

# **MS08: Development Management Policies – Proposed Modifications**

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**MSDC Response to IDJB-02  
January 2026**



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# Development Management Policies – MSDC Response to Inspector’s Comments (IDJB-02)

1. The Inspector provided comments on a series of Development Management policies in January 2026 (IDJB-02). These were mostly for reasons of clarity, effectiveness or to bring in-line with national policy.
2. The Council has considered the comments positively and welcomes the Inspector’s input. The Council is happy to accept the Inspector’s recommendations. The remainder of this document sets out the proposed draft wording to address the Inspector’s comments.
3. For the majority of policies, the modifications relate to deletions of text. For ease of reading, the revised wording for these policies is shown as ‘clean’ (i.e. without track changes). This should provide a clear, legible starting point for any future iterations of these policies, if required.
4. However, for three policies, there have been more substantive modifications (e.g. re-writing policy or supporting text). The changes are shown in this document as ‘tracked’ with additions in underline and deletions as ~~striketrough~~. This applies to:
  - DPC6: Ashdown Forest SPA and SAC
  - DPB1: Character and Design
  - DPE2: Existing Employment Sites
5. The Council welcomes the Inspector’s feedback on the changes made and is happy to consider alternative wording, or additional modifications, should they not address the Inspector’s concerns.
6. As indicated by the Inspector (IDJB-02), the following policies will be dealt with separately and therefore are not featured within this response:
  - **DPE3: Employment Allocations** – will be subject of separate questions (IDJB-05) and hearing sessions.
  - **DPH1: Housing** – will be subject of separate questions (IDJB-05) and hearing sessions.
  - **Sustainable Communities (DPSC1 - 7), DPA7 and DPA12** – will be subject of separate questions (IDJB-05) and hearing sessions.
  - **Remaining Housing Allocations** – may be subject of separate questions where these are considered necessary.
7. A schedule of main modifications will be prepared in due course which will show modifications proposed (tracked) to all policies and will be subject to public consultation.
8. There are policies not set out within this document where modifications may be needed to be consistent with the changes proposed below. The Council anticipates identifying such modifications in the main modifications schedule where required.

## DPS1: Climate Change

The impacts of climate change are seen in both the built and natural environment. There is clear evidence for the need to respond to the threat of climate change, as set out in the Intergovernmental Panel on Climate Change (IPCC) reports<sup>1</sup>. Global greenhouse gas emissions (GHG) have reached their highest levels in human history over the past 10 years and without immediate and significant emissions reductions across all sectors, we will be unable to avoid dangerous impacts of climate change on our communities. The planning system is one of the most effective tools available to councils to reduce their contribution to climate change by mitigating GHG emissions and by preparing for the impacts of climate change through adaptation measures.

In 2016, the UK joined the international effort by becoming a signatory to the Paris Agreement to keep global temperature rise ‘well below’ 2°C above pre-industrial levels, whilst aiming for a temperature rise of no more than 1.5°C. The UK Climate Change Act 2008 (amended 2019) aligns with this international commitment and commits the UK government by law to reducing GHG emissions by at least 100% of 1990 levels (net zero) by 2050.

Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 places a legal duty on local planning authorities to ensure development plans include *‘policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change’*.

The Planning and Energy Act 2008 enables local authorities to impose ‘reasonable requirements’ for a proportion of energy to be from renewable sources, low carbon energy and for development to comply with energy efficiency standards that exceed the energy requirements of Building Regulations. The National Planning Policy Framework (NPPF) provides an overall approach to *‘Meeting the challenge of climate change, flooding and coastal change’* and sets out that the planning system should *‘shape places in ways that contribute to radical reductions in greenhouse gas emissions’*.

At a local level, the Council has affirmed its commitment to tackling climate change and in November 2022 Mid Sussex District Council adopted three specific net zero targets:

- A District-wide net zero target aligned to the national target.
- A Council-only net zero target of 2040 for emissions the Council can directly control.
- A Council-only net zero target aligned to the national target for emissions the Council can only indirectly influence.

These evidence-based targets were based on detailed emissions analysis completed by specialist consultants Ricardo Energy and Environment. This work identified targets as well as actions needed to achieve them. Using the evidence base produced by Ricardo Energy and Environment, the Council has developed a detailed Action Plan for the Council’s emissions (direct and indirect) which is being implemented.

Mid Sussex District Council however only directly controls 0.03% of the district’s emissions. The vast majority exist beyond the Council’s direct control and therefore depend on other mechanisms to influence behaviour change.

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<sup>1</sup> The IPCC reports can be found at: [IPCC — Intergovernmental Panel on Climate Change](https://www.ipcc.ch/).

The Council also approved its Sustainable Economy Strategy in 2022 which includes actions to be delivered through the development of policies in the District Plan which are required to meet the district-wide net zero target.

Unless new developments in Mid Sussex are designed to meet net zero standards, they will cause emissions in the district to increase; this will undermine the district's ability to achieve the legally binding decarbonisation targets.

Policy DPS1 is an overarching policy that sets out principles that development should adopt to tackle climate change issues and it signposts to other more detailed policies in the Plan.

All development can play its part in taking action on climate change, however, the opportunities and measures available may vary depending on the type of development. Even if some action appears to be small at an individual scale, taken together, individual actions can cumulatively be effective and lead to positive changes for climate change mitigation and adaptation. Applicants will need to consider climate change at the earliest stage to ensure effective incorporation of measures to:

- Reduce carbon emissions.
- Maximise carbon sequestration.
- Adapt to and mitigate for climate change.

#### **DPS1: Climate Change**

The Council will take an integrated and holistic approach to address the causes of climate change and to increase resilience to the effects of climate change. This will be achieved by:

##### **Reducing carbon emissions**

1. Development will be required to demonstrate that measures have been taken to reduce carbon emissions, including improvements in energy efficiency and in the design and construction of buildings. This includes new buildings and the conversions of existing buildings. Detailed requirements are set out in Policies DPS2: Sustainable Design and Construction, DPS3: Renewable and Low Carbon Energy Schemes, and the Mid Sussex Design Guide SPD.
2. The Council will support renewable and low carbon energy schemes in line with the requirements set out in Policy DPS3: Renewable and Low Carbon Energy Schemes.
3. Development should embed the principles of the 20-minute neighbourhood and local living and prioritise active travel such as walking and cycling and sustainable transport such as public transport to reduce reliance on private modes of transport and to facilitate healthy lifestyles. Detailed requirements are set out in Policies DPT1: Placemaking and Connectivity; DPT3: Active and Sustainable Travel; and DPB1: Character and Design.

##### **Maximising carbon sequestration**

4. Development will be required to protect existing trees, woodland and hedgerows and their soils and seek opportunities to plant new hedgerows and appropriate species of trees in

appropriate places including street trees. Detailed policy requirements are set out in Policy DPN4: Trees, Woodland and Hedgerows.

5. Development will be required to protect existing carbon sinks and stores and take opportunities to provide nature-based solutions for carbon capture and sequestration.
6. Development will be required to take opportunities to improve soil health and minimise disturbance to soils in order to protect soil biodiversity and carbon storage. Detailed policy requirements are set out in Policy DPN1: Biodiversity, Geodiversity and Nature Recovery.

### **Climate change adaptation and mitigation**

7. Development must be designed to minimise vulnerability from the effects of climate change particularly in terms of overheating, food security, flood risk and water supply. Detailed policy requirements are set out in Policies DPS2: Sustainable Design and Construction and DPS4: Flood Risk and Drainage.
8. Development will be required to incorporate green and blue infrastructure and nature-based solutions to moderate surface and air temperatures, increase biodiversity and as part of sustainable drainage systems. Detailed requirements are set out in Policies DPB1: Character and Design; DPS4: Flood Risk and Drainage; and DPN3: Green and Blue Infrastructure.
9. Development will be required to achieve a net gain in biodiversity and contribute to ecological networks and the Local Nature Recovery Strategy. Detailed policy requirements are set out in Policies DPN1: Biodiversity, Geodiversity and Nature Recovery, and DPN2: Biodiversity Net Gain.
10. The Council will seek adaptation and mitigation measures that improve resilience to climate change and allow communities, businesses, buildings, infrastructure and ecology to adapt to the impacts of climate change.

## DPS2: Sustainable Design and Construction

All development in its design, construction, operation and use will be expected to contribute to the reduction of carbon emissions, increase resilience to the impacts of climate change and improve sustainability. Applicants will need to consider:

- Measures that move towards zero carbon development
- Energy use
- Preventing overheating
- Water resources and water efficiency
- Minimising waste

To assess if the carbon reduction or net zero targets have been met for all new build major non-residential development, the council will seek confirmation via a third-party assessment tool and submission of proof of certification/performance. The use of a third-party assessment gives the council the confidence of the ratings given as the work is completed by independent assessors; it will also ensure the cost is borne by those benefiting from the uplift in values from the development.

The Building Research Establishment (BRE) oversees third-party sustainability certification for non-residential development through the BREEAM assessment framework.

BREEAM assessments consider a wide range of sustainability factors and are completed throughout the lifecycle of the development. The schemes address topic areas other than energy and greenhouse gas performance and encourage developers to consider wider sustainability issues; the assessments include an analysis of energy use, health and wellbeing, innovation, land use, materials, management, pollution, transport, waste and water.

Where applicable, consideration of how the appropriate design standard will be achieved must start at the inception stage of the design process in order to maximise the development's potential to achieve the highest scores. Details should be set out in an accompanying Sustainability Statement and Design and Access Statement, including evidence of registration of the project with BRE. Unless otherwise agreed, compliance with BREEAM the defined standard shall be demonstrated via formal certification.

Another widely recognised third-party assessment scheme is Passivhaus; the Passivhaus Standard focuses on maximising the thermal efficiency of the building fabric using high levels of insulation and air tightness and mechanical ventilation with heat recovery. Certification is achieved through a rigorous and exacting third-party assessment process which is more onerous and costly to achieve than BREEAM but would be supported as an alternative, for both residential and non-residential new build developments where evidence is provided to demonstrate certification is achievable.

Where proposals could impact existing heritage assets such as Conservation Areas and Listed Buildings, proposals will be required to demonstrate how any alteration will preserve their significance in accordance with the relevant requirements in the NPPF and relevant policies in this Plan. Proposals must take account of the most up to date guidance produced by Historic England, such as, *Retrofit and Energy Efficiency in Historic Buildings*<sup>8</sup>.

According to the Department for Environment Food & Rural Affairs (UK Statistics on Waste July 2021) the development industry made up over half (62%) of the UK's total waste production in 2018 from construction, demolition and excavation. In addition, a notable proportion of materials delivered to building sites are never used and go straight to waste.

In order to help move away from a linear economy where products are made to be used and sent to waste, and towards a circular economy which looks to minimise waste production all developments will be expected to demonstrate how they will follow the waste hierarchy and avoid any avoidable waste production and disposal. This can be achieved by:

- prioritising the use of previously developed land and buildings
- reusing and recycling of appropriate materials that arise through demolition and refurbishment, including the reuse of non-contaminated excavation soil and hardcore within the site
- prioritising the use of locally sourced and/ or sustainable materials and construction techniques
- using resilient, low maintenance materials

## **DPS2: Sustainable Design and Construction**

All development should, through its design, construction and operation, contribute to the reduction of greenhouse gas emissions, increase resilience to the impacts of climate change and improve sustainability.

### **Householder development**

Proposals for householder development must demonstrate that they have been designed to be as energy efficient and sustainable as possible through good design and by:

1. Increasing the energy efficiency of the proposed new elements.

### **Prevent overheating**

All new development must demonstrate how design measures have been incorporated to:

2. Minimise potential overheating such as through the layout, orientation and design of buildings.
3. Maximise passive cooling through natural ventilation and other passive means. Green and blue infrastructure should be incorporated in line with Policy DPN3: Green Infrastructure to provide natural cooling and shading.

### **Water resources and water efficiency**

New development proposals must accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water resources, water quality, water supply and wastewater treatment.

#### Major non-residential new build:

Development must achieve 3 credits in BREEAM category Wat 01 and demonstrate reasonable endeavours to achieve an 'Outstanding' rating overall.

All development will be required to meet the relevant minimum standards set out above until they are superseded by higher national standards.

Sustainable water consumption rates can be achieved through incorporation of measures to reduce water use and reuse water including:

- Water efficient fittings and appliances
- Rainwater harvesting, including incorporation of rainwater butts
- Greywater recycling

### **Minimise waste**

In accordance with relevant policies in the West Sussex Waste Local Plan, all development must support the circular economy by minimising construction, demolition and excavation waste disposed of in landfill and follow the waste hierarchy to maximise recycling and re-use of material.

New development must be designed with adequate and easily accessible storage space that supports separate collection of dry recyclables and food waste, as well as residual waste taking account of guidance in the Mid Sussex Design Guide SPD.

## DPS3: Renewable and Low Carbon Energy Schemes

Carbon<sup>2</sup> emissions in Mid Sussex reduced by 38% between 2005 and 2018<sup>3</sup>, supported by a reduction in fuel consumption and an increase in cleaner sources of energy. Over the same 13-year period, fuel consumption in Mid Sussex fell by 9.5% to 3,048.4 GWh. The largest consumer sector remains the Domestic sector followed by Road Transport and Industry & Commercial.

Two energy studies have been carried out which relate to Mid Sussex, the more recent of the two is the Mid Sussex Sustainable Energy Study (2014) which assessed the potential for renewable energy schemes in Mid Sussex and concluded that the level of technical and capacity constraints in the district were likely to prevent major new renewable energy schemes from coming forward over the 2018 District Plan period. Renewable energy schemes were likely to be relatively small-scale and the local community could have a key role through Neighbourhood Plans or other local initiatives.

The Net Zero Carbon Emissions Feasibility and Options Study (Nov 2022) identified the actions needed to be undertaken to achieve net zero within the identified timescales and highlighted that there is potentially enough wind resource within Mid Sussex to provide more than 25% of electricity demands for the district but that the deployable amount is severely constrained by matters including landscape considerations. Such projects could however help support energy security, respond to fuel poverty, reduce carbon emissions and provide a longer-term financial return for communities and will be supported where they meet the requirements of policy DPS3: Renewable and Low Carbon Energy Schemes.

The National Planning Policy Framework sets out that the planning system should contribute to radical reductions in greenhouse gas emissions, support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. Paragraph 155 states that to help increase the use and supply of renewable and low carbon energy and heat, plans should have a positive strategy and identify suitable areas for such development. Proposals will be required to demonstrate they have taken full account of the latest National Planning Practice Guidance for Renewable and low carbon energy in the development and delivery of their proposal.

Any proposed development would need to comply with Aerodrome Safeguarding requirements. Aerodrome Safeguarding is a legislative requirement for officially safeguarded aerodromes of which Gatwick Airport is one. It is the process used to ensure the safety of aircraft while manoeuvring on the ground, taking off, landing or flying in the vicinity of aerodromes. Any proposed developments would need to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. Schemes such as large banks of solar panels and wind turbines will need to be assessed at an early stage as they have the potential to impact on Communication, Navigation & Surveillance (CNS) equipment and early engagement with the airport is encouraged to ensure the safeguarding requirements are met.

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<sup>3</sup> Source: Department for Business, Energy & Industrial Strategy, 2020 (CO2 emissions estimates 2005-2018 in Mid Sussex (tonnes per capita))

## **DPS3: Renewable and Low Carbon Energy Schemes**

### **Solar energy**

The Council will support proposals for solar energy generation providing they are in conformity with this policy and other policies in the District Plan. For standalone solar panel arrays and associated grid connection, it is expected that applications must address all of the following:

1. Mitigate landscape and visual impacts, including glare and glint and cumulative impacts, such as on the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and any designated heritage asset.
2. Where necessary, the site will be screened (wherever possible with coppice, hedges or trees) and measures taken to mitigate harm to visual amenity.
3. Demonstrate the mitigation hierarchy has been applied in relation to ecology and biodiversity and deliver necessary mitigation.
4. Demonstrate development will not adversely affect the use of the best and most versatile agricultural land.
5. Demonstrate Aerodrome Safeguarding Requirements have been met and it can be demonstrated that there will be no impact on air safety.

### **Wind energy**

The Council will support wind energy development proposals and associated grid connections, where they lie within an area potentially suitable for this type of development.

Applicants must clearly demonstrate that adverse impacts, including cumulative impacts on the landscape can be satisfactorily addressed in all of the following areas:

6. Demonstrate that, following consultation, the planning impacts identified by the affected local community have been addressed by the proposal.
7. There is sufficient separation from the proposed wind turbines and/or mitigation measures, to protect residential amenity as a result of noise, shadow flicker and visual intrusion.
8. Mitigate landscape, tranquillity and visual impacts such as on the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and any designated heritage asset.
9. Demonstrate Aerodrome Safeguarding Requirements have been met and that there will be no impact on air safety, any potential adverse effects on Communication, Navigation and Surveillance (CNS) equipment at the airport have been addressed.
10. Demonstrate potential interference to television and/or radio reception and information and telecommunications systems will be avoided and/or mitigated.
11. Demonstrate the proposed site access arrangements and access routes are suitable for the construction phase, including the delivery of turbine components and construction materials, the operational phase, and the decommissioning of the proposed wind farm. The use of aggregates, concrete batching and provision of grid connection infrastructure will ensure adverse impacts are avoided or can be satisfactorily mitigated.
12. Demonstrate the mitigation hierarchy has been applied in relation to ecology and biodiversity including consideration of flight paths and habitat corridors of protected mobile species such as birds and bats, and functionally linked habitat associated with protected sites (SACs; SPAs; SSSIs) and deliver necessary mitigation.

### **Hydro energy**

13. The Council will support proposals for hydropower which are in conformity with this policy and other policies in the District Plan. Any applications for hydropower schemes will be expected to be accompanied by a Flood Risk Assessment, Water Framework Directive Compliance Assessment and evidence of discussions with the Environment Agency around requirements.
14. Consideration must be given to the location, siting and design of the scheme, ensuring that there are no significant individual or cumulative adverse impacts on the environment and amenity. In all cases mitigation will be required to protect river flow, river continuity for fish and provide for sediment transfer.

### **Other renewable, low carbon technologies and grid stability infrastructure**

The Council will support renewable, low carbon energy and grid stability infrastructure schemes that are compatible with this policy, other policies within the District Plan, and where impacts can be satisfactorily addressed.

In addition to the above renewable and low carbon energy sources, other renewable and low carbon technologies include: heat pumps; geothermal heat; energy and/or heat from waste; biomass; solar thermal; combined heat and power; and battery storage (see below).

### **Thermal Energy Distribution: Heating and Cooling Networks**

The Council will support proposals for, and encourage the inclusion of, heating and cooling distribution networks, providing they are in conformity with District Plan policies.

Where feasible, new major development should connect to existing networks, or provide new/purpose-built heating/cooling networks.

### **Energy Storage**

The Council will support proposals for battery storage facilities and supporting infrastructure providing that they are in conformity with District Plan Policies and that all of the following is addressed:

15. A clear and evidenced operational lifespan for the facility is defined.
16. It is clearly stated which type of batteries will be used and of what size the units are.
17. A clear and funded plan for site failure including fire and material leakages is provided.
18. A clear definition of what the human and environmental receptors for smoke, contamination and other materials from potential fires are, and that a comprehensive plan for mitigating receptor risk is provided, including battery management safety emergency fire service access and water supply.
19. Adverse impacts, including cumulative landscape and visual impacts, are addressed appropriately.

### **Community Led Energy**

The positive benefits of community energy schemes will be a material consideration in assessing renewable energy development proposals. The preference is for schemes that are led by and directly meet the needs of local communities.

### **Decommissioning renewable energy infrastructure**

Permitted proposals will be subject to a condition that will require the submission of an End-of-Life Removal Scheme one year of the facility becoming non-operational, and the implementation of such a scheme within one year of the scheme being approved.

Such a scheme shall demonstrate how:

20. All solid waste will be removed, where, to a practical degree, be re-used or recycled and which facilities will receive the material.
21. The site will be restored including management of all potential sources of contamination.
22. Any biodiversity net gain that has arisen on the site will be protected or enhanced further.
23. An evidenced timeline for facility decommissioning and site restoration.

## DPS4: Flood Risk and Sustainable Drainage

The district is generally an area of low flood risk. The main flood risk is from surface water (pluvial), followed by risk from rivers and streams (fluvial). The Strategic Flood Risk Assessment identifies areas that are at risk from flooding from a range of sources and has been used to inform the preparation of the District Plan. Strategic Flood Risk Assessment mapping is kept up to date with new flood events and updated releases of information from the Environment Agency.

The Strategic Flood Risk Assessment provides information on the use of Sustainable Drainage Systems (SuDS) to avoid increased flood risk or adverse impact on water quality. Well-designed SuDS rarely function with only a single purpose and should be considered early in the design process due to their relationship with other design considerations. The Mid Sussex Design Guide SPD contains advice and examples of incorporating SuDS into developments.

Guidance on the potential benefits, suitability and feasibility for different SuDS types is available in the 'Water. People. Places.' document prepared for South East England authorities. This guidance should be used as part of the initial planning and design process for all types of residential, commercial and industrial development.

Development proposals in areas at risk of flooding will be considered in accordance with the National Planning Policy Framework. Development proposals in areas at risk of flooding should be supported by site-specific flood risk assessments in accordance with the National Planning Policy Framework.

The 2020 Gatwick Sub Region Water Cycle Study provides an assessment of the capacity of current water infrastructure to accommodate growth without adversely affecting the environment. The Study sets out a number of recommendations that address capacity and quality issues identified in the Study, summarised in Section 13.2. The use of SuDS continues to have an important role in managing flood risk, with added potential benefits on water resources, climate resilience, water quality, biodiversity and amenity.

### DPS4: Flood Risk and Sustainable Drainage

#### Flood Risk

Development proposals should assess relevant sources of flood risk in accordance with national policy and guidance.

Where site-specific flood risk assessments are required, Environment Agency or site-specific flood mapping and the District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas currently and at future risk of flooding from a range of sources including fluvial (rivers and streams), pluvial (surface water), groundwater, infrastructure and reservoirs. The cumulative impacts of all sources of flooding should be considered.

Where flood management and mitigations are proposed to be utilised within a development, proposals should prioritise the use of natural flood management and nature-based solutions and be designed to maximise wildlife and habitat opportunities.

### **Sustainable Drainage**

Development proposals should assess surface water drainage in accordance with national policy and guidance. Development proposals should incorporate sustainable drainage systems (SuDS) to manage surface water drainage and to provide multiple benefits.

Arrangements for the maintenance and management of surface water drainage systems and SuDS for their lifetime must be identified through a maintenance and management plan, to be secured by condition at planning application stage.

## **DPS5: Water Neutrality**

Policy DPS5: Water Neutrality will be deleted as it is no longer required. On 31<sup>st</sup> October 2025, Natural England issued a Withdrawal Statement confirming that its Water Neutrality Position Statement of September 2021 had been withdrawn.

## DPS6: Health and Wellbeing

The built and natural environment is a determinant of health and wellbeing. The places where people live and work can affect health and wellbeing both positively and negatively. The design and quality of neighbourhoods can create opportunities to facilitate healthy lifestyles such as through the provision of green space, inclusive design, adopting the principles of a 20-minute neighbourhood and ‘local living’, and supporting the ability to choose to walk and cycle over the use of the private car. The design and quality of neighbourhoods can also exacerbate health inequalities such as through the convenience of unhealthy food choices or high levels of pollution or crime.

Whilst Mid Sussex is one of the least deprived areas in the country, there are pockets of deprivation and opportunities should be taken to improve health and wellbeing through the creation and management of a high quality built and natural environment. This policy sets out the measures that development must take to ensure a positive impact on health and wellbeing and to enable healthy lifestyles.

Health and wellbeing needs in Mid Sussex are identified in the Joint Strategic Needs Assessment and West Sussex Joint Health and Wellbeing Strategy. As set out in the Joint Strategic Needs Assessment report for West Sussex, some of the challenges for health in Mid Sussex are the ageing population which is likely to mean more older people living with dementia, sight loss and hearing loss; and the need to maximise prevention opportunities in relation to childhood obesity, alcohol consumption, smoking and physical inactivity.

This policy primarily relates to new residential and commercial development, however, all development, including householder development, can contribute to enabling healthy lifestyles such as by incorporating measures to reduce crime and to provide resilience against the effects of climate change.

Proposals for major residential and commercial development need to undertake a screening for a Health Impact Assessment (HIA). A HIA is a useful tool that helps to identify the health impacts of a proposed plan or project and can ensure future health and wellbeing needs are met. A HIA makes recommendations to maximise the positive health and wellbeing impacts, minimise the negative health and wellbeing impacts and reduce health inequalities. Further information on the application of HIA will be set out on the Council’s website. This will follow best practice guidance on how to undertake a HIA including reference to West Sussex County Council’s *Creating healthy and sustainable places: A public health and sustainability framework for West Sussex* (2021) and Public Health England’s *Health Impact Assessment in spatial planning* (2020).

### DPS6: Health and Wellbeing

To enable and support healthy lifestyles and address health and wellbeing needs in Mid Sussex, all new development must be designed to achieve healthy, inclusive and safe places by embedding the principles of the 20-minute neighbourhood and ‘local living’.

In order to maximise opportunities to enable healthy lifestyles, all new development must address all of the following (where applicable for the type of development proposed):

1. Be of high quality in its design and construction and be set within an attractive environment.
2. Be well-designed to ensure legibility of layout and the public realm including through the use of materials.
3. Meet the needs of the community through accessible, inclusive and safe design including incorporating measures to reduce opportunities for crime.
4. Prioritise active travel such as walking and cycling and sustainable transport such as public transport, and take opportunities to enhance recreational routes and public rights of way.
5. Incorporate green and blue infrastructure and biodiversity enhancements.
6. Provide high quality private outdoor space and publicly accessible open and green space.
7. Support and facilitate healthy eating including through the provision, where possible, of local and domestic food production such as allotments, community growing spaces and community orchards.
8. Take opportunities to increase community connectivity and social inclusion such as by providing spaces for the community to gather, exercise, socialise and interact.
9. Take opportunities to improve the factors that can contribute to poor health and social inequalities such as noise, air quality, crime, access to education and employment, local amenity, and access to open space and the countryside.
10. Incorporate measures to provide resilience against the effects of climate change including overheating, flood risk and drought.

Detailed policy requirements are set out elsewhere in this Plan.

### **Health Impact Assessment**

Proposals for major residential and major commercial developments\* must set out how they address the requirements of this policy as part of a planning application. In order to satisfy this policy requirement, applicants will need to undertake a screening for a Health Impact Assessment (HIA). If necessary, a full HIA proportionate to the development proposed, will need to be prepared to demonstrate the health outcomes on the health and wellbeing of communities.

\*As defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 or as amended.

## DPN2: Biodiversity Net Gain

The requirement for mandatory biodiversity net gain was introduced by the Environment Act 2021. Biodiversity net gain seeks to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be delivered on-site, off-site or through a combination of on-site and off-site measures. However, the implementation of biodiversity net gain should align with the local objectives and priorities for biodiversity improvements and nature recovery.

The mitigation hierarchy set out in the National Planning Policy Framework should be followed: firstly by avoiding harm to biodiversity, then providing mitigation with compensation as a last resort. Biodiversity net gain is an additional requirement and should only be applied after impacts of development on nature conservation sites, habitats and species have first been avoided. Where impacts are unavoidable, these must be sufficiently mitigated and compensated before biodiversity net gain is applied. Regard should also be had to the Biodiversity Gain Hierarchy as set out in legislation and national guidance.

The Council will encourage development to maximise opportunities to deliver higher levels of biodiversity net gain especially where development is located in or in proximity to areas identified for nature recovery, Biodiversity Opportunity Areas, priority habitats or irreplaceable habitats.

The intentional or deliberate neglect, removal, damage or degradation of biodiversity prior to submitting planning applications may affect the pre-development biodiversity value to be included in the biodiversity net gain calculation. This could be caused by ploughing or improving grassland, removing trees, refusing access for ecological surveys, stopping or starting habitat management, and situations where previous habitat mitigation has not been effective. To determine if any intentional changes have been made, the current habitat type and condition of a site can be judged using an up-to-date ecology survey against aerial photography and land use data over time. Areas of habitat that have naturally developed over many years may be excluded on the basis of natural succession.

Biodiversity net gain must be calculated using the approved statutory Biodiversity Metric or the Small Sites Metric as relevant for the development proposal. In addition to a completed Metric submitted in full and in an editable version, all of the following must be submitted to explain and support the conclusions of the assessment:

1. Condition assessment sheets for each biodiversity parcel to help establish the baseline and to demonstrate the site has been surveyed.
2. Photographs for each biodiversity parcel to help establish the baseline.
3. Raw flora data for each biodiversity parcel to demonstrate the site has been surveyed.

In addition, major development proposals and any proposals including off-site biodiversity net gain will need to provide:

4. Soil type and condition assessments to help understand if the proposed biodiversity enhancements or creation are feasible and deliverable without treatment to alter the soil type.
5. Baseline and proposed habitat(s) mapping in digital format to assist with ongoing monitoring of biodiversity net gain.

In line with Aerodrome Safeguarding Requirements any proposed biodiversity net gain should be carefully designed to ensure that the bird strike risk to Gatwick Airport is not increased and the safety of the airport is not compromised.

The Council will publish further guidance on implementing and delivering biodiversity net gain on its website particularly in relation to best practice and local priorities.

## **DPN2: Biodiversity Net Gain**

Development (as defined in the Environment Act 2021 or its secondary legislation or as amended by the government) will need to deliver a net gain in biodiversity which will contribute to the delivery of ecological networks, green and blue infrastructure and nature recovery.

Development will need to demonstrate through a Biodiversity Gain Plan that measurable and meaningful net gains for biodiversity will be achieved and will be secured and managed appropriately. Clear and robust evidence must be provided to demonstrate that the biodiversity net gain is appropriate and high quality.

### **Principles of Biodiversity Net Gain**

Development must demonstrate that good practice principles for biodiversity net gain have been followed.

Development must demonstrate that the mitigation hierarchy has been followed and the biodiversity net gain is in addition to this requirement.

Where there is evidence of deliberate or intentional neglect, removal, damage or degradation to any of the habitats and species on a site before an application, their deteriorated condition will not be taken into consideration and the ecological potential and/or previously recorded habitats of the site will be used to decide the acceptability of any development proposals. The biodiversity baseline value will be what it is likely to have been had the neglect, removal, damage or degradation not occurred.

Biodiversity net gain, including off-site biodiversity net gain, should, where possible, align with and meet the objectives and priorities of the Nature Recovery Network, Local Nature Recovery Strategy and other relevant local strategies, contributing and connecting to wider ecological networks and green and blue infrastructure. Consideration will need to be given to landscape character when developing proposals for biodiversity net gain.

It is expected that development proposals will enhance existing biodiversity and incorporate features to encourage biodiversity and pollination within and around the development.

Development must ensure that biodiversity net gain will be appropriately managed, maintained and funded for a minimum of 30 years after the completion of the development and this will need to be demonstrated in a Habitat Management and Monitoring Plan. This will be secured through a planning condition and/or a planning obligation and will include a financial payment to cover the Council's cost associated with the long-term monitoring of the biodiversity net gain proposals.

### **Level of Biodiversity Net Gain**

Biodiversity net gain will be calculated and assessed using the Government's published statutory biodiversity metric. The biodiversity net gain calculation and assessment will need to be completed by a suitably experienced and competent person, such as a qualified ecologist.

The biodiversity net gain metric must be submitted in full and in an editable version with the application for development. All habitats selected and condition assessments must be supported by survey data, including relative abundances, quadrats and high quality quadrat photographs, to enable scrutiny and verification of results.

The minimum percentage of biodiversity net gain required will be 10% as set out in legislation (or as amended by the government) or greater where it is required in another policy. The Council will encourage a higher level of biodiversity net gain and developments must seek to maximise opportunities, especially where development is located in or in proximity to areas identified for nature recovery, the Biodiversity Opportunity Areas, irreplaceable habitats or priority habitats.

Opportunities to secure biodiversity net gain in exempted development will be supported.

### **Location of Biodiversity Net Gain**

It is preferable that development proposing to use off-site biodiversity net gain selects locations within Mid Sussex District and ideally local to the proposed development.

### **Further guidance**

The Council will publish further guidance on implementing and delivering biodiversity net gain on its website and development proposals will need to take this into account. This guidance will be reviewed periodically to ensure it reflects best practice, local priorities and opportunities.

## DPN3: Green and Blue Infrastructure

Green and blue infrastructure delivers a range of environmental, social and economic benefits including resilience to climate change, positive health and wellbeing effects, active travel opportunities, nature-based solutions and supporting nature recovery.

Green and blue infrastructure functions at a variety of scales from individual street trees to large woodland; it is found from the local to the landscape scale. Green and blue infrastructure can also be formed of linear features such as roadside verges, rights of way and rivers. There are many different types of green and blue infrastructure and examples include:

Green and blue infrastructure typology	Examples
Parks and gardens	Urban parks, country and regional parks, formal gardens
Amenity green space	Informal recreation spaces, housing green spaces, domestic gardens, village greens, urban commons, other incidental space
Natural and semi-natural urban green spaces	Woodland and scrub, grassland, heath or moor, wetlands, open and running water, wastelands and disturbed ground
Green corridors	Rivers and canals including their banks, road and rail corridors, green bridges, field margins, hedgerows, cycling routes, pedestrian paths, and rights of way and other recreational routes
Vegetated sustainable drainage systems, SuDS	Green roofs, blue roofs, rainwater harvesting and smart controls, downpipe disconnection planters, rain gardens and biofiltration strips, swales, ponds, detention basins
Features for species	Bird and bat boxes, swift bricks, hedgehog holes
Other	Street trees, allotments, community gardens and orchards, private gardens, city farms, green walls, cemeteries and churchyards

Adapted from the Natural England Green Infrastructure Framework.

In line with Aerodrome Safeguarding Requirements any proposed green and blue infrastructure should be carefully designed to ensure that the bird strike risk to Gatwick Airport is not increased and the safety of the airport is not compromised.

### Green and blue infrastructure assets and links

Existing green and blue infrastructure assets, links and the overall multi-functional network will be protected and new green and blue infrastructure will be encouraged as part of development proposals. To ensure the existing green and blue infrastructure network is protected and to help mitigate the effects of climate change, important green and blue infrastructure assets and links will be safeguarded from development.

Land which will be required to create and deliver a multi-functional 'Green Circle' around Burgess Hill will be safeguarded from development. In particular, the following areas as shown on the Policies Maps will be safeguarded as green and blue infrastructure and allocated for informal open space:

- Batchelors Field
- Land south of Greenlands Drive
- Nightingale Lane Meadows/ Nightingale Lane Open Space
- Hammonds Ridge Meadows
- Maltings Farm
- Malthouse Lane Meadows
- Eastlands Farm
- Grassmere Meadow
- Pangdene Lane Meadows
- Land north of Sussex Way
- Land to the north of Sheddingdean and Leylands Park
- Bedelands Farm Local Nature Reserve
- Land along the railway line to the north and south of Wivelsfield Station
- Land in the Northern Arc (Brookleigh)

The following areas as shown on the Policies Maps will be safeguarded and designated as green and blue infrastructure. In some cases, these areas are used for informal open space or linear open space and so the requirements of Policy DPI5: Open Space, Sport and Recreational Facilities may be relevant. It should be noted that each designation may have different primary functions and green and blue infrastructure benefits:

- Land from Turvey Wood/ Franklands Wood to the Scrase Valley, Haywards Heath
- Ashenground and Bolnore Woods, Haywards Heath
- Heath Recreation Ground, Haywards Heath
- Blunts Wood and Paiges Meadow LNR, Haywards Heath
- East Court & Ashplats Wood, East Grinstead
- Brooklands Park, East Grinstead
- Spring Copse, East Grinstead
- St. Margaret's Loop, East Grinstead
- A22 Beeching Way, East Grinstead
- Worth Way
- Forest Way
- All SANG sites in the district
- All Local Wildlife Sites in the district

All development can play its part in protecting and providing green and blue infrastructure, however, the opportunities and measures available may vary depending on the type of development. Even if some provision of green and blue infrastructure appears to be small at an individual scale, taken together, individual actions can be cumulatively effective and lead to positive changes for access to nature, health and wellbeing, nature recovery, and climate change mitigation. Applicants will need to consider green and blue infrastructure at the earliest stage to ensure effective incorporation of measures.

### **DPN3: Green and Blue Infrastructure**

The protection of existing and provision of new green and blue infrastructure will be supported because it delivers a range of environmental, social and economic benefits including resilience to

the effects of climate change, positive health and wellbeing effects, active travel opportunities, nature-based solutions and supporting nature recovery.

Green and blue infrastructure assets, links and the overall multi-functional network will be protected and enhanced by ensuring development:

1. Responds to and incorporates existing on-site and off-site green and blue infrastructure into the development design and layout.
2. Provides new green and blue infrastructure integrated into the development design.
3. Contributes to the wider green and blue infrastructure network by taking opportunities to improve, enhance, manage and restore green and blue infrastructure, and providing and reinforcing links to existing green and blue infrastructure including outside the development's boundaries to develop a connected network of multi-functional greenspace, including incorporating opportunities to contribute to strategic green and blue infrastructure.

Applicants will need to consider from the outset the landscape assets of the site and how they may be used to create part of a coherent landscape structure that links to existing and proposed landscapes to form open space networks whenever possible, revealing existing landscape features.

Green and blue infrastructure design will be expected to demonstrate through a green and blue infrastructure masterplan and statement that opportunities have been taken to:

4. Strengthen connectivity and resilience of ecological networks.
5. Improve resilience to the effects of climate change.
6. Support health and wellbeing by providing access to green space, nature and rights of way.
7. Foster and improve understanding of green and blue infrastructure including natural greenspace and nature conservation features.

Green and blue infrastructure design will need to be informed by and respond to existing evidence and guidance on the multi-functional green and blue infrastructure network including Biodiversity Opportunity Area statements, priority and irreplaceable habitats, green infrastructure mapping, ecological surveys, landscape character assessments, local nature recovery networks and the Local Nature Recovery Strategy.

Appropriate arrangements and funding for the future long-term management, maintenance and stewardship of green and blue infrastructure should be identified, implemented and delivered. Where appropriate, the Council will seek to secure this via planning conditions and/or planning obligations.

### **Green and blue infrastructure assets and links**

To help deliver a multi-functional green and blue infrastructure network and to protect existing green and blue infrastructure assets and links, the Council has identified land to be safeguarded from development as shown on the Policies Map.

Land which will be required to create and deliver a multi-functional 'Green Circle' around Burgess Hill will be safeguarded from development and the 'Green Circle' will be allocated for informal open space as shown on the Policies Map.

Important green and blue infrastructure assets and links will be safeguarded and allocated as green and blue infrastructure as shown on the Policies Maps. In some cases, these areas are used for

informal open space or linear open space and so the requirements of Policy DPI5: Open Space, Sport and Recreational Facilities may be relevant.

## DPN4: Trees, Woodland and Hedgerows

Trees, woodland and hedgerows make a valuable landscape, amenity and biodiversity contribution to the district, both in urban and rural areas. Mid Sussex is a heavily wooded district with two thirds of this being ancient woodland.

Trees, woodland and hedgerows form part of the district's green infrastructure, and in particular, are important for health and well-being, biodiversity, and increasing resilience to the effects of climate change such as by providing shade and carbon sequestration.

Ancient woodlands are irreplaceable habitats with complex ecological conditions that have developed over centuries. They contain a wide range of wildlife including rare species, however, because the resource is limited and can be highly fragmented, ancient woodland and their associated wildlife are particularly vulnerable and must be protected from further fragmentation and the damaging effects of adjacent and nearby land uses that could threaten the integrity of the habitat and survival of its special characteristics.

The District Plan recognises this contribution and will support the protection of trees, woodland and hedgerows, and their soils, as well as encouraging establishment which includes natural colonisation and new planting. Development will be required to incorporate trees, woodland and hedgerows into the design and landscaping of a scheme.

To protect soils for the health of a tree or hedgerow and for carbon storage benefits, as a minimum, the root protection area and/or the canopy and/or the required buffer zone will be protected. The specific area to be protected will be determined on a case-by-case basis as it will depend on a number of factors such as the species and age of the tree.

Ancient, aged, veteran and notable trees identified through site surveys and assessments should be added to the Woodland Trust's Ancient Tree Inventory.

To avoid root damage and other adverse impacts, buffer zones for ancient woodland and ancient, aged and veteran trees will be required. The standards set out in Policy DPN4 will create a minimum root protection area, however, larger buffer zones may be required and the Council will expect applicants to demonstrate, through an assessment, that the distance and size of the buffer zone is appropriate and adequate to protect the trees, woodland and hedgerows. In accordance with Natural England's Standing Advice, buffer zones should not contain built or constructed features including roads, pavements and private space such as residential gardens. As sustainable drainage systems can affect the hydrology of a woodland, sustainable drainage schemes will only be allowed if they do not affect the root protection areas and if any change to the water table does not negatively affect ancient woodland or ancient, aged and veteran trees. Any development proposals to include built or constructed features within a buffer zone will need to demonstrate exceptional circumstances and this will be determined through the planning application process on a case-by-case basis.

Hedgerows are an important habitat supporting a wide variety of flora and fauna. Hedgerows are used for food and shelter and by acting as wildlife corridors, hedgerows can also help species move through the landscape. In particular, hedgerows are vital for species like the rare hazel dormouse.

Hedgerows also play an important role in mitigating the effects of climate change by storing carbon and providing shade.

All hedgerows on farmland and open land are protected and consent is required from the District Council to remove them. The Hedgerow Regulations 1997 also define 'important' hedgerows as being of particular archaeological, historical, wildlife or landscape value.

The District Council will make Tree Preservation Orders or attach planning conditions, in line with national guidance, to protect specific trees, a group of trees or woodlands in the interests of amenity or where they are threatened by development. The amenity value of trees will take into account visibility and characteristics relating to the individual, collective and wider impact including:

- Size and form
- Future potential as an amenity
- Rarity, cultural or historical value
- Contribution to, and relationship with, the landscape
- Contribution to the character and appearance of a conservation area

All development to a greater or lesser extent can take account of trees, woodland and hedgerows and play its part in protecting them, however, the opportunities and measures available may vary depending on the type of development. Even if the provision of trees and hedgerows appears to be small at an individual scale, taken together, individual actions can cumulatively be effective and lead to positive changes for biodiversity, nature recovery, health and wellbeing, green infrastructure, and climate change mitigation. Applicants will need to consider trees, woodland and hedgerows at the earliest stage to ensure effective protection and incorporation of these features.

Development proposals will need to take into account relevant British Standards such as BS 3998:2010 *Tree work – Recommendations* and BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.

#### **DPN4: Trees, Woodland and Hedgerows**

Trees, woodland and hedgerows are valuable natural capital assets including for biodiversity, nature recovery, green infrastructure, health and wellbeing, and increasing resilience to the effects of climate change.

##### **Protection of trees, woodland and hedgerows**

As an irreplaceable habitat, ancient woodland and ancient or veteran trees and their soils will be protected. Where ancient wood pasture and historic parkland are identified, these areas will have the same consideration as other forms of ancient woodland.

Development (including construction and operational activities) that is adjacent to irreplaceable habitats including ancient woodland and ancient or veteran trees must incorporate appropriate buffers and/or root protection areas.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted.

Development (including construction and operational activities) resulting in the direct or indirect deterioration, damage or loss of irreplaceable habitats including ancient woodland and ancient or veteran trees will not be permitted unless there are wholly exceptional reasons and in such circumstances, a suitable compensation strategy will be provided, including measures that respect the features and characteristics of the ancient woodland and ancient, aged or veteran trees.

The value of trees, woodland and hedgerows individually and cumulatively in providing connectivity and continuity across the landscape and a network for nature recovery will be taken into account so that habitat fragmentation, particularly of large and extensive woodland areas, is minimised.

### **New trees, woodland and hedgerows**

The Council will encourage the establishment of trees, woodland and hedgerows which includes natural colonisation and new planting.

Proposals for new trees, woodland and hedgerows must be of suitable species, usually native and from local or UK sourced stock, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows must be of a size and species that will achieve this purpose.

Proposals for new woodland creation will need to follow best practice guidance and take into account a range of considerations including all of the following:

- The biodiversity and amenity value of the existing habitat
- The landscape and its character
- Soil conditions
- Heritage and archaeology features
- Protected species
- Opportunities for natural regeneration
- Opportunities to connect to and extend existing woodland
- The long-term management arrangements for new woodland planting
- Resilience to the effects of pests, disease and climate change.

### **Development and trees, woodland and hedgerows**

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

1. Retains and incorporates existing trees, woodland and hedgerows, including along the boundaries, into the design of new development and its landscape scheme.
2. Is orientated to have a positive edge to these features and the wider countryside.
3. Is designed to avoid the overshadowing of residential gardens which can lead to pressure for the removal of trees.
4. Prevents damage to root systems and takes account of expected future growth through respecting the root protection area.
5. Has appropriate protection measures throughout the development and construction process.
6. Secures appropriate long-term management and stewardship arrangements.
7. Where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management and stewardship.

8. Takes opportunities to establish and plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change.
9. Does not sever ecological corridors created by these assets and makes a positive contribution to the local nature recovery network and green infrastructure network.

All development proposed within 15 metres of any trees, measured from the trunk, will be required to submit an Arboricultural Impact Assessment and Arboricultural Method Statement prepared by a qualified arboriculturist.

Developments should integrate street trees and other urban greening measures into new streets and open spaces, and tree-lined streets will be encouraged. Appropriate species must be selected ensuring tree roots have sufficient space to support healthy, long-lived trees. Appropriate long-term management and stewardship arrangements will need to be in place and secured by planning conditions and/or planning obligations.

### **Works to trees and hedgerows**

Proposals for works to trees and/or hedgerows, including felling, will be considered taking into account all of the following:

- The condition and health of the trees and/or hedgerows.
- The contribution of the trees and/or hedgerows to the character and visual amenity of the local area.
- The amenity, biodiversity and nature conservation value of the trees and/or hedgerows.
- The extent and impact of the works.
- Any replanting proposals.

Inappropriate or excessive works to trees and/or hedgerows that will damage their health and/or amenity value and/or biodiversity value will be resisted.

Proposals for works to trees and/or hedgerows, including felling, may be refused if sufficient information is not provided to justify why works are necessary.

Proposals for works to trees or proposals affecting trees will need to be in accordance with the relevant British Standards. For example, BS 3998:2010 *Tree work – Recommendations* and BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* (or as updated).

The felling of protected or established trees will only be permitted if there is no appropriate alternative. Where a protected or established tree or group of trees is felled, a replacement tree or group of trees, on a 1:1 basis or greater as appropriate in the circumstances, and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties. Replacement trees must be of suitable species, usually native and from local or UK sourced stock.

### **Use of buffer zones**

Development must be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary. A buffer will also be required for ancient, aged and veteran trees and should be at least 15 times larger than the diameter of the tree or 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. To avoid damage to hedgerows, erosion of their ecological functionality and a reduction in their resilience to change, an appropriate buffer strip along each side of a hedgerow of a minimum 2 metres must be maintained. The Council will encourage larger buffers and will expect applicants to demonstrate, through an assessment, that the distance and size of the buffer zone is appropriate and adequate to protect the trees, woodland and hedgerows.

The size of a required buffer zone may need to expand according to the nature of the site and the size and nature of the proposed development, and if there are other impacts likely to extend beyond the minimum buffer zone distance such as significant engineering operations or after-uses that generate significant disturbance.

Buffer zones will be expected to contribute to green infrastructure and wider ecological networks, prevent fragmentation of habitats and consist of a semi-natural habitat with appropriate planting. Buffer zones will be expected to prioritise ecological enhancement rather than the amenity of the proposed development and should not contain built or constructed features including roads, pavements or private space such as residential gardens. Sustainable drainage systems will only be approved if they do not affect root protection areas and any change to the water table does not negatively affect ancient woodland or ancient and veteran trees, including their soils. These requirements for an ancient woodland or tree buffer will apply unless superseded by a more environmentally favourable national standard set out in legislation or guidance.

## DPN8: Light Impacts and Dark Skies

New development needs to be managed to protect people's health and quality of life and the natural environment from unacceptable levels of light pollution.

The South Downs National Park has been designated as an International Dark Sky Reserve (Moore's Reserve). The southern part of Mid Sussex District is within this dark sky designation and this Plan area is adjacent to it. The South Downs National Park Authority has produced guidance for developers setting out its approach to lighting design and the protection and enhancement of dark skies within the South Downs National Park.

The protected landscape of the High Weald AONB is also an intrinsically dark landscape and is characterised by having some of the darkest skies in the south-east of England. This gives the AONB a sense of remoteness and peacefulness and connects the natural environment to the cultural and historic landscape. Dark skies is one of the components of the natural beauty of the High Weald AONB and the High Weald AONB Management Plan sets out objectives to protect the dark skies of the High Weald.

Development proposals should take into account the Institute of Lighting Professionals Guidance, in particular (or as updated) GN01/21 The Reduction of Obtrusive Light (particularly with regard to the classification of AONBs as Environmental Zone E1), ILP GN08/23 Guidance Note 8: Bats and Artificial Lighting and other relevant guidance, including the High Weald AONB Management Plan.

Artificial light can also have an impact on wildlife and ecosystems. For example, the artificial lighting of bat roosts, access points and foraging pathways can cause disturbance to bats. It is important to consider the colour of lighting and the materials used in buildings so that light does not reflect off surfaces especially near water bodies.

Lighting is an important part of the design process and artificial lighting should be carefully considered to protect amenity and wildlife. Appropriate types and levels of lighting can also contribute to a sense of place, however, poorly designed lighting can result in light pollution which can lead to negative effects on health and wellbeing and ecosystems.

It is important that artificial light does not contribute to sky glow, glare and light spillage which impacts on the visibility of the night sky, biodiversity and local character. Dark night skies including those in protected landscapes should be valued and protected from light pollution.

It is necessary to consider where, when and how much the light shines. For example, measures should be taken to turn off or dim the light when it is not being used, selecting appropriate types and levels of lighting, and considering whether lighting is for functional or decorative purposes. The character of the area and the surrounding environment may affect what is considered to be an appropriate form and level of lighting.

### DPN8: Light Impacts and Dark Skies

People's health and quality of life and the natural environment will be protected from unacceptable levels of light pollution.

Development proposals must demonstrate that all opportunities to reduce light pollution (including sky glow, glare and light spillage) have been taken including minimising impacts on local amenity, intrinsically dark landscapes including protected landscapes such as the High Weald AONB, the South Downs International Dark Sky Reserve (Moore's Reserve) and areas important for nature conservation and nature recovery.

Artificial lighting proposals (including outdoor lighting, floodlighting and new street lighting) should be minimised in terms of intensity and number of fittings. The applicant must demonstrate all of the following:

1. The minimum amount of lighting necessary to achieve its purpose is specified or otherwise justified on safety or security grounds.
2. The design and specification of the lighting would minimise sky glow, glare and light spillage in relation to the visibility of the night sky, local amenity and local character.
3. The means of lighting would be unobtrusively sited.
4. Low energy lighting is used.
5. There would not be an adverse impact on wildlife such as through consideration of the appropriate siting, fitting, design, colour and temperature of lighting.
6. Aerodrome Safeguarding Requirements have been met and that there will be no impact on air safety.

Development proposals must carefully consider the design and layout of parking arrangements to avoid headlight nuisance.

Where lighting of a landmark or heritage feature is proposed, the level and type of illumination used would need to enhance the feature itself as well as meeting the above requirements.

## DPN9: Air Quality

New development needs to be managed to protect people's health and quality of life and the natural environment from poor air quality. Air pollution is associated with a number of adverse health impacts as well as having adverse effects on biodiversity and habitats. Some air pollutants can also lead to an increase in greenhouse gases such as ozone which contribute to climate change.

Air quality monitoring and modelling undertaken by the Council indicates that there is good air quality within most of the district. The main source of air pollution in the district is road traffic emissions mostly from major roads.

Air quality is also a consideration for the nationally and internationally designated Ashdown Forest SPA and SAC. Development proposals likely to result in increased traffic may be expected to demonstrate how any air quality impacts have been considered. Further assessment may be required in a Habitats Regulations Assessment. Policy DPC6: Ashdown Forest SPA and SAC provides further information.

Development proposals will need to take into account the Council's published guidance on air quality. For example, the *Air Quality and Emissions Mitigation Guidance for Sussex*.

### DPN9: Air Quality

People's health and quality of life and the natural environment will be protected from unacceptable levels of poor air quality.

The use of active and sustainable travel measures and green infrastructure to reduce pollution concentrations and exposure is encouraged.

Development proposals will need to take into account the Council's air quality guidance.

The Council will require applicants to demonstrate that there is not an unacceptable impact on air quality. The development must minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.

Where sensitive development is proposed in areas of existing poor air quality and/or where major development is proposed, including the development types set out in the Council's current guidance (*Air Quality and Emissions Mitigation Guidance for Sussex* (2021 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or candidate Air Quality Management Areas (AQMAs) or designated nature conservation areas sensitive to changes in air quality, will need to demonstrate that measures and/or mitigation are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan where it is relevant and be consistent with the Council's current guidance as stated above. Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

## DPC6: Ashdown Forest SPA and SAC

The District Council has undertaken a Habitats Regulations Assessment to determine whether the District Plan, in combination with other plans and projects, is likely to have an adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The potential impacts arising from the District Plan that are likely to have a significant effect on Ashdown Forest are recreational disturbance to protected breeding birds from an increase in visitors to Ashdown Forest and atmospheric pollution affecting the heathland habitat from increased traffic and associated nitrogen deposition.

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest. Mitigation measures are necessary to counteract the effects of potential increasing recreational pressure on the Ashdown Forest SPA arising from new residential development within a 7km zone of influence around the Ashdown Forest SPA. Mitigation measures will help to ensure that the conservation objectives for the Ashdown Forest SPA and SAC are met which will prevent a deterioration of the conservation status of qualifying species for which the SPA has been classified and the qualifying habitats and species for which the SAC has been designated.

There are two parts to the mitigation: Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

The purpose of SANG is to provide alternative greenspace to attract visitors away from the Ashdown Forest SPA. It aims to reduce overall visitor and recreational pressure on Ashdown Forest, and to provide for the needs of dog walkers in particular. Relevant development will need either to provide a SANG or make a financial contribution to a strategic SANG.

The second part of mitigation is to provide a financial contribution towards a SAMM strategy. This aims to manage visitors on-site at Ashdown Forest. The Joint SAMM Strategy is a strategic co-ordinated approach to mitigation in partnership with Lewes, Sevenoaks, Tandridge and Wealden District Councils, Tunbridge Wells Borough Council, Natural England, and the Conservators of Ashdown Forest. The SAMM Partnership for Ashdown Forest is actively working to deliver access management projects to address issues arising from visitor pressure and undertake monitoring at both Ashdown Forest and the five currently operational SANG sites.

The SANG and SAMM mitigation approach set out in Policy DPC6 aligns with the strategic solution for recreational disturbance on the Ashdown Forest SPA which is supported by Natural England. This strategic solution ensures the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Ashdown Forest SPA arising from new residential development.

A programme of monitoring will allow adjustments to be made to the overall mitigation strategy if necessary to ensure its continued effectiveness; this may include the SANG and SAMM requirements and the zone of influence. To ensure that the impact of development in the district is fully assessed and applying the precautionary principle in accordance with the Habitats Regulations and the advice of Natural England, residential development proposed adjacent or near to the boundary of the 7km zone of influence may still require mitigation. This may reflect evidence of the pattern and origin of

visitors to Ashdown Forest through the visitor surveys undertaken as part of the SAMM Strategy. Such proposals will be dealt with on a case-by-case basis and assessed through a site-specific Habitats Regulations Assessment at the planning application stage. Should a Habitats Regulations Assessment conclude that mitigation is required for development adjacent or near to the boundary of the 7km zone of influence, for example, because of its size and/or the likelihood of new residents visiting Ashdown Forest, then mitigation requirements are likely to be in the form of SANG and SAMM in line with the strategic solution.

In terms of atmospheric pollution, it is not necessary to include any mitigation measures in this Plan, however, all planning applications will need to be assessed to consider any air quality impacts in accordance with the Habitats Regulations to prevent adverse effects on the integrity of the Ashdown Forest SPA and SAC. Development allocated in this Plan has been assessed through the plan-level Habitats Regulations Assessment, however, windfall development, particularly that of a large scale and/or quantum, may need to provide additional information at the planning application stage. Information on the amount of traffic likely to be generated by the proposal and the likely number of trips through Ashdown Forest will be required so that any air quality impacts can be assessed.

#### **DPC6: Ashdown Forest SPA and SAC**

In order to prevent adverse effects on the integrity of the Ashdown Forest SPA and SAC, new development likely to have an adverse effect on integrity, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

##### **Recreational pressure**

Mitigation requirements for recreational pressure impacts will be sought in accordance with the strategic solution for the Ashdown Forest SPA and SAC in force at the time of the application. The zone of influence and mitigation requirements may be subject to revision to take account of new evidence on visitor patterns or monitoring.

Within a 400 metres buffer zone around the Ashdown Forest SPA, mitigation measures are unlikely to be capable of protecting the integrity of the SPA and, therefore, residential development will not be permitted.

Within a 7km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in units will be required to contribute to mitigation through:

1. The provision of Suitable Alternative Natural Greenspace (SANG) to the minimum level of 8Ha per 1,000 net increase in population; or a financial contribution to a strategic SANG acceptable to provide mitigation for the development; and
2. A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.

In accordance with the Habitats Regulations and the precautionary principle, residential development outside of the zone of influence but proposed adjacent or near to the boundary of the zone of influence may require mitigation for the SPA. Such proposals for development will be dealt with on a case-by-case basis and assessed through a site-specific Habitats Regulations Assessment at the application stage. Should mitigation be necessary, the mitigation requirements are likely to be in the form of SANG and SAMM in line with the strategic solution.

**Air quality**

New windfall development (that is, development that is not allocated in this Plan) likely to result in increased traffic through the Ashdown Forest will need to be assessed through a site-specific Habitats Regulations Assessment at the application stage to consider any air quality impacts and to prevent adverse effects on the integrity of the Ashdown Forest SPA and SAC.

## DPB1: Character and Design

Mid Sussex has a high quality built and natural environment and this requires the design of new development to respect the character of towns and villages as well as the character of the buildings. This policy requires high quality in design with new development that contributes positively to the private and public realm (including streets and open spaces), protects valued townscapes, creates accessible and inclusive environments whilst maximising sustainability opportunities.

The Council has prepared a Mid Sussex Design Guide which is adopted as a Supplementary Planning Document (SPD) and looks specifically at enhancing local distinctiveness, as well as ensuring high quality, sustainable development. The design principles in the SPD will be treated as a material consideration in the assessment of future planning schemes. Policy DPC4 sets out further design requirements in relation to development occurring within the High Weald AONB and within its setting, in particular to ensure that development takes account of the High Weald Housing Design Guide and the High Weald Colour Study.

Many of the principles featured within the Mid Sussex Design Guide SPD are directly relevant to 20-minute neighbourhood principles and will help deliver places that connect communities to each other and the facilities and services they need to access; a place where people can thrive without having to rely solely on the car.

The concept of a 20-minute neighbourhood seeks to create compact and connecting neighbourhoods where people can access essential services, amenities and recreational opportunities. They are intended to improve the quality of local environments by providing services and facilities within a proximity such that they can be reached by walking, wheeling, cycling or by public transport. The Town and County Planning Association (TCPA) has produced a 'Guide to 20-minute Neighbourhoods' (March 2021)<sup>4</sup> which provides guidance and information on the features which make up a 20-minute neighbourhood and how to successfully implement in existing places and when planning new large-scale developments. Consideration to this concept should be given in the development of schemes as far as relevant.

### DPB1: Character and Design

Applicants should have regard to ~~All new development must be designed in accordance with the Mid Sussex Design Guide Supplementary Planning Document (SPD) in the design of new development.~~

All new development must be of high quality and must respond appropriately to its context, be inclusive and prioritise sustainability. This includes the design and layout of new buildings and streets, alterations to existing buildings and the design of surrounding spaces.

All development proposals should have regard to the following principles in the design of new development and the Council's ambitions around integrating the concept of 20-minute neighbourhoods, commensurate with the size and location of the proposals ~~will be required to demonstrate all of the following, to ensure that development:~~

<sup>4</sup> [https://www.tcpa.org.uk/wp-content/uploads/2021/11/final\\_20mnguide-compressed.pdf](https://www.tcpa.org.uk/wp-content/uploads/2021/11/final_20mnguide-compressed.pdf)

## Understanding the Context

1. Reflects the distinctive character of the towns and villages and protects their separate identity, heritage assets and valued townscapes.
2. Is sensitive to the countryside including the topography.

## Layout, Streets and Spaces

3. Delivers diverse and affordable homes and design a development that supports a diverse community that meets the local needs of the district;
4. Provides good quality green open spaces and green infrastructure that connects to existing provision of open spaces and green infrastructure. Includes appropriate landscaping and greenspace, providing a main area of open space where it is most accessible and central to the scheme where relevant For major residential and mixed-use proposals, a green infrastructure plan is required that:
  - a) maximises opportunities to retain existing trees;
  - b) incorporates new trees (i.e. in parks and community orchards), including delivering tree-lined streets;
  - c) protects existing open spaces and gardens that contribute to the character of the area; and
  - d) explores opportunities to support food growing including through the provision of allotments or community gardens;
5. Contributes positively to, and clearly defines, public and private realms and designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance.
- ~~6. Incorporates a green infrastructure plan that maximises opportunities to retain existing trees and incorporate new trees (i.e. in parks and community orchards), including delivering tree-lined streets and protects open spaces and gardens that contribute to the character of the area.~~
6. Incorporates well integrated parking and servicing areas that do not dominate the street environment, particularly where high density housing is proposed;
7. Incorporates opportunities to improve access to local employment, community health and wellbeing facilities, either by connecting to existing facilities or providing new ones.

## Establishing the Structure

8. Provides a layout which prioritises active and sustainable travel, delivering high-quality, well connected paths, street and spaces which is organised around sustainable transport principles and creates a pedestrian- and cyclist-friendly layout that is safe, well connected, legible and accessible.
9. Optimises the potential of the site to accommodate development especially on brownfield sites and in locations close to facilities or with good public transport links.
10. Takes the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (500+ dwellings) schemes will also normally be expected to incorporate a mixed-use element.

## High Quality Building Design

11. Creates a sense of place while addressing the character and scale of the surrounding buildings and landscape through the consideration of the scheme's design, layout, size, scale, height, massing, spacing, orientation, views, materials and relationship with the public realm.
12. Incorporates sustainable construction principles and is designed for adaptation and future weather events.

### **Residential Amenity**

13. Does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policies DPN6, DPN7, DPN8 and DPN9).

### **20-minute neighbourhoods**

14. Major residential and mixed-use proposals must demonstrate how they will deliver a scheme which embeds the 20-minute neighbourhood principles<sup>5</sup> and local living, taking account of the existing settlement pattern services, creating high quality active/ sustainable travel connections to existing services and where appropriate making provision of new. Proposals must address all of the following:
  - a) Deliver diverse and affordable homes and design a development for all ages, supporting a diverse community.
  - b) Provide a layout which prioritises active and sustainable travel, delivering high-quality, well-connected paths, streets and spaces.
  - c) Provide good quality green spaces and green infrastructure in the right places and connect to existing provision.
  - d) Provide food growing opportunities.
  - e) Exploit opportunities to improve access to local employment, community health and wellbeing facilities, either by connecting to existing facilities or providing new.
  - f) Support home working through measures including advanced digital infrastructure.

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<sup>5</sup> [https://www.tcpa.org.uk/wp-content/uploads/2021/11/final\\_20mnguide-compressed.pdf](https://www.tcpa.org.uk/wp-content/uploads/2021/11/final_20mnguide-compressed.pdf)

## DPB4: Aerodrome Safeguarding Requirements

Aerodrome safeguarding is the process used to ensure the safe and efficient operation of airports. It is in place to help protect aircraft and passengers while manoeuvring on the ground, taking off and landing and while flying in the vicinity of the airport. This in turn helps ensure the safety of people living and work nearby.

Aerodrome safeguarding relates to how a development could impact on safety. Various assessments need to be made, for example, the height and design of the proposed development or construction equipment (such as cranes) which could create potential risk to the airport through impacts on Communication, Navigation & Surveillance (CNS) equipment, the creation of an obstacle or by causing building induced turbulence. It also considers lighting schemes and the potential risk to aviation created by large landscaping schemes, large areas of flat/shallow pitched roofs used for nesting and roosting and new water bodies & SUDS which could attract birds hazardous to aviation.

The Council is required to consult Gatwick Airport Limited on all planning applications where aerodrome safeguarding applies. The safeguarded area is not the responsibility or the proposal of the Local Planning Authority.

### DPB4: Aerodrome Safeguarding Requirements

Development should not compromise the operational integrity and safety of Gatwick Airport.

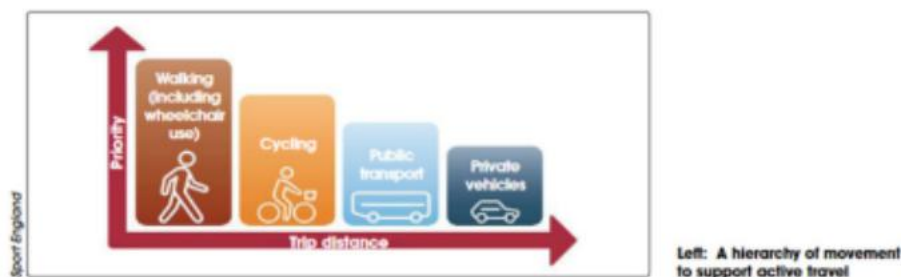
The following must be taken into consideration:

1. Impact of buildings, structures and construction equipment on Communication, Navigation & Surveillance (CNS) equipment & Instrument Flight Procedures (IFPs).
2. Impacts of buildings, structures and construction equipment on Obstacle Limitation Surfaces (OLS).
3. Schemes that contain large areas of landscaping, water bodies including SUDS schemes, buildings with large areas of flat/shallow pitched roofs and waste recycling sites, could attract birds in large numbers which could increase the bird strike risk to the airport.
4. Lighting schemes that could dazzle pilots or Air Traffic Control or could be confused with aeronautical ground lighting.
5. Wind turbines or large areas of solar panels.
6. Buildings/structures in proximity to the airport that could create induced turbulence or thermal uplift from vapour plumes from flues/cooling towers.

Where required, the Council will consult with the airport operators and/or the operator of Communication, Navigation & Surveillance (CNS) sites on relevant proposals in the aerodrome safeguarded area. Statutory consultation responses may require that restrictions are placed on the height or detailed design of buildings' structure or other development to avoid impacts on the airport, including those relating to CNS or on developments which may increase bird strike risk, create building induced turbulence or include lighting that could pose a hazard to the safe operation of the airport. Proposals that cannot be mitigated to the satisfaction of the statutory consultees are considered to be a hazard to aircraft safety and will be refused.

## DPT1: Placemaking and Connectivity

Strategic objectives of the District Plan form the principles which seek to support sustainable communities which are safe, healthy and inclusive, creating environments that are accessible to all members and encourage opportunities to walk, cycle and ride to common destinations. The National Planning Policy Framework (NPPF) encourages significant growth to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, helping to reduce congestion and emissions, and improve air quality and public health. National Design Guidance<sup>44</sup> notes that the patterns of movement of people are integral to well-designed places. A well-designed movement network should limit the impacts of car use by prioritising and encouraging walking, cycling and public transport, in line with the movement hierarchy to ensure sustainable travel is taken into account from the outset of any new proposal.



The District Plan seeks to deliver development which have regard to the Council's ambitions around integrating the concept of 20-minute neighbourhoods which make it easier for people to walk, cycle and use public transport and deliver attractive, well-planned places which are designed to be inclusive, safe and equitable for all users.

The Plan has a strategic aim of increasing walking and cycling, with a long-term goal that these should be the first choice for shorter journeys such as those to and from school, college, work or leisure trips. Increasing the proportion of shorter trips made by walking and cycling has the twin benefit of improving the health and wellbeing of the population, and improving traffic flow on local roads and air quality in local neighbourhoods by reducing the number of car journeys.

In order to demonstrate that walking and cycling are prioritised, development proposals need to consider the location of services within or outside the development site and assess the suitability of walking and cycling to these services. Subsequently, public transport movements should be considered and finally the movement of general traffic and thus demonstrating an appropriate movement hierarchy and appropriate prioritisation of active travel routes.

The National Planning Policy Framework requires that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or where, *'the residual cumulative (transport) impacts on the road network would be severe'* (Paragraph 111). The Mid Sussex Transport Study has been prepared in consultation with West Sussex County Council (WSCC) in their capacity as the Highway Authority and National Highways (NH) as the Highway Authority for the Strategic Road Network. The Study informs whether the development proposed by the District Plan is practical to deliver in principle; and whether mitigation of any significant impacts arising from the development on the transport network can be cost effectively mitigated. Strategic

Objective 6 seeks to ensure that development is accompanied by the necessary infrastructure to support development and the community and any transport mitigation that is required to support development, will be included within the Infrastructure Delivery Plan.

The District Plan is in line with and will be delivered in support of the Vision and Objectives of the West Sussex Transport Plan 2022-2036 (WSTP). The WSTP aims to support development which will assist the transition of the transport network towards a path to net zero carbon by 2050 through mass electrification, reduced use of fossil fuels and local living. The scale of the challenge to decarbonise the transport system is significant and one which the County Council cannot achieve alone. The aspiration of better-connected communities, which allow residents to live healthy lifestyles and utilise active, public and shared travel modes, whilst minimising adverse impacts such as air pollution and protecting the quality of life of residents, will be delivered through five thematic strategies in the WSTP:

- Active Travel Strategy
- Shared Transport Strategy
- Rail Strategy
- Access to Gatwick Airport Strategy
- Road Network Strategy

The WSTP seeks to move away from a 'predict and provide' approach which historically has focused on large capital investment for building capacity in the network to cater for forecast unconstrained traffic growth which has often led to exacerbate other impacts, such as increased car ownership, reduced public transport use and service viability, health and wellbeing and achieving climate change mitigation.

In accordance with the NPPF, developments which create significant amounts of movement will be required to provide a travel plan on a case-by-case basis, and the application should be supported by a transport statement or assessment so that the likely impacts of the proposal can be assessed. Approved schemes, including significant sites, will then be required to undertake and promptly report regular monitoring of their trip generation in and out of site by all modes at all relevant access points and travel plan measures, to enable enforcement of travel plan targets against agreed remedial actions. This is critical to successful implementation of a vision-led approach to spatial planning by ensuring suitable mechanisms are in place to respond, if necessary, as travel patterns change.

The WSTP sets out how the County Council, working with its strategic partners, intends to address key challenges by improving, maintaining and managing the transport network in the period to 2036. The WSTP also sets out the strategy for guiding future investment in across West Sussex to deliver its vision. It sets a framework to guide decisions on how best to address transport, economic, social and environmental challenges to deliver the plan.

The County Council is also a constituent member of the Sub-national Transport Body, Transport for the South East (TfSE) who have recently adopted a Strategic Investment Plan (SIP) for the transport network in the South East up to 2050. The SIP provides a framework for investment in strategic transport infrastructure, services, and regulatory interventions. The District Council acknowledges that travel needs and patterns do not obey administrative boundaries which highlights the need for a continued commitment for affective partnership working with neighbouring authorities and local transport authorities to help deliver strategic improvements to travel. The County Council

acknowledges that partnership working will be necessary with other public, private and third sectors to help deliver their strategy and to effect real change to travel in the southeast.

As highlighted by the WSTP, travel within Mid Sussex is currently dominated by car travel; public transport and active travel modes are not seen as viable options for many journeys, although commuting by rail is relatively high in the towns. The district is experiencing issues of congestion on the road network leading to traffic related air quality issues at Hassocks, with monitoring at other locations in the district such as East Grinstead. Bus services in rural areas are limited and high frequency services in the three main towns are lacking.

In accordance with the NPPF, priority should be given first to pedestrian and cycle movements; and second, so far as possible to facilitating access to high quality public transport. Travel networks need to be rebalanced in favour of more sustainable modes with developments focusing on trip reduction and the promotion of active and public transport as genuine alternatives to the private car. Transport considerations need to be fundamental throughout the planning process and not retrofitted and the networks on which people will walk, cycle, and use public transport should be considered before any highway layout is planned. Developments should embody the 20-minute neighbourhood principles, enabling local living through provision of advanced digital infrastructure and ensuring that the capacity, layout, and design of these sustainable networks meet the needs of local residents so that new communities have a genuine opportunity to embrace more sustainable travel habits from the outset.

All new developments will be required to demonstrate as a first priority, that all sustainable travel interventions have been fully explored and sustainable mitigation maximised. Any residual impacts shall then be assessed and the need for physical highway mitigation explored. Depending on the size and likely transport impact of development, a Transport Statement or Transport Assessment will be submitted alongside planning applications. In line with Government guidance, developers are encouraged to enter into pre-application discussions at an early stage in order to front-load the planning application process and enable early consideration of all the fundamental issues relating to a development.

#### **DPT1: Placemaking and Connectivity**

Development must provide appropriate infrastructure to support the vision and objectives of the West Sussex Transport Plan 2022-2036 and meet the requirements of the NPPF.

To meet these objectives:

1. Development that is likely to generate significant amounts of movement and/or have a significant impact on the transport network shall provide a Transport Assessment/Statement, Sustainable Transport Strategy and Travel Plan to identify appropriate mitigation measures to manage demand and minimise the need for new and improved transport infrastructure as part of the monitor and manage process, and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it and to accord with the requirements of the NPPF.
2. All major developments must demonstrate how all relevant sustainable travel interventions (for the relevant local network) will be maximised and taken into account in terms of their level of mitigation before considering physical highway infrastructure mitigation.

3. Developments which generate significant amounts of movement must provide a Travel Plan and undertake and report regular monitoring of travel movements by all modes, to enable enforcement of agreed travel plan actions and targets.
4. Development shall create liveable communities which have regard to the Council's ambitions around integrating the concept of 20-minute neighbourhoods in line with Policy DPB1, demonstrate accordance with the movement hierarchy and deliver attractive, healthy places that have a permeable street network within the site, connecting to existing networks and services, with clearly defined street hierarchies that are safe, and incorporate green infrastructure, particularly on walking and cycling routes, whilst ensuring they are designed for all users and supporting desirable opportunities for people to choose not to travel by car.
5. Applicants should have regard to the Mid Sussex Design Guide SPD in the design of new development and development be designed to prioritise sustainable and active modes of travel and define a clear street hierarchy, providing safe and convenient routes for walking, wheeling and cycling through the development and linking with existing and enhanced networks beyond, including schemes identified in Local Cycling & Walking Infrastructure Plans, before the highway layout is planned.
6. New streets must be designed and built to adoptable standard which can easily incorporate advanced digital infrastructure, including full fibre to support opportunities for home working and incorporate and integrate with green infrastructure.

## DPT2: Rights of Way and Other Recreational Routes

Mid Sussex District benefits from an extensive, albeit fragmented, network of public rights of way totalling around 600km, including footpaths, bridleways, byways and restricted byways.

Two Sustrans national cycle routes cross the district:

- NCN20 (along the A23) London to Brighton via Crawley.
- NCN21 (Worth Way and Forest Way) Crawley to East Sussex via East Grinstead.

Rights of way, Sustrans national cycle routes and other recreational routes can facilitate healthy lifestyles by providing opportunities for sustainable and active travel as well as recreation.

The protection and enhancement of the rights of way network along with other recreational routes, including signage, is important to provide access to the countryside and green infrastructure links.

### DPT2: Rights of Way and Other Recreational Routes

Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring master-planning of new development takes full account of existing provision at the early design stage, to provide necessary enhancements to meet user needs and demonstrate it does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

Access to the countryside will be encouraged by:

1. Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes.
2. Supporting the provision of improved and additional routes within and between settlements, that contribute to providing a joined up network of routes where possible.
3. Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (*Note: 'multi-functional will generally mean able to be used by those walking, wheeling, cycling, using micro mobility<sup>49</sup> and horse-riders*).
4. Wherever feasible, new public rights of way and routes should provide equal access opportunities for those with mobility challenges.

## DPT3: Active Travel

The Government's plan to decarbonise transport in Britain is linked to their commitment for the UK's emissions to be net zero by 2050<sup>60</sup>. Transport is the largest contributor to UK domestic greenhouse gas (GHG) emissions, responsible for 27% in 2019<sup>61</sup>. The past 30 years have seen other sectors GHG emissions decline. However, transport has remained fairly constant and efficiency improvements to vehicles have been matched by increasing numbers of journeys.

In support of the Government's target to achieve net zero carbon by 2050 and reduce emissions associated with car travel, developments need to ensure they provide an environment which makes active and sustainable travel an easy and attractive choice. Active travel facilities include those walking, wheeling, cycling, horse-riding and micro-mobility (such as mobility scooters, shared bike fleets and e-bikes).

In 2017 the Government published its first Cycling and Walking Investment Strategy<sup>62</sup> which sets out the ambition to make walking and cycling the natural choices for shorter journeys or as part of a longer journey and identified Local Cycling and Walking Infrastructure Plans (LCWIPs) as a mechanism for councils to identify and deliver individual and tailored interventions fit for their specific local context. In addition to the urban routes identified in the Mid Sussex District Council LCWIP, the West Sussex Walking and Cycling Strategy 2016-2026 Appendix 1 sets out various suggested schemes for inter-urban routes in the district. Mid Sussex will work with developers and communities with the aim of supporting delivery of suitable routes to support active travel in the district.

In consultation with West Sussex County Council Highway Authority (WSCC HA), the Council has developed and adopted its LCWIP,<sup>63</sup> which focuses on the district's three town centres. This LCWIP sets out the strategic approach to identifying long-term cycling and walking improvements and makes the case for future investment through funding bids.

Active travel is an essential component of the 20-minute neighbourhood/local living principles. However, what can be achieved will be different across the district and the concept of a 20 minute journey time will be used as a guide and not rigidly applied. Delivering development which embodies the 20-minute neighbourhood and local living principles will help to ensure the community can access services and destinations which meet their day-to-day needs by active and sustainable transport modes.

In order to support the strategic ambition of 20-minute neighbourhoods/local living with better connected rural settlements, the Council will support the creation of an expanded network of inter-urban routes, including suggested routes in the West Sussex Walking and Cycling Strategy 2016-2026 Appendix 1 and any subsequent Active Travel Strategy. An expanded network of active travel routes between settlements will create a better-connected network of settlements and enable communities to access services in nearby towns and villages by non-car modes. In partnership with WSCC HA, the council will explore appropriate use of traffic calming measures, particularly on faster, minor rural routes, such as 'Quiet Lanes' which are designated to include measures to lower vehicle speeds and better cater for shared use by walkers, cyclists, horse riders and other vulnerable road users.

Crucial to successful delivery of the 20-minute neighbourhood/local living principles is provision of high quality, attractive, legible and convenient pedestrian and cycle routes and environments which can encourage people to choose to walk or wheel more as an alternative to car travel.

Easily accessible, conveniently located, and secure cycle storage, close to the main entrance of a building helps to reduce some of the inconvenience of choosing to cycle. Boosting the number of people in a community choosing to regularly walk or cycle has multiple benefits not only to helping tackle climate change but also improving air quality, reducing congestion and noise pollution on our roads, but also improving health and wellbeing.

Journeys below five miles represented 58% of all private car journeys in 2019 and provide the biggest opportunity for switching to cycling and walking<sup>64</sup> for many without mobility difficulties. The WSTP Active Travel Strategy encompasses the needs of pedestrians, cyclists, equestrians, persons of reduced mobility and micro-mobility solutions, focusing on the majority of journeys which are short distance to increase the use of active travel modes accessible for all.

Developments of a sufficient scale to warrant consideration during the application process by the statutory consultee, Active Travel England (ATE), are strongly advised to consult with the agency at the earliest possible stage in the scheme development to ensure active travel principles are embedded from the outset.

Working in partnership with other travel operators and Highway Authorities, the Council will ensure that new developments that increase demand for public transport, provides for any required improvements to services and infrastructure. Taking account of the West Sussex Bus Service Improvement Plan (BSIP), contributions will be sought to provide new bus passenger facilities which might include accessible and sheltered bus stops including Real Time Passenger Information (RTPI) and bus priority measures to help improve journey times.

### **DPT3: Active Travel**

Development will be required to help remove barriers to active and sustainable travel and create a healthy environment in which people choose to walk, wheel and use sustainable transport by taking account of all of the following:

1. Embedding the principles of 20-minute neighbourhoods, development must demonstrate that the proposal accords with the movement hierarchy and provide high quality, attractive, fit for purpose and convenient active travel infrastructure within the development which links to existing networks, key facilities and services and to deliver relevant schemes local to the site identified in the Mid Sussex and West Sussex (and where relevant, neighbouring authority's) Local Cycling and Walking Infrastructure Plan (LCWIP), along with suggested routes in the West Sussex Walking and Cycling Strategy 2016-2026 Appendix 1, and any subsequent Active Travel Strategy.
2. Where appropriate and feasible, exploiting opportunities to improve active travel connections between settlements to enable communities to access services in nearby towns and villages by non-car modes, including negotiation of 'Quiet Lanes' to reduce car speeds.
3. Designing and constructing new infrastructure to an appropriate standard, incorporate green infrastructure and, where appropriate, integrate with existing green networks and, where possible, be designed to provide equal opportunities for those with mobility challenges.

4. Providing high quality facilities that will encourage and enable active travel, such as communal facilities such as cycle-hubs, bike hire, workplace showers, lockers and changing facilities.
5. Providing appropriate levels of cycle parking facilities (taking account of WSCC Guidance on Parking at New Developments 2020 and subsequent iterations), well designed and laid out to be under cover, secure, conveniently located and easily accessible, close to the main entrance of the premises. and in accordance with the guidance in the Mid Sussex Design Guide SPD.
6. Providing or contributing towards delivery of service and infrastructure improvements, in accordance with the West Sussex Bus Service Improvement Plan (BSIP) or subsequent documents.

## DPT4: Parking and Electric Vehicle Infrastructure

The NPPF identifies that if setting local parking standards, policies should take account of accessibility, type, mix and use of the development, public transport provision, car ownership and the need to ensure adequate provision of spaces charging plug-in and other ultra-low emission vehicles.

Guidance on parking standards is set out in the West Sussex County Council (WSCC) Guidance on Parking at New Developments (2020) and some Neighbourhood Plans and account will be taken of the factors set out in the NPPF when considering parking levels in a development. Where guidance and policy requirements differ, more weight will be given to the most up to date reference, taking account the NPPF and the specifics of the proposed development.

Guidance on Electric Vehicle charging can be found in the WSCC Electric Vehicle Strategy 2019-2030 (and subsequent iterations), which acknowledges that for certain activities and individuals, cars and vans remain an appropriate mode of transport over sustainable modes. Therefore, moving these vehicles from petrol and diesel to ultra-low emission vehicles is critical to reduce the impact of those journeys and help achieve climate change and air quality ambitions. The Strategy will be reviewed regularly to ensure it adapts to changes in this developing area of technology.

The West Sussex Transport Plan and the Council's Sustainable Economic Strategy (SES) 2022 support increased use of electric vehicles and reduced use of fossil-fuels and provision of the infrastructure to support their use. The Council fully supports recent changes to Building Regulations Schedule 1 Part S which requires all new residential buildings with associated parking to have access to electric vehicle charging points and will seek to ensure developments are designed to be able to accommodate the relevant requirements for residential development. Where feasible, higher standards for non-residential development will apply in line with Policy DPT4 below, unless or until higher standards are required nationally.

### DPT4: Parking and Electric Vehicle Infrastructure

#### Development must provide:

1. Adequate and well-integrated car parking, taking account of the guidance in the Mid Sussex Design Guide SPD and the WSCC Guidance on Parking at New Developments (2020 and subsequent iterations) along with the accessibility of the site to services and sustainable travel infrastructure, and the type, mix and use of development.
2. Parking associated with all new residential development with a layout that demonstrates the relevant requirements of Schedule 1 Part S of the Building Regulations regarding Electric Vehicle Charging can be met.
3. A minimum of 25% of all associated parking spaces for non-residential buildings to have fast (minimum 7kW) or faster Electric Vehicle Charging points; cable routes shall be provided for 100% of the remaining total number of spaces.

The Council will support the provision of car clubs, including the provision of accessible car club parking spaces and/or contributions towards the provision of car clubs in the vicinity of a development. Car club vehicles must be powered by non-fossil fuels.

**Development for Rapid and Ultra Fast EV Charging facilities must:**

4. Have regard to the most up to date WSCC EV Charging Strategy.
5. Demonstrate the site is appropriately located to meet an identifiable need and/or locational gap in provision.

Outside the defined built-up area boundary, in addition to criteria iv and v above, sites that are part of existing development will be viewed more favourably over undeveloped greenfield sites. Any necessary ancillary uses for customers must be small scale to serve a functional need.

## DPE2: Existing Employment Sites

~~The Council's Sustainable Economic Strategy (SES) (2022) Objective 1 seeks to maintain the high employment rate in Mid Sussex and reduce out commuting and supports a policy framework to meet this need. District Plan Policy DPE1: Sustainable Economic Development sets out the broad policy position related to delivery of high value employment land, promoting inward investment opportunities, supporting existing businesses and securing necessary infrastructure to support growth in the sector whilst addressing local skills shortages.~~

The Plan also identifies the need to maintain a range of sites and premises across the district to suit a full spectrum of business needs, which is vital to achieving the Council's vision of, 'A vibrant district that is attractive, resilient and innovative that balances social well-being, environmental protection and sustainable economic growth' (SES ~~2002~~2025-2028). In a district which is under pressure for housing, it is vital to ensure appropriate management of existing employment land to support a balanced community, thriving economy and reduce the need to commute outside the district to find employment.

Policy DPE2 seeks to strike an appropriate balance between ensuring protection of valued employment generating sites, whilst enabling sites which are no longer economically viable for continued employment use to be considered for appropriate alternative uses. Protection, intensification, ~~and~~ redevelopment and extension of existing employment sites for continued employment use is therefore prioritised in order to provide varied local employment opportunities, help reduce unnecessary travel and support sustainable and balanced communities. This policy provides a framework to support consistent decision making in relation to proposals for changes to existing employment sites.

Existing employment sites ~~protected by DPE2~~ are located throughout the district and offer a varied portfolio of uses, accommodation and opportunities, which in turn demand different values, all of which help support balanced and sustainable communities which provide both housing and employment opportunities. A number of sites are modest in scale and contain historic uses and older accommodation and may therefore demand lower value rental income but nevertheless remain well used and are affordable. This policy is necessary to prevent the inappropriate loss of employment land motivated by higher value uses such as residential whilst allowing for flexibility in accordance with ~~paragraph 81 of the NPPF~~, helping to create the conditions in which business can invest, expand and adapt.

In accordance with criteria (1) and (2) of the policy for proposals involving the loss of ~~uses of employment character~~ employment generating uses, planning applications will need to be accompanied by details of comprehensive marketing and a financial appraisal of the site in accordance with additional guidance set out at Appendix 1, which demonstrates the continued use of the site for employment is no longer viable. The marketing exercise will need to demonstrate not only the existing site is unviable, but also that any redevelopment for continued and alternative employment use is unviable.

~~In respect of redevelopment proposals on existing and allocated employment sites, (the majority of which are identified on the Policies Map), a sequential approach will be applied. The sequential approach will be to secure employment based redevelopment as a priority, appropriate mixed-use~~

employment second to that and lastly redevelopment for alternative non-employment generating use(s). Those sites identified on the Policies Map do not represent an exhaustive list and application of policy DPE2 will be on a case-by-case basis where sites/units are not already identified but fall within the uses classified in the policy.

## **DPE2: Existing Employment Sites**

### **Existing Employment Sites – Protection, Redevelopment, Intensification and Extension Redevelopment**

#### **Protection**

The Council will seek to retain and enhance eExisting eEmployment eSites and premises for their existing authorised uses within Use Classes B2, B8, e E, or Sui Generis uses of an employment character., classified as those in use classes E(g), B2: General Industrial or B8: Storage or Distribution (including those shown on the Policies Map) are protected; proposals that would involve their loss will be resisted. Proposals on Existing Employment Sites that would involve the loss of employment land or premises will only be supported where it can be clearly demonstrated by the applicant that the site/unit is no longer needed and/or viable for employment use.

Development proposals outside the traditional employment use classes (E(g), B2 and B8) for the redevelopment and intensification within the boundary of, or extension of existing employment sites and premises for employment uses or Sui Generis uses of an employment character will be encouraged.

Development proposals for complementary and supporting uses, on existing employment sites, may be considered acceptable where they will not individually, or cumulatively, result in a material change to the sites employment character and function.

Development proposals that do not conform with the above will not be permitted unless it can be demonstrated through evidence, including marketing of the site in accordance with the marketing guidance set out in Appendix 1 of the Plan and through the provision of:

1. Details of comprehensive marketing of the site/ unit for at least 12 months and appropriate to the prevailing marketing conditions; and
2. A financial appraisal that demonstrates that the development of employment generating uses (E(g), B2 or B8) are unviable.

that there is no longer a reasonable prospect of the site being used for the existing authorised employment use or alternative employment uses or Sui Generis uses of employment character.

Outside the built-up area, expansion of existing employment sites and premises for E(g)/B2/B8 uses will only be supported where all of the following apply:

3. Detailed layout and design are in keeping with its countryside location.
4. The expansion is contiguous with the boundary of an existing employment site.
5. The impacts of expansion are assessed in-combination with the existing site, and the overall impact of existing plus expansion is considered acceptable.

non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses, is not viable, in accordance with marketing guidance set out Appendix 1 of the Plan and through the provision of:-

2. Details of comprehensive marketing of the site/ unit for at least 12 months and appropriate to the prevailing marketing conditions; and
3. A financial appraisal that demonstrates that the development of employment generating uses (E(g), B2 or B8) are unviable.

Similarly, support will also be given if it is demonstrated that the continued use of the site, or its development for employment or employment uses would cause or lead to site-specific, environmental problems, such as noise, pollution or disturbance through traffic generation, recognising the environmental benefits to be gained by redeveloping these sites for non-employment generating uses.

#### **Intensification**

-

Proposals for intensification within the boundary of Existing Employment Sites will be supported providing it is in accordance with other development plan and national policies.

#### **Redevelopment**

-

Redevelopment for employment use within the boundary of Existing Employment Sites (including those shown on the Policies Map) will be supported where it does not result in the overall loss of employment floorspace or where any loss can be fully justified.

-

Proposals for alternative uses within Existing Employment Sites will only be supported where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site; and the proposals support their integrity and function as centres of employment.

#### **Existing Employment Areas – Expansion**

-

Within the built-up area, expansion of Existing Employment Sites and premises for E(g)/B2/B8 uses will be supported where the business requirements cannot be met within the existing site/ premises through acceptable on-site expansion or intensification; and that relocation to existing stock is not preferable.

Outside the built-up area, expansion of Existing Employment Sites for E(g)/B2/B8 uses will only be supported where all of the following apply:-

-

4. Detailed layout and design are in keeping with its countryside location.
5. The expansion is contiguous with the boundary of an existing employment site.
6. The impacts of expansion are assessed in combination with the existing site, and the overall impact of existing plus expansion is considered acceptable.

## **DPE3: Employment Allocations**

Modifications to this policy will be informed by the update to the Economic Growth Assessment and will be the subject to a hearing session. The Council will provide an update to the table and reflect Class E in due course.

## DPE5: Within Town and Village Centre Boundaries

Policy DPE5 supports the development of main town centre uses within defined Town and Village Centres with the primary focus of supporting development that will sustain and enhance the vitality and viability of the centre.

This policy supports flexibility to amalgamate and subdivide existing units in a centre to ensure it can adapt to the changing needs of existing and future occupiers and create high quality premises. In certain circumstances and subject to consideration of heritage impacts, it may be acceptable to allow a proportionate net loss in floorspace to facilitate a proposal, providing all resultant units are of a viable scale to support an occupier's needs, including staff welfare and storage facilities.

The impact of the trend towards online retail, accelerated by Covid-19, has had an impact on our high streets and many retailers have gone out of business, leaving commercial spaces vacant whilst another occupant is yet to be found. The effect of vacant premises can blight local town and village centres, harming the overall vitality and viability of the centre; particularly where they remain empty for long periods.

Support from the Government for temporary and meanwhile uses has been given through changes to planning legislation and in particular the relaxation of changes of use and the introduction of Classes E and F in the Town and Country Planning (Use Classes) Order 1987 (as amended), together with publishing standard leases for the occupation of redundant town centre properties as part of the Government's 'Meanwhile Project' – [www.meanwhile.org.uk](http://www.meanwhile.org.uk).

The term 'meanwhile use' refers to the short-term use of temporarily empty shops or spaces until they can be brought back into commercial use. Meanwhile uses are generally for the benefit of the community in the form of meeting spaces, exhibitions, informal training and learning spaces, rehearsal space, pop-up shops, microbrewery and taproom, and cafes.

The benefit of supporting such temporary uses can counter the harmful impact of the unit remaining vacant, providing opportunities to keep the area vibrant whilst the landlord of the building continues to look for a new commercial occupant.

The installation of delivery lockers has the potential assist in supporting linked trips to a centre where they are sensitively installed to ensure they do not restrict accessibility either physically by the structure or by those seeking to use the lockers. Their location in a centre also needs careful consideration of matters including access by sustainable travel modes, security and design.

### DPE5: Within Town and Village Centre Boundaries

Within Town and Village Centre Boundaries as defined on the Policies Map, development of 'main town centre uses', as defined by the NPPF, will be supported, having regard to relevant Town Centre Masterplan SPDs. Support will also be given for:

1. The amalgamation or subdivision of units, subject to meeting the requirements of policies DPB2 and DPB3 relating to heritage impacts.
2. Temporary 'meanwhile' uses where they deliver community benefits, do not harm amenity and do not compromise the future redevelopment of the site.

3. Delivery lockers where they would not restrict accessibility.

## DPE6: Development within Primary Shopping Areas

Within each of the three Town Centres, as required by the NPPF and informed by the Mid Sussex Retail Study (2022), a smaller area is defined as the Town Centres 'Primary Shopping Area' (PSA). The NPPF defines PSAs as a '*...defined area where retail development is concentrated*'. The Village Centre Boundaries are attributed to the same policy recognition as the PSA.

Within the PSAs the Council will seek to maintain a predominance of Class E Commercial, Business and Service Uses as defined by the Town and County Planning (Use Classes) Order 1987 (as amended), that would sustain and enhance the vitality and viability of the Centre and would not result in harm to amenity. When determining applications within defined Town and Village Centres, non-town centre uses are those uses falling outside the NPPF definition of 'main town centre uses'.

Policy DPE6 seeks to ensure the Council maintains an element of appropriate control over new developments within the PSAs thorough the use of conditions. Where appropriate the policy supports the use of additional control over permitted changes of a new development to avoid over concentration of uses which could harm the vitality and viability.

Where a loss of Class E or main town centre use is proposed, any application must be supported by appropriate marketing over a suitable period in accordance with marketing guidance at Appendix 1. 'Appropriate marketing' is where a use has been prominently marketed for the existing and alternative Class E Uses, with reasonable terms and conditions, certified by an appropriately qualified professional.

### DPE6: Development within Primary Shopping Areas

Primary Shopping Areas (PSAs) are defined on the Policies Map and are illustrated at Appendix 2. For Town Centres, this is a smaller area within the Town Centre boundary. For Village Centres, the PSA corresponds with the Village Centre Boundary.

1. In order to support thriving Centres in the district, development proposals within defined Primary Shopping Areas, involving the loss of Class E Uses will only be supported where all of the following are met:
  - a) A main town centre use is proposed.
  - b) It can be demonstrated that the proposed use will sustain and enhance the vitality and viability of the centre.
  - c) Neighbouring amenity is protected.
  - d) An active frontage is maintained at ground floor level.
  - e) It does not result in a concentration of uses that harm the vitality and viability of the centre.
2. Residential uses will be supported at upper storeys. Residential uses at ground floor level will be resisted unless it can be demonstrated that all of the following apply:
  - a) The vitality and viability of the centre is not harmed.
  - b) An attractive and active frontage to the public realm is maintained.
  - c) No harm would be caused to the character of the street scene.

3. New developments for retail, food and beverage, and services uses compatible with the Primary Shopping Area will be supported.
4. The loss of Class E and/or main Town Centre Uses to alternative non-main town centre uses will only be supported where evidence can be provided that demonstrates all of the following:
  - a) In accordance with marketing guidance at Appendix 1 that the existing and any alternative Class E use is no longer viable; this must be demonstrated through evidence of vacancy and proactive marketing for a minimum of 6 months from vacancy.
  - b) The proposed use would enhance the vitality and viability of the centre.
  - c) It would not result in adverse impacts on neighbouring amenity.

## DPE8: Sustainable Rural Development and the Rural Economy

Although Mid Sussex is a rural district, agriculture only accounts for a small proportion of all businesses in district. The rural area supports a large number of diverse businesses that make an important contribution to the rural economy. Rural economic development should be encouraged where it provides good quality long-term employment, helps to improve local skills and services and contributes towards sustaining a high-quality environment and wellbeing of the local community in accordance with policy DPC1: Protection and Enhancement of Countryside.

This policy conforms to the National Planning Policy Framework, where it relates to supporting a prosperous rural economy (paragraph 84). Small scale enterprises needed for the processing, distribution and local retailing of local produce should be positively supported along with sustainable growth and expansion of other types of business in rural areas. This will allow the district's rural economy to grow and will improve the quality of life and environment for rural communities.

This policy will not apply within the High Weald Area of Outstanding Natural Beauty, where a more restrictive policy approach, Policy DPC4: High Weald Area of Outstanding Natural Beauty, will be adopted (National Planning Policy Framework paragraph 174).

### DPE8: Sustainable Rural Development and the Rural Economy

Outside the built-up area boundaries on the Policies Maps, on sites which are not in the AONB, the following types of development will be permitted provided the development is not in conflict with other relevant policies in the plan:

1. New economic development, and extensions to existing facilities, including leisure and tourism-related development, within the countryside will be permitted provided all of the following apply:
  - a) It involves conversion of existing buildings and/or well-designed new buildings, where possible on previously developed sites.
  - b) It maintains or where possible enhances the quality of the rural setting.
2. Diversification of activities on existing farm units and other land-based rural businesses will be permitted provided:
  - a) They are of a scale which is consistent to the location of the farm holding, and
  - b) They would not prejudice the agricultural use of a farm unit.
3. The re-use and adaptation of agricultural and forestry buildings for business or sustainable rural tourism and leisure use in the countryside will be permitted provided all of the following apply:
  - a) The building is genuinely redundant for agricultural or forestry use.
  - b) It is not a recently constructed\* agricultural building which has not been or has been little used for its original purpose.
  - c) The building is demonstrated to be structurally sound and capable of conversion without substantial reconstruction or extension.
  - d) The site is served by an existing suitable access to the local road network.
  - e) The appearance and setting are not adversely affected.

Development for accessible local services and community facilities will be supported in line with policy DPI6.

\* Recently constructed is defined as being within the previous five (5) years.

## DPE9: Sustainable Tourism and the Visitor Economy

Tourism makes an important contribution to the economy of Mid Sussex. The district has world-class gardens, historic houses, picturesque villages, international award-winning vineyards, and fine cuisine.

The retention, expansion and creation of tourism accommodation and attractions will be supported by the Council provided it meets certain criteria as set out in the policy and the requirements of other relevant development plan policies.

Where proposals will lead to a change of use or loss of existing tourism accommodation and attractions, planning applications will need to demonstrate that the existing use is unviable.

Comprehensive marketing and viability evidence in line with requirements set out in Policy DPE9 and Appendix 1 will need to be provided.

Wakehurst is located within the district to the north of Ardingly village, partly owned by the National Trust and operated by Royal Botanic Gardens Kew (RBGK). It is recognised as a major cultural destination attracting over 400,000 visitors per year and is a centre of scientific research of international importance. It includes the Grade I Listed Wakehurst Mansion, and the Millennium Seed Bank with part of Wakehurst a Registered Park and Garden (Grade II\*). The site is located within the High Weald Area of Outstanding Natural Beauty. Proposals for Wakehurst that support sustainable tourism and the visitor economy will be supported where they meet the requirements of this policy, other policies in the Plan and the made Ardingly Neighbourhood Plan “ARD20: Wakehurst Place and Millenium Seed Bank”.

The Bluebell Railway, a privately-owned heritage railway, is an important visitor attraction to Mid Sussex. The Bluebell Railway has restored and operated scheduled steam train services on sections of the former Lewes to East Grinstead line, part of which falls in Wealden District, since 1960. In view of the Bluebell Railway’s value to the local and regional tourist economy and as a public transport link, the Council has supported the completion of the line to East Grinstead. In the long-term, the Bluebell Railway plans to reinstate the disused branch line westwards from Horsted Keynes (via Ardingly) to a terminus at Haywards Heath. The completion of this section will connect the Bluebell Railway with main line rail services at both East Grinstead and Haywards Heath.

The proposed western extension of the Bluebell Railway from Horsted Keynes to Haywards Heath is considered to be a project of district-wide importance and is fully supported by the Council. This policy therefore safeguards the route of the proposed reinstated railway link between East Grinstead and Haywards Heath railway stations for the Bluebell Railway’s operating requirements and passenger facilities, as shown on the Policies Map.

There should be engagement between the Bluebell Railway, Network Rail and any freight operators with an interest in this route to ensure a collaborative approach to bringing the railway back into use.

### **DPE9: Sustainable Tourism and the Visitor Economy**

The retention of existing tourism accommodation\* and attractions will be supported where they are well located and, if outside of the built-up area boundary, they respect the character

and beauty of the countryside in line with the requirements in Policy DPC1: Protection and Enhancement of the Countryside.

Where development proposals are brought forward for the change of use or loss of existing tourism accommodation\* and attractions, it will need to be demonstrated that there is no realistic prospect of the continued use of the existing provision. The Council will assess such proposals having regard to the market, economy and supply of tourism accommodation\* and attractions at the time of the application in line with the requirements set out below and in Appendix 1. Applicants will need to provide all or some of the following:

1. Evidence of marketing actively conducted for a reasonable period.
2. Evidence that alternative visitor uses have been fully explored.
3. An appraisal indicating that the existing use is no longer viable.
4. Evidence that the site has not been made deliberately unviable.
5. Evidence that the site is unsuitable for continuing tourism accommodation as a result of its size, design, layout, location or its impact on its surroundings, and that greater planning benefits will be achieved through the proposed change of use or redevelopment.
6. Evidence that the reduction of floorspace or bed spaces in the case of tourism accommodation\* is the only way of improving the standard of the existing tourist facility.

### **New tourism accommodation and attractions**

Development proposals for new tourism accommodation\* and attractions, or expansions or improvements to existing tourism accommodation\* and attractions, will be supported where they meet the requirements of other relevant development plan policies.

### **Bluebell Railway**

The route of the proposed reinstated Bluebell Railway link between East Grinstead and Haywards Heath railway stations (as shown on the Policies Map) will be safeguarded from any development which could prevent its completion.

In particular, land along the route of the railway corridor between Horsted Keynes and Haywards Heath railway stations which will be required to deliver the proposed reinstated railway link and associated facilities for the Bluebell Railway will be safeguarded from development.

\* Tourism accommodation includes hotels, guesthouses, bed and breakfast establishments, self-catering accommodation and outdoor accommodation such as caravan sites, camping sites and glamping sites (including yurts, log cabins and pods).

## DPH6: Self and Custom Build Housing

The Self-Build and Custom Housebuilding Act 2015 requires the Council to keep a register of people who are interested in building their own home. The register is an indication of the demand for this type of housing in the district. Under the Self-Build and Custom Housebuilding Regulations 2016 the Council is required to grant suitable development permissions to meet the demand from Part 1 entries on the register within a three-year period<sup>6</sup>.

Self and custom build housing can be delivered through a wide range of projects from a traditional DIY self-build home to projects where the self-builder employs someone to build their home for them or a custom builder provides an element of choice in materials or layout. Community-led projects can also be defined as self-build. It can offer a form of housing which is generally more affordable and complements the supply of mainstream housing.

To help satisfy potential future demand the Council will look to allocations to deliver a number of serviced plots, and provision on other non-allocated sites will also be considered.

The provision of self or custom build plots on a range of development types and sizes will support sustainable communities and offer a variety of opportunities to those who wish to build their own home. By requiring larger residential developments to provide a proportion of plots for self or custom build, it will help secure the delivery of suitable plots to meet current and future demand. Smaller residential developments will also be encouraged to deliver serviced plots, especially in areas where there is a significant demand.

Affordable housing will not be required on self or custom build sites.

The self or custom build plots will be secured by a legal agreement requiring that they be marked out and services provided before being made available for sale.

### DPH6: Self and Custom Build Housing

The District Council believes that self and custom build housing has an important role to play in increasing housing choice in the district, consequently:

1. Proposals for self or custom build housing developments will be supported on suitable sites and subject to compliance with other relevant policies within the District Plan.
2. Provision of serviced plots for self or custom build housing will be encouraged on all new residential developments, subject to the level of demand for such housing, and the suitability of the development.
3. A minimum of 2% of the residential plots on housing sites comprising of 100 or more dwellings will need to be provided as serviced plots for self or custom build housing.
4. Serviced plots will need to have a water supply, foul and surface water drainage, telecommunications, and an electricity supply available at the plot boundary and legal access to a public highway.

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<sup>6</sup> The three-year period runs from the end of each Base Period (31 October to 30 October)

5. A design code, prepared by the developer and agreed with the District Council, will need to be followed for each site and individual plot passports will also be required. The design code should be secured by a planning condition at the outline planning application stage.
6. Each self or custom build plot will need to form a separate phase of the development in order to facilitate the timely submission of a reserved matters planning application by the intended occupant of each plot.
7. Serviced plots will be marketed solely to households on the District Council's Self-build and Custom Housebuilding Register for a period of 6 months. If after the 6 months a plot has not been bought or reserved, it can be put on the open market as a self or custom build plot for a further 6 months after which it may be developed for ordinary market housing.
8. Self or custom build plots must be made available at competitive prices, supported by an RICS valuation, which are fairly related to site/plot costs and agreed through the S106 agreement, in order to ensure their sale for such a purpose.

Communities preparing Neighbourhood Plans will be encouraged to identify suitable sites for self or custom build housing plots within their neighbourhood plan area.

The above policy will be monitored and kept under review, having regard to any changes to evidence of demand.

## DPH7: Housing Mix

A key feature of 20-minute neighbourhoods<sup>7</sup> requires the provision of a mix of housing tenures and types that reflect local housing need and support people at all stages of life. Providing a suitable mix of housing is essential to supporting sustainable, mixed and balanced communities; this includes delivering the appropriate size and type of housing. This policy seeks to ensure that the right size and mix of housing (including affordable housing) is provided within the district.

The 2021 Mid Sussex Strategic Housing Market Assessment (SHMA), supported by the 2024 SHMA update, identifies the greatest change in household projections within the district over the Plan period will be from those households without dependent children; accounting for 31.9%. However, there remains a notable increase in households with dependent children, at 19.6%. Providing a suitable mix of different sized dwellings will offer choice for older households to downsize, more affordable options for younger households looking to get on the housing ladder and support the growing number of family households within the district. The policy seeks to provide a starting point for considering what sized dwellings will be appropriate, recognising that needs might change over the Plan period and that there might be certain types or models of accommodation that prescribe the mix. It is acknowledged that only the largest sites will be able to deliver the whole range of dwelling sizes and types set out in Policy DPH7.

The District Council supports the provision of flexible market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision. Providing suitable and alternative housing for older people can free up houses that are otherwise under occupied.

Older persons' housing and specialist accommodation form a very specific part of the housing needs market. The analysis undertaken within the SHMA and SHMA update show a notable growth in the population of older persons aged 65 and over within the district to 2040. This in turn is expected to result in an increase in the number of people with long-term health problems or disability, thus requiring suitable accommodation. Policy DPH4: Older Persons' Housing and Specialist Accommodation sets out the estimated need and measures, including allocations, to help address this need.

The District Council also makes policy provision through Policy DPH12: Accessibility to ensure that new residential development provides both adaptable dwellings to support the changes and needs of individuals and families at different stages of life and accessible dwellings for wheelchair users.

The 2022 Mid Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) and 2024 GTAA update identify the level of need for permanent Gypsy and Traveller accommodation in the district. Policy DPH5: Gypsies, Travellers and Travelling Showpeople identifies the pitch requirement and how the need is to be met.

Regarding other specific types of accommodation, the SHMA looked at the role of Build-to-rent and Co-Living as supplementary forms of housing. Build-to-Rent is purpose-built housing that is typically 100% rented. Whilst to date only one Build-to-Rent scheme has been built within the district, the

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<sup>7</sup> [https://www.tcpa.org.uk/wp-content/uploads/2021/11/final\\_20mnguide-compressed.pdf](https://www.tcpa.org.uk/wp-content/uploads/2021/11/final_20mnguide-compressed.pdf)

SHMA notes that the private rented sector accounted for 18% of the district's housing stock in 2011, thereby having a clear role in the market. Co-Living is a modern form of shared housing with communal spaces and amenities often aimed at young professionals who are perhaps more transient. No schemes for co-living have come forward to date. However, with both Built-to-Rent and Co-Living housing the Council will monitor the demand and consider proposals against the relevant District Plan policies.

## DPH7: Housing Mix

To support the delivery of sustainable, mixed and balanced communities which meet the 20-minute neighbourhood principles, housing development (including affordable housing) will:

Provide a mix of dwelling types and sizes that reflects current and future local housing needs. As identified by the 2024 SHMA update, the Council expects the ranges set out in the table below to be used as a starting point:

### *Housing Mix split (SHMA 2024)*

	1 bed / 2 person	2 bed / 4 person	3 bed / 5 person	4+bed / 6 person
Market housing	0-10%	20-25%	40-45%	30-35%
Affordable Ownership	10-15%	50-55%	25-30%	5-10%
Affordable Rented	30-35%	40-45%	15-20%	5-10%

Housing development should reflect this mix as far as possible, subject to size, characteristics and location, and identified need and viability.

Developments for specialist or specific accommodation types (such as older persons' housing) will be exempt from meeting the above housing mix split.

### **Other accommodation types**

To meet the identified current and future needs of different groups in the community, the Council will seek a range of accommodation types to be delivered on new developments which are of an appropriate size, scale and location. This could include provision of bungalows and other forms of suitable accommodation, where in accordance with the Mid Sussex Design Guide SPD.

These types of accommodation include that which is suitable for:

- Older persons (DPH4).
- People with disabilities (DPH12).
- People who wish to build their own home (DPH6).
- Build to Rent.
- Co-Living.
- Gypsy and Traveller community (DPH5).

Where applicable, specific policies on the different accommodation types are identified against each of the above.

## DPH8: Affordable Housing

The 2021 Mid Sussex Strategic Housing Market Assessment (SHMA) and 2024 SHMA update provide the underlying justification for requiring the provision of affordable housing on residential development through affordable housing policies. The SHMA highlights the clear need for both social and affordable rented housing. The net need for affordable home ownership housing is smaller, albeit its provision will support some of those households currently unable to access market housing as they fall within the rent/buy 'gap' or experience barriers in obtaining a mortgage.

In order to respond to the identified need for affordable housing of different tenures and to help deliver mixed, balanced and sustainable communities, the Council will require the provision of 25% intermediate housing (Low Cost Home ownership to include shared ownership/First Homes, or any other affordable home ownership product) with the remaining 75% being provided as social or affordable rented homes, on sites above the Affordable Housing threshold.

The Council's preference is for rented units to be provided as social rent units with rents determined through the Government's rent policy, but it is recognised that grant is not currently available for section 106 units. Any additional affordable housing units provided on a s106 site should however ideally be for social rent.

The Council recognises that the NPPF expects that 10% of homes on major developments should be for affordable home ownership unless this would significantly prejudice the ability to meet the identified affordable housing needs of specific groups. The Council's approach regarding the 25%/75% mix is supported by the SHMA findings which highlights a clear and acute need for rented affordable housing (both social and affordable rented) and the approximate 2,000 households on the Council's Common Housing Register (as at November 2023).

In setting affordable housing policies, the evidence of affordable housing need must be combined with other information, including the viability and deliverability of housing development, to set a level of affordable housing that is realistic and deliverable. The 2022 Mid Sussex Local Plan Viability Study applies the likely costs of new housing developments, including affordable housing and other policy requirements such as accessibility and space standards, environmental policies and infrastructure contributions (Section 106).

The requirement for the provision of a minimum of 30% affordable housing applies to residential development that meet the affordable housing threshold(s), including changes of use, mixed use sites that incorporate an element of residential development, sheltered and extra care housing schemes, conversions, built to rent and private rent schemes and any other developments where there is an increase in the number of residential units on the site. The affordable housing requirement does not apply to self and custom build housing.

Specialist accommodation (such as older persons' housing) is not required to provide intermediate housing. There is also no requirement for First Homes on a rural exception site or on sites providing solely Build to Rent Homes.

### Design

Any rented flats are to be provided in separate blocks, around separate cores or on separate floors or with separate access to any Intermediate Housing and open market flats, in order to meet Register Provider management and service charge requirements. Lifts must be provided in blocks of flats above 3 stories, and in 3 storey blocks of accommodation designed for the over 55's. No more than 6 x 1 bed flats are to be included in one block unless the scheme is a sheltered housing scheme, and any ground floor affordable units are to have their own individual means of access.

Appropriate parking provision is to be provided for all affordable units, in line with that for open market housing. Car parking provision for wheelchair accessible dwellings must comply with the requirements detailed in M4(3) of Schedule 1 of the Building Regulations 2010 as amended.

### **Securing Affordable Housing Units**

Registered Providers delivering the affordable housing are to be approved in writing by the Council, for each development/phase of development. Each Registered Provider must have a local management base, commit to letting their properties through the Mid Sussex Common Housing Register, and be willing to help the Council meet those needs identified as a priority in the district.

Developers are to enter into a non-rescindable contract with a Registered Provider to deliver the affordable units, prior to works commencing on any development or phase of development. This will enable the Registered Provider to oversee all construction works and help ensure the delivery of the affordable housing.

Applicants are to build into their designs at pre-application stage, and take into account when negotiating site acquisitions and undertaking development feasibility, the 30% affordable housing required together with the occupancy, size, clustering, tenure and other requirements detailed here. An affordable housing statement, plan and schedule of accommodation must be provided prior to validation of the planning application, to demonstrate that these requirements will be met.

All categories of affordable housing are to be demonstrably affordable, taking account of local incomes, for those unable to meet their housing needs through the private housing market. Consequently, rents must be capped at a maximum of 80% of market rent, or the Local Housing Allowance Level for the relevant size of unit, whichever is lower, unless they are social rents determined through the Government's rent policy.

All requirements for the provision of affordable housing, including the need for any subsidy to be recycled for alternative affordable housing provision, are to be built into and secured through an appropriate planning obligation. This must include the requirement for developments where the floorspace is not yet known but may exceed the threshold to provide the necessary affordable housing in such instances.

All affordable housing will require the Council's standard legal nomination agreement between the District Council and the Registered Provider, to be completed prior to occupation. This will enable the District Council to control the occupancy of the new affordable housing, and to ensure that it continues to be available to meet local housing needs. Occupancy criteria and nomination arrangements for both initial and future lettings, assignments and disposals will be detailed. Applicants will be nominated from the District Council's Common Housing Register, and in accordance with the Council's allocations scheme.

The Council has adopted an Affordable Housing SPD to provide further guidance.

## DPH8: Affordable Housing

Delivering the amount and type of housing which meets the needs of all sectors of the community is a key objective of the District Plan. Consequently, the Council requires:

1. A minimum of 30% on-site affordable housing, with the number of units rounded up to the next whole number, on residential and mixed-use developments providing 10 dwellings or more, or the site area exceeds 0.5 hectares.
2. The full 30% affordable housing requirement to be provided on each and every phase of a phased development, unless an alternative approach is justified to the satisfaction of the Council, and for the affordable housing to be fully integrated within the development.
3. Developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 9 dwellings, or with a combined gross floorspace of greater than 1,000m<sup>2</sup>, to provide a minimum of 30% on-site affordable housing, with the number of units rounded up to the next whole number.
4. In the case of redevelopment, where the most recent use included affordable housing, at least the same number of affordable homes to be re-provided in accordance with current mix and tenure requirements.
5. A mix of affordable housing tenure comprising 25% First Homes and 75% social or affordable rented, unless the best available evidence supports a different mix.
6. The mix of homes should accord with Policy DPH7: Housing Mix. The majority of 2-bed/4 person units should be provided as houses rather than flats, wherever possible and maisonettes should each have their own private garden area.
7. A minimum of 4% of affordable housing units to be wheelchair accessible M4(3)(2)(b) units in line with Policy DPH12: Accessibility, unless otherwise agreed with the Council's Housing Enabling Officer.
8. Fully serviced land to be provided for the construction of the requisite number of affordable homes at nil cost, and for the affordable properties to be transferred to a Registered Provider at a price which reflects a nil land value and nil public subsidy.
9. Affordable housing units to meet the occupancy and minimum floor area requirements in the table below, or any other increased standard which supersedes these, since the units are likely to be fully occupied.

### *Minimum floor area standards*

No. of Beds	No. of Persons	Minimum floor area - 1 storey  (excluding staircases and hallways in the case of duplex flats/ maisonettes/ coach houses/FOGs)	Minimum floor area - 2 storey	Minimum floor area - 3 storey	Minimum floor area - Wheelchair Accessible dwelling
1	2	50m <sup>2</sup> / 538ft <sup>2</sup>	58m <sup>2</sup> / 624ft <sup>2</sup>	-	60m <sup>2</sup> / 646ft <sup>2</sup> (1B/2PF)

<b>2</b>	<b>4</b>	<b>70m2 / 753ft2</b>	<b>79m2 / 850ft2</b>	<b>-</b>	<b>84m2 / 904ft2 (2B/4PF) 103m2 / 1109ft2 (2B/4PH)</b>
<b>3</b>	<b>5</b>	<b>-</b>	<b>93m2 / 1001ft2</b>	<b>99m2 / 1066ft2</b>	<b>121m2 / 1302ft2 (3B/5PH)</b>
<b>3</b>	<b>6</b>	<b>-</b>	<b>102m2 / 1098ft2</b>	<b>108m2 / 1163ft2</b>	<b>133m2 / 1432ft2 (3B/6PH)</b>
<b>4</b>	<b>6</b>	<b>-</b>	<b>106m2 / 1141ft2</b>	<b>112m2 / 1206ft2</b>	<b>138m2 / 1485ft2 (4B/6PH)</b>

10. All affordable housing units to be fully integrated into the scheme layout, and provided in clusters of no more than 10 units with open market units in between each cluster in order to create more balanced communities.

11. Affordable housing units to be 'tenure blind' so that affordable and private homes are indistinguishable from one another, in terms of design, build quality, appearance, materials and site location.

The 30% affordable housing requirement will not be sought on self and custom build housing developments.

Proposals which do not provide a minimum of 30% affordable housing will be refused, unless clear evidence demonstrates, to the Council's satisfaction, that the site cannot viably support the required number of affordable housing units. The Council's approach to the assessment of financial viability is set out in its viability policy (see Policy DPI7), but it should be noted that the submitted viability appraisal must be based on a policy compliant scheme, including 30% Affordable Housing. All viability appraisals will be made publicly available and will be assessed with the assistance of an external consultant at the developer's cost. A viability review will also be required on the sale/letting of 75% of the total units, for all schemes which are not policy compliant. At the review stage more accurate information about actual build costs and sales values, will be able to be provided for assessment.

Financial contributions, in place of on-site affordable housing, will only be agreed where there are exceptional reasons preventing the provision of on-site affordable housing. These include where:

- There are prohibitively high service charges.
- A Registered Provider cannot be found to take on the affordable housing units.
- The development comprises a single block retirement scheme.
- The Council wishes to use such funding to develop its own housing.

In such cases a financial contribution payable prior to works commencing and reflecting the full cost of providing alternative serviced land for the required number of units (rounded up if the resultant number is not a whole number), will be sought. The amount per unit will depend on the size, location and type of affordable housing required to be provided by the scheme. The contribution and attached provisions will be detailed in a planning obligation.

Development proposals will be expected to optimise the use of land, and any proposal which appears to have an artificially low density, in order to avoid the required thresholds for affordable housing, or to reduce the amount of affordable housing to be provided, may be refused planning

permission. Sites must also not be deliberately sub-divided in order to avoid the required affordable housing threshold being met or to reduce the amount of affordable housing required.

The above policy will be monitored and kept under review, having regard to the Council's Housing Strategy and any changes to evidence of housing needs.

## DPSC GEN: Significant Site Requirements

These urban extensions will deliver mixed used development, supported by infrastructure to create sustainable communities. Due to the scale of these significant site allocations, not all of the sites will be delivered in the Plan Period (up to 2039). However, the sites are allocated for the total amount, with only the yield delivered during the plan period contributing to meet the Plan requirement set out in **DPH1: Housing**.

Settlement	Site	Number of homes within Plan Period (up to 2040)	Total Yield
Burgess Hill	Land to the West of Burgess Hill / North of Hurstpierpoint	1,350	1,350
Copthorne	Land at Crabbet Park	1,950	2,000
Sayers Common	Land to the south of Reeds Lane, Sayers Common	2,000	2,000

### DPSC GEN: Significant Site Requirements

All significant housing allocations must be delivered in accordance with the development plan policies when read as a whole, and site-specific requirements set out in individual allocation policies.

#### Sustainable Communities: Significant Sites: DPSC1 – DPSC3

In addition, all of the following must be addressed to ensure all Significant Sites<sup>114</sup>:

- Progress in accordance with an allocation-wide Masterplan, Design Code, Infrastructure Delivery Strategy and Phasing Plan which will have been submitted to and approved by the local planning authority. Each planning application should be determined in accordance with these documents.
  - The Masterplan must be informed by a community engagement exercise and must consider relationships with existing settlements and other Site Allocations in order to ensure all future development is integrated with the existing community.
  - The Infrastructure Delivery Strategy must demonstrate how the infrastructure will be delivered in a timely manner to meet the needs of the new community and to mitigate impacts of the development on the existing community.
- Support a vibrant and inclusive community which has regard to the Councils ambitions around integrating the concept of 20-minute neighbourhoods in line with DPB1, principles of a complete, compact, and well-connected neighbourhood with advanced digital infrastructure, in which people can meet most of their daily needs within a convenient walk or cycle ride.
- Provide a variety of housing types of varying sizes, levels of affordability and tenure that supports diversity, includes housing for older people and at densities that can support local services.

4. Provide high quality, easily accessible green space, central to the development with formal and informal areas for play and include opportunities for food growing areas.
5. Prepare a site-wide Infrastructure Delivery Strategy demonstrating that the development will deliver, in a timely manner, sufficient infrastructure to cater for the needs of the proposed development as a whole and also mitigate to an acceptable level the effect of the whole development upon the surrounding area and community. Key elements including shops and transport hubs must be delivered at the earliest opportunity to encourage maximum patronage and long-term success.
6. Deliver a layout that prioritises sustainable and active modes of travel, providing safe and convenient routes for walking, wheeling and cycling through the development and linking with existing and enhanced networks beyond.
7. Provide or contribute to delivery of new inter-urban active travel routes to nearby towns, including those identified in the West Sussex Walking and Cycling Strategy 2016-2026 suggested schemes listed at Appendix 1.
8. Consolidate any commercial and community uses, along with extra care housing facilities and transport hub and integrate them with movement routes to create a thriving and coherent centre/focal point to the development, and exploit opportunities to incorporate measures to discourage/remove through motor traffic from this centre.
9. Co-locate provision of new schools within/close to the centre of the development and demonstrate how vehicular traffic will be managed to encourage walking and cycling, including the potential for low/no traffic streets/'School Streets' schemes.
10. Design new schools to enable facilities to be open to the community when not in use by the school during evenings, weekends and holiday periods and facilitate a community use agreement as part of any planning application.
11. Engage with Gatwick Airport at an early stage of proposals to ensure Aerodrome Safeguarding Requirements (Air Safety) are fully addressed.
12. Develop a strategy for the long-term management and stewardship of open space and green infrastructure including initiatives for income generation that could be integrated into the scheme.
13. Submit an Employment and Skills Plan with the planning application to secure improvements to the skills of local people and to enable them to take advantage of the resulting employment opportunities.

## DPI5: Open Space, Sport and Recreation

Open space, leisure, sport and recreational facilities are important to support healthy lifestyles and should be retained where possible and provided alongside new development.

The facilities referred to in this policy include:

- Allotments, community growing spaces and community orchards
- Artificial turf and grass playing pitches and ancillary facilities
- Gyms, sports halls, swimming pools and fitness facilities
- Kickabout, skate parks, cycling and BMX tracks
- Leisure facilities such as bowling, ice rinks and outdoor activities
- Open space, amenity green space, parks and recreation grounds, natural green space, and nature conservation sites
- Play areas
- Tennis, netball and multi-use courts
- Climbing centres

It is important to note that open space, leisure, sport and recreational facilities often form part of the green infrastructure for an area and development proposals should also have regard to Policy DPN3: Green Infrastructure.

### DPI5: Open Space, Sport and Recreation

#### New and additional provision

The provision of new, improved and/or enhanced open space, leisure, sport and recreational facilities (including allotments) to support healthy lifestyles in accordance with the strategic aims of the Playing Pitch Study, and other relevant studies as they are published and/or updated, will be supported where it meets the requirements of other relevant development plan policies. The design of open space and public realm should have regard to the Mid Sussex Design Guide SPD.

Sites for appropriate open space, leisure, sport and recreational facilities to meet local needs will be identified through Neighbourhood Plans or a Development Plan Document produced by the District Council.

#### Existing provision

The Council's adopted standards for open space, sport and recreational facilities will be met by protecting and appropriately maintaining existing facilities.

Proposals that involve the loss of open space, leisure, sports and recreational buildings and land, including playing fields, will not be supported unless:

1. An assessment has been undertaken which has clearly shown that there is no longer a demand and/or need for the open space, leisure, sports or recreational land or building, and where relevant it has been marketed, in accordance with the marketing guidance in Appendix 1, for a reasonable period; or

2. The loss resulting from the proposed development would be replaced by alternative provision that is accessible, inclusive, available and of equivalent or better quantity and quality in a suitable location; or
3. Community benefits would be achieved that could not be achieved in any other way, and appropriate compensatory provision is made, including improvement to the quality of the remaining open space; or
4. The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use; or
5. The proposed development directly relates to the use of open space and is appropriate in scale and form to the character of the open space and is acceptable in terms of impact on openness without harming the function and operation of the open space.

Whilst a site may be surplus to requirements for open space, leisure, sport and recreation use, it may still be of environmental, social or cultural value. The site's development may have unacceptable visual or amenity impact, or adversely affect wider healthy lifestyles, green infrastructure or biodiversity functions, including for climate change mitigation and resilience. Applicants will therefore need to carefully consider such as proposal alongside other policies in this Plan.

## DPI6: Community and Cultural Facilities

Community and cultural facilities and local services are important and should be retained where possible and provided alongside new development.

The community facilities and local services referred to in this policy include:

- Activity halls and community centres
- Car parks
- Cemeteries and burial grounds
- Cultural venues such as theatres, performance spaces, cinemas, art centres, galleries and museums
- Education facilities
- Emergency services
- Healthcare facilities
- Libraries
- Local shops including banks and post offices
- Places of worship and church halls
- Public conveniences
- Public houses
- Sports club houses and pavilions
- Parish, village and town halls

### DPI6: Community and Cultural Facilities

#### New and additional provision

The provision and/or improvement of community and cultural facilities and local services that contribute to creating sustainable communities will be supported where the proposal meets the requirement of other relevant development policies.

#### Existing provision

The Council's adopted standards for community and cultural facilities will be met by protecting and appropriately maintaining existing facilities.

Proposals that involve the loss of a key community or cultural facility (including those facilities and services where the loss would reduce the community's ability to meet its day-to-day needs locally), will not be supported unless:

1. A marketing exercise has been undertaken in accordance with marketing guidance at Appendix 1 and for a minimum of 12 months, which clearly demonstrates that there is no longer a demand and/or need for the community or cultural facility, local service or an equivalent community use; or
2. The loss resulting from the proposed development would be replaced by equivalent or alternative facilities that are accessible, inclusive, available and of equivalent or better quantity and quality in a suitable location.

## DPI7: Water and Wastewater Infrastructure

A growing population and an increase in development will place pressure on water supply and wastewater treatment works, with some having limited available capacity to meet these needs. The Council will engage with the water utility companies through the Infrastructure Delivery Plan to ensure water infrastructure and facilities are fit for purpose and to minimise leaks and to support the needs of the local community.

To protect the environment, increased loading on wastewater infrastructure from proposed development should be treated appropriately and adequately and should not result in untreated sewage discharges into the environment.

Developers will need to show that they have engaged with service providers at the earliest opportunity to establish the proposed development's demand for water supply and wastewater infrastructure and how this can be met. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing water and wastewater infrastructure.

It is essential to ensure that infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems. Where there is a capacity constraint, and no improvements are programmed by the statutory undertaker, the developer will need to contact the statutory undertaker/s early in the development process to agree the improvements required and how these will be funded prior to any occupation of the development.

### DPI7: Water and Wastewater Infrastructure

Occupation of development will be phased to align with the delivery of wastewater and sewerage infrastructure, in consultation with the service provider. Layout of the development must be planned to ensure future access to existing sewerage infrastructure for maintenance and upsizing purposes.

Development should connect to a public sewage treatment works. If this is not feasible, proposals must be supported by sufficient information to understand the potential implications for the water environment, biodiversity and climate change. Long-term management and maintenance commitments must be clearly set out at the application stage.

Where development is proposed within 800m of a sewage treatment works or 15m of a sewage pumping station, the developer will need to liaise with the utility company to consider whether an odour impact assessment is required. The odour impact assessment will need to determine whether the proposed development would result in adverse amenity impacts for new occupiers and provide mitigation measures as appropriate.

The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long-term water supply and wastewater management, provided that the need for

such facilities outweighs any adverse land use, landscape or environmental impacts and that any such adverse impact is minimised.

Where necessary, Grampian conditions may be imposed on planning permissions to prevent the occupation of development until necessary works relating to sewerage have been implemented.

## DPI8: Viability

The viability of development is important in terms of supporting delivery in both plan-making and the determination of planning applications. The District Council has accounted for the cumulative impact of its policy requirements, standards and infrastructure requirements on development viability, through the preparation of the Local Plan Viability Study (May 2022) in accordance with the guidance set out in the NPPF and Planning Practice Guidance (PPG) on Viability and Plan Making.

As a result, when negotiating site acquisitions and undertaking development feasibility studies, developers should take account of all necessary requirements, and proposals should be designed in a way which accords with all Development Plan policies, including those regarding affordable housing provision.

Where an applicant formally requests the Council to consider a reduced level of infrastructure contributions and/or affordable housing, they will need to robustly demonstrate that it is not possible to meet the full quota of affordable housing without prejudicing the delivery of housing on the site. They will also need to demonstrate to the satisfaction of the Council that, in the individual case, the objective of creating mixed and balanced communities can be effectively and equally met through either off-site provision or an appropriate financial contribution in lieu or a combination of the two.

In order to demonstrate the above, a full viability appraisal must be submitted with a planning application which is based upon, and refers to, the Mid Sussex District Council Local Plan Viability Study. Such an appraisal should include evidence of what has changed since the adoption of the Plan which has impacted on viability and should reflect the government's recommended approach to defining key inputs as set out in NPPG.

### **Viability Appraisal - Information requirements**

Policy DPI8 identifies the criteria for considering development proposals. All assumptions applied to the Viability Appraisal model should be accessible and capable of variation to observe the impact of each on the model's outturn.

The costs and values included in the Viability Appraisal submitted to the District Council must be consistent with the corresponding information on current costs and values which the applicant is themselves relying upon to inform their own commercial decisions. A summary should be provided clearly setting out the exceptional reasons which it is felt are making the development proposal unviable.

A statement must also be included that the company undertaking the Viability Appraisal has not been instructed on the basis of performance related pay or incentivised in any other way according to the outcome of the viability process and the level of planning obligations which the applicant is required to provide.

The Viability Appraisal must be submitted in a clear and accessible format with full supporting evidence to substantiate the inputs and assumptions used. A full working electronic version of the Viability Appraisal model used will be required so that it can be fully tested and interrogated. The

Viability Appraisal will be assessed by the District Council with advice from a suitably qualified external consultant/s and the cost of this external advice is to be borne by the developer.

In accordance with national Planning Practice Guidance , the weight given to a viability assessment will be a matter for the Council as the decision maker, ‘...*having regard to all the circumstances in the case.*’ Viability submissions that are not in line with and/or have not been carried out in accordance with the relevant and most up to date RICS Guidance, will be given little weight.

## **Viability Assessment**

On completion of the Viability Assessment the District Council will confirm whether additional planning obligations are required over and above those proposed by the applicant through their Viability Appraisal. Heads of Terms will be included in the District Council’s Planning Report, reflecting the outcome of the viability process and an application will be refused if terms cannot be agreed.

Where reductions in infrastructure contributions and/or affordable housing provision are agreed on viability grounds at planning application stage the District Council will include the estimated gross development value and build costs at this stage in a planning obligation, together with details of the required Advanced Stage Viability Review.

## **Advanced Stage Viability Review**

The financial viability of a scheme will change over time due to the prevailing economic climate and changing property values and construction costs. It may be notably different at the time of delivery, as a result of changes in market conditions and uncertainties at planning application stage. Consequently, the practice of viability review to ensure that proposals are based on an accurate assessment of viability at the point of delivery has become increasingly well established.

The aim of the Advanced Stage Viability Review is not to carry out a completely new Viability Assessment of every item, but to assess whether additional value has been generated since the planning application stage Viability Assessment was carried out, as a result of a change in the Gross Development Value or the Build Costs.

During the Advanced Stage Viability Review the gross development value and build costs will be re-assessed by the District Council with advice from a suitably qualified external consultant and the formula will be applied, to determine whether there has been an increase in viability from that anticipated when the planning application was submitted.

Appendix 6 contains the formula used to calculate any additional financial contributions due. 40% of any surplus generated as a result of increased values or reduced costs will be retained by the developer, as an additional profit allowance to that agreed in the planning application stage Viability Assessment, to ensure that they also benefit from an improvement in the scheme’s viability and are incentivised to make the scheme as profitable as possible by maximising values and minimising build costs.

Any contribution payable to the District Council will be capped according to the level of contribution still required by policy and associated guidance. For affordable housing contributions, this will be based on the level of surplus required to provide the affordable housing necessary to meet the

affordable housing requirement. Any additional surplus above this will be retained in full by the developer as additional profit.

If a surplus (further profit) results from the application of the formula, it will be split between the District Council and the developer 60%/40% and the 60% payable to the District Council will be put towards infrastructure contributions and/or off-site affordable housing provision. This will enable policy requirements which were not deemed deliverable at planning application stage to be met in full or part.

If there is no surplus resulting from the application of the formula, because build costs have increased but values have not or values have increased less than build costs, no payment would be required towards meeting the infrastructure contributions and affordable housing provision due.

Advanced Stage Viability Reviews will be required on all residential/mixed use schemes which do not meet infrastructure contributions or the District Plan affordable housing requirement in full at the grant of planning permission and these will take place on the sale/letting of 75% of the market residential units. In the case of all other schemes an Advanced Stage Viability Review will take place three months prior to the expected date of practical completion.

## **Disclosure**

All Viability Appraisals will be made publicly available on the planning register, in order to increase openness and transparency in the planning process. Limited weight will be given to assessments not published in full. Redaction of any information will only be allowed in exceptional circumstances.

The District Council has the right to provide information to external parties advising it on viability matters to fulfil its statutory function as Local Planning Authority. Regardless of any decision not to make specific elements of an appraisal publicly available, information will also be made available, on a confidential basis, to Planning Committee members or any other District Council member who has a legitimate interest in seeing it.

The District Council may also need to release information to a third party where another body has a role in providing public subsidy, or where the application is subject to a planning appeal. Any decision not to disclose information will be subject to the District Council's obligations under the Freedom of Information Act and the Environmental Information Regulation.

### **DPI8: Viability**

Where an applicant states that, owing to viability issues, a housing scheme is unable to provide the amount of affordable housing sought by Policy DPH8, or a development is unable to make the appropriate proportionate contribution towards infrastructure provisions sought by Policy DPI1 at the time of submission the following approach will be taken:

1. A Viability Appraisal must be submitted by the applicant prior to validation of the planning application. It must be based on current costs and values. There must also be a clear correlation between a development's specification, build costs and development values.
2. The Viability Assessment will consider whether the approach adopted and the inputs used are appropriate and adequately justified by evidence and experience. It will determine

whether the level of infrastructure contributions and affordable housing provision proposed by the applicant are the maximum that can be viably supported.

3. A viability review will be required later in the project, for all schemes at the time planning permission is granted. This will enable any increase in viability to be calculated. At the review stage accurate and up to date evidence of build costs and sales values, the key variables most likely to change over time, will be able to be provided for assessment.

The above policy will also apply where a developer is asserting that it is not viable to provide 100% affordable housing in the case of a Rural Exception Site, and consequently wishes to provide an element of open market and/or self-build housing up to a maximum of 20% of the total.