which meet the government's definition set out in the Planning Policy for Traveller Sites within the plan period to 2038. In order to meet this need, Significant Sites will be expected to provide pitches on-site and this is set out in policy requirements for these sites.

Infrastructure Delivery Plan

81. To ensure development is supported by the necessary infrastructure, the draft District Plan is accompanied by an Infrastructure Delivery Plan (IDP). This sets out the types of on-site and off-site infrastructure required and indicative costs, based on ongoing collaboration and engagement between the Council and infrastructure providers. The housing site policies in the District Plan also set out the on-site and off-site infrastructure requirements for each site, which are based on the content of the IDP.
82. The IDP is an organic document which will evolve between now and submission of the Plan for examination. It will be important to ensure that all necessary supporting infrastructure is captured and therefore comments from all stakeholders are welcome on the IDP during the Regulation 18 consultation period. Comments received will inform future iterations of the IDP. It is available to view in the Evidence Library (see Background Documents).

Next Steps

83. Subject to the Scrutiny Committee's recommendation and Council approval on 2nd November 2022, the Consultation Draft (Regulation 18) District Plan 2021 – 2039 and all associated documentation (including the Sustainability Appraisal, the Habitats Regulation Assessment and evidence in the library) will be subject to public consultation for six-weeks, proposed for 7th November – 19th December 2022.
84. This represents the first opportunity for the community, statutory bodies, organisations and other stakeholders to comment on the proposals. The Council would like to hear views which will help shape future iterations of the District Plan.
85. Consultation will be carried out in accordance with the prescribed regulations, the Council's adopted Statement of Community Involvement, and the Community Involvement Plan included in Appendix 4.
86. To ensure as many stakeholders as possible can be involved and engaged in the process, the following consultation methods will be used:

- Press release, email alert and utilise social media to advertise;
- Documentation available on Council website including an on-line response form, consultation portal and interactive map;
- Letters or emails to specific consultation bodies (statutory consultees) and to other organisations listed in the Community Involvement Plan;
- Emails to those subscribed to the Planning Policy email alert service
- Briefings for Town and Parish Councils and attendance at public meetings/exhibitions if requested

87. This approach goes beyond the minimum requirements set out in the regulations. The full approach is set out in the Community Involvement Plan (Appendix 4).

88. There will be further opportunities to comment on the District Plan prior to its adoption. A further iteration of the District Plan (known as Regulation 19), which reflects the results of consultation and further updated evidence, will be considered by this Scrutiny Committee and Council in mid-2023 which will be followed by a second round of consultation. Upon submission to the Secretary of State, stakeholders will have the opportunity to submit further statements and evidence at the Examination in Public. The Inspector will review all evidence and provide a report on conclusions.

Policy Context

89. The review (and subsequent update) of the District Plan is a corporate priority identified in the Corporate Plan and Budget 2022/23 (March 2022) and Service Plan for Planning and Economy. It aligns with the Council's priorities for Sustainable Economic Growth and Strong and Resilient Communities.

Other Options Considered

90. There is a legal and national policy requirement to review the Plan and update where necessary. There is also a Council commitment within its currently adopted District Plan to do so. The Council could decide not to review or update the Plan, however this would have significant impacts on its ability to apply full weight to its existing policies when determining planning applications.

Financial Implications

91. Preparation of the District Plan review and update is funded by a specific reserve, as agreed in the Corporate Plan and Budget 2022/23 (March 2022). This reserve has funded evidence base studies to support the work and will continue to be required to fund future evidence, legal advice and examination costs. The work carried out so far is within the identified budget.

Risk Management Implications

92. There is a legal and national policy requirement to review and update local plans to ensure that they continue to be effective and carry full weight when making planning decisions. Without an updated plan, there is a risk that some policies would be deemed out-of-date and the weight afforded to them when determining planning applications reduced. Both this and the 5th October Scrutiny reports set out the implications on the 5-year housing land supply, including the threat of speculative development and associated costs in defending unwanted developments.

93. The Government introduced a Levelling Up and Regeneration Bill to Parliament in May 2022. This proposes changes to the planning system, however as the Bill has not yet received Royal Assent it is difficult to predict the impacts that any future changes and/or transition periods will have on the progress of the District Plan. The Government has urged local authorities to continue plan-making, and at this moment in time Local Planning Authorities must continue to comply with current legislation, which requires Local Plans to be updated where required every 5 years. The same sanctions for not complying, including the consequences of not meeting housing need or maintaining a 5-year housing land supply are still in force. This position will be kept under review as the work on the preparation of the District Plan progresses.

Equality and Customer Service Implications

94. An Equality Impact Assessment has been prepared to ensure opportunities to promote equality and/or barriers to service are considered and addressed. A copy is at Appendix 5.

Other Material Implications

95. There are no other material implications.

Sustainability Implications

96. The updated District Plan includes a range of sustainability policies as described above. The National Planning Policy Framework recognises the role that planning can have in addressing and mitigating future impacts of climate change – the draft policies within the updated District Plan reflect national policy and ambitions.
97. It is a legal requirement for the District Plan to be accompanied by a Sustainability Appraisal (incorporating Strategic Environmental Assessment) at each formal stage of the plan-making process which documents the impacts of proposed policies, strategy and sites against the sustainability criteria and informs the plan-making process by ensuring the plan is the most sustainable given all reasonable alternatives. A copy of the Sustainability Appraisal is at Appendix 2.

Appendices

Appendix 1: Consultation Draft District Plan (Regulation 18)

Appendix 2: Sustainability Appraisal

Appendix 3: Habitats Regulations Assessment

Appendix 4: Community Involvement Plan (CIP)

Appendix 5: Equalities Impact Assessment (EqIA)

Background Papers

The full evidence base to support the revised draft District Plan, including documents referred to in this report, is available online at www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/district-plan-2021-2039-evidence-base/