

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

**INSPECTOR'S MATTERS, ISSUES, AND
QUESTIONS FOR DISCUSSION AT THE
EXAMINATION HEARINGS**

VERSION 1

The Hearings Programme may be updated. Please ensure that you check the latest position if you wish to attend a particular hearing by contacting the Programme Officer or viewing it on the website at www.midsussex.gov.uk.

Please remind yourself of the guidance concerning the format of the hearing at this Examination, contained in the Inspector's Guidance Note.

The Inspector has split the examination of the Mid Sussex District Plan 2021-2039 (the 'Plan') into stages. These questions relate to STAGE 1. Following the successful completion of the Stage 1 hearings sessions, the Inspector will confirm the arrangements for Stage 2 which will consider the policies of the Plan in more detail. Stage 2 of the examination will then commence at a date to be subsequently arranged.

Matter 1: Legal and Procedural Requirements

Issue 1: Whether the Plan has been prepared in line with the relevant legal requirements and procedural matters?

Plan Preparation

1. Has the Plan been prepared in accordance with the Local Development Scheme in terms of its form, scope, and timing?
2. Have requirements been met in terms of the preparation of the Plan, notification, consultation and publication and submission of documents?
3. Has the preparation of the Plan complied with the Statement of Community Involvement?
4. In relation to those who have a relevant protected characteristic, how does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010?

Sustainability Appraisal

5. Has the plan been subject to Sustainability Appraisal (SA), including a report on the published plan, which demonstrates, in a transparent manner, how the SA and Site Selection Methodology (SSP1) have influenced the evolution of the plan making process. For example, could I be directed to where the sites have been ranked against each other as referenced in paragraph 36 of SSP1? What if anything is the cut off threshold? Have the requirements for Strategic Environmental Assessment been met?
6. Is the non- technical summary suitably concise? Has the SA followed the correct processes in terms of content and consultation? In particular, is the scoring methodology within the SA consistent, coherent and accurate?
7. Have all reasonable alternatives been considered in terms of spatial strategy, policies, and sites including increases in density or housing numbers?
8. Have these reasonable alternatives, been considered on a like for like basis? Is the evidence on which the scenarios are predicated consistent and available from the Examination website? What is the significance if any, to the robustness of the SA, of the publication of additional evidence, such as transport and flood risk evidence after the Plan was submitted? Are there any policies, or strategies, where there were no reasonable alternative options to consider? If so, what is the justification?

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

9. Has the SA of the Pre-submission Plan been subject to consultation with the consultation bodies? What concerns have been raised and what is the Council's response to these?

Habitats Regulations Assessment

10. What role has Natural England played in the production of the Habitats Regulations Assessment and how has the Council had due regard to its professional expertise and its guidance?
11. Is the Plan, as submitted, likely to have a significant effect on European sites either alone, or in combination with other plans or projects? Have these other plans or projects been appropriately identified?
12. Have the appropriate assessments of the implications for those sites been undertaken in a manner consistent with the sites' conservation objectives?
13. In doing so, are the appropriate assessments, and evidence underpinning them, capable of ascertaining that the Plan as submitted will not adversely affect the integrity of the European sites and their qualifying features, either alone, or in combination?
14. If the mitigation measures set out in the Habitats Regulations Assessment are required, what evidence is there that these will work over the lifetime of the plan and beyond?
15. Is the Plan's strategy and distribution of development consistent with the recommendations of the Habitats Regulation Assessment?

Other Matters

16. Does the Plan include all relevant strategic policies to address the Council's priorities and adequately set out an overall strategy for development as required by paragraphs 20-23 of the National Planning Policy Framework (the Framework)? Specifically, please set out how each of the individual categories set out within criteria 20 a) to 20 d) are justified by up to date and proportionate evidence and, where this has been supplied by developers, the extent to which it should be relied upon?
17. Has the Council had regard to the specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?
18. What is the relationship between the policies of the submitted Plan and the made Neighbourhood Plans within the district?

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

19. Does the Plan include policies in relation to the mitigation of and adaptation to climate change? If so which?
20. Have the policies of the Plan inappropriately elevated extant and future specific studies, such as supplementary planning guidance, and other standards to development plan status? If so, what modifications are required to rectify this?

Matter 2: Duty to Co-operate

Issue 1: Whether the Council has complied with the duty to co-operate in the preparation of the Plan?

Duty to Co-operate

21. Have all Statements of Common Ground been provided consistent with the requirement of the Framework and the associated Planning Practice Guidance?
22. Has the Council co-operated with the relevant local planning authorities, and appropriate prescribed bodies, in the planning of sustainable development relevant to cross boundary strategic matters? If so, who has the Council engaged with, how, why, and when, with particular reference to the ability to influence plan making and the production of joint evidence and meeting unmet needs?
23. Specifically, in relation to Mid Sussex Council, what are the matters of cross boundary strategic significance which require co-operation, and how have these matters been identified?
24. In considering such matters, including the timing, has the Council co-operated with those identified above, constructively, actively, and on an on-going collaborative basis throughout the preparation of the submission plan?
25. I am aware of a number of cross boundary groupings which involve Mid Sussex on a sub-regional level as set out in the various Statements of Common Ground. As a consequence of the Council's legal duty to co-operate, how has the effectiveness of plan-making activities relating to the identified strategic matters been maximised to enable deliverable, effective policies? In doing so, has joint working on areas of common interest been undertaken for the mutual benefit of Mid Sussex Council and its neighbouring authorities with tangible outputs?
26. Has Mid Sussex Council been diligent in making every effort to meet cross boundary strategic priorities, including addressing potential unmet development needs arising from neighbouring authorities as referenced in Policy DP5 of the

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

Mid Sussex District Plan 2014-2031 and as requested by neighbouring authorities?

27. Notwithstanding the Housing Needs Statement of Common Ground (SoCG) (DC4), signed by the Northern West Sussex authorities, what is the rationale for the prioritisation of meeting the unmet needs of the Northern West Sussex HMA over those of the unmet needs of other relevant HMAs?
28. Are there strategic matters which have not been adequately considered on a cross boundary basis? If so, what are they and how is this the case?
29. Specifically, has the Duty to Co-operate been discharged in a manner consistent with Paragraphs 24- 27 of the Framework?

Matter 3: Vision, Objectives and Spatial Strategy

Issue 1: Whether the Spatial Vision and Objectives for Mid Sussex Council are justified, effective, consistent with national policy and positively prepared?

30. Does the Spatial Vision for the 2018 District Plan remain relevant?
31. Are the Plan objectives which have been identified relevant; justified; and consistent with National Policy?
32. Is the Plan period justified, effective and consistent with national policy in particular paragraph 22 of the Framework? Should it be extended, if so, why?

Issue 2: Whether the Spatial Strategy is justified, positively prepared, effective, and consistent with national policy?

33. Chapter 6 of the Plan relates to the District Plan Strategy. However, there is no explicit strategy within the Plan as submitted rather four principles and a distribution of development based on commitments, and existing and proposed allocations. Is there an overall spatial strategy which sets out the pattern, scale and design quality of places and makes sufficient provision for development and infrastructure as required by paragraph 20 of the Framework? If so, how would this strategy influence decision- making, and has it been positively prepared, justified, and effective?
34. Does the spatial strategy make the effective use of land including previously developed land?

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

35. Is this strategy sufficiently clear to decision-makers, developers, and local communities as to where the majority of new development including infrastructure will be located? Is it consistent with the policies of the Plan?
36. How were the settlements defined as different categories and how did the Council decide on the scale and level of growth attributed to the different areas/settlements in the Plan? Is this justified?
37. How does the spatial strategy and the distribution of development relate to neighbouring settlements outside of the District such as Crawley to the north?
38. Is the strategy and distribution of development consistent with paragraph 105 of the Framework which states that the planning system should actively manage patterns of growth and focus significant development in locations which are, or can be made sustainable and paragraph 124 of the Framework which references the need to achieve appropriate densities so as to optimise the use of land in their area?
39. How have the constraints within the District, such as the High Weald Area of Outstanding Natural Beauty and the setting of the South Downs' National Park influenced the strategy of the Plan?
40. To what extent was the preferred combination of options 1 and 2 chosen on the basis of a justified and proportionate evidence base?
41. Does the spatial strategy look sufficiently further ahead, particularly in relation to larger developments that go beyond the Plan period, such as DPSC1: Land to the West of Burgess Hill/ North of Hurstpierpoint; DPSC2: Land at Crabbet Park and DPSC3: Land to the south of Reeds Lane, Sayers Common?
42. What reasonable alternative options were considered as part of the Plan's preparation and why were they discounted?
43. Are any main modifications necessary for soundness, if so, why?

Matter 4: Transport

As set out above, subject to being able to conclude that the Plan is capable of being found legally compliant and sound, I am intending to move to a second phase of hearing sessions at which I would consider transport related matters in detail. However, the following issue is fundamental to this stage of the examination.

Issue 1: Whether the Plan is justified, effective and consistent with national policy in relation to transport?

44. Is the Plan consistent with Circular 01/2022 Strategic Road Network and the Delivery of Sustainable Development and paragraphs 104- 109 of the Framework? How has the Council considered transport issues from the earliest stages of plan making and development proposals particularly given that opportunities to maximise sustainable transport solutions may vary between urban and rural areas?
45. Following the Regulation 19 consultation on the Plan which is the subject of the examination, National Highways determined that due to potential severe impacts on the Strategic Road Network (the M23 and the A23) the Council would either have to a) consider a different pattern of growth; b) commit to significant highway improvements to the M23 and A23; or c) commit to a more ambitious package of sustainable transport, travel demand management and behaviour change measures and interventions accompanied by a robust 'monitor and manage' strategy and approach. What has been the Council's response to this? Are any consequential main modifications required to the spatial strategy, policies, and timing of delivery of development over the lifetime of the development plan?
46. Is the transport evidence which supports the submission plan including any assumptions, such as home working rates, robust, justified, and is it consistent with national policy?
47. Specifically, to what extent is the central tenet of the Plan, of 20-minute neighbourhoods and local living, justified, and effective in the context of a predominantly rural district and a development strategy which is to identify sites in areas which are to improve the sustainability of existing settlements including those falling within lower tier categories? Is there a tension between substantial low-density development as referenced in the Local Plan Viability Study (VA) (IV2) and a successful 20-minute neighbourhood?
48. What mechanisms would be required to achieve the proposed improvements set out within the individual allocations and would they be enough to prevent

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

the transport impacts identified? Would the delivery of the sites be viable so as to be able to support the required mitigation requirements over the long term? Is the cost of any mitigation requirements reflected in the VA. Moreover, would these sites become genuinely sustainable, or given their locations, would they remain heavily reliant on the private car? For example, I note that the cycle routes within the identified Sustainable Communities sites would only lead to a reduction in highway traffic of 1-2%?

49. National Highways is clear that Road Investment Strategy (RIS) funding would not be available. What certainty is there that sufficient mitigation would be capable of being achieved either through the reduction of private car journeys or funded highway improvements? How could the 'monitor and manage' approach be integrated into the Plan and how would it impact on its deliverability?
50. Taken together, are the policies of the Plan including the site allocations and policies DPT1; Placemaking and Connectivity, DPT2: Rights of Way and Other Recreational Routes; DPT3: Active and Sustainable Travel together with DPI1: Infrastructure Provision; DPI2: Planning Obligation; DPI3: Major Infrastructure Projects and DP18: Viability justified, effective and consistent with national policy in relation to transport so as to avoid an unacceptable impact on highway safety? Would they ensure that the residual cumulative impacts on the road network would not be severe? How would the Infrastructure Delivery Plan be effective in supporting the above policy requirements?
51. Are any main modifications necessary for soundness, if so, why?

Matter 5: Flood Risk

52. How has the preparation of the Plan and its policies been informed by paragraphs 159 to 165 of the Framework?
53. Have the strategic policies of the Plan as submitted, including the Plan's spatial strategy; identification of sites as Sustainable Communities; and other smaller housing sites been supported by up-to-date strategic flood risk assessments, including a Level 2 Strategic Flood Risk Assessment?
54. What is the relevance of the geology of the district to flood risk including its mitigation?
55. Are all of the relevant policies within the Plan consistent with national policy?
56. Are any main modifications necessary for soundness, if so, why?

Matter 6: Housing

Issue 1: Whether the Council's approach to calculating its full, objectively assessed needs and housing requirement is justified, based on up-to-date and reliable evidence, effective, positively prepared, and consistent with national policy?

Objectively Assessed Need-Housing

57. Does the Plan period cover an appropriate time frame for the provision of housing (2021-2039) consistent with national policy? If not, what would be the implications for housing need?
58. To determine the minimum number of homes required, housing policies should be informed by the Government's local housing need methodology. As such, are the inputs used to determine the level of housing needed within the Plan appropriate?
59. Are there exceptional circumstances to suggest that an alternative approach be taken? If so, what are they, and how would they impact on housing need? Is the Strategic Housing Market Assessment 2021 (H1) up to date and justified?
60. What are the implications, if any, of the Gatwick Airport's proposed extension and DCO on the demand for housing? Does the OAN set out within the submission Plan of 19,620 remain appropriate?

Affordable housing

61. Is the figure of 470 affordable homes per annum set out in the SHMA (H1), split between rented and owned homes, subject to S106 control, based on appropriate evidence?

Gypsies and Travellers and Travelling Showpeople

62. Is the plan clear as to the identified need for additional pitches, including for those who no longer travel, as well as transit sites for Gypsies and Travellers, and travelling show people? Is the April 2022 Gypsy and Traveller Accommodation Assessment (GTAA) (H2) consistent with the December 2023 version of the Planning Policy for Traveller Sites? If not, would this impact on the need for additional pitches?
63. Are there other considerations that are likely to drive an increase in need locally, such as any needs that cannot be met within neighbouring areas?

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

64. Is the identified need supported by a robust, up-to-date, and credible evidence base consistent with the 'Draft Guidance to local housing authorities on the periodical review of housing needs - Caravans and Houseboats DCLG 11 March 2016'?

Other specialist needs

65. How have the needs of other caravan dwellers and houseboat dwellers been considered within the Council's evidence base?
66. What assessment has taken place of the needs of particular groups by household size, type, and tenure, including self-build and custom housebuilding? What assumptions have been made to calculate the need for specialist housing: for example, housing for older people, and for households with specific needs, to offer a better choice of housing? Are these assumptions justified and consistent with national policy?

Housing Requirement

67. Is a minimum housing requirement of 19,620 justified and consistent with national policy? What is the status of the 996 dwellings referenced within the table in Policy DPH1 as total under/over supply for resilience and unmet need? Should this figure be included within the annual housing requirement for the district?
68. Are there other considerations that are likely to drive an increase in the homes needed locally, such as any needs that cannot be met within neighbouring areas namely the 30,000 dwellings of unmet need identified up to 2050 in the Coastal West Sussex and Greater Brighton authorities, Housing Need and Requirement Topic Paper (HNRTP) (H5), and the more immediate housing needs of Crawley, Brighton and Horsham?
69. If so, are there any policies within the Framework that protect areas or assets of particular importance that provide a strong reason for restricting the overall scale, type or distribution of housing, within the plan area; or would any adverse impacts of meeting the Council's OAN and the unmet needs of others significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole?
70. Is the requirement for Older Person's Housing and Specialist Accommodation (DPH4); DPH5: Gypsies, Travellers and Travelling Showpeople and DPH6: Self and Custom Build Housing justified and positively prepared?
71. What is the housing requirement for each designated neighbourhood area?

MID SUSSEX DISTRICT PLAN 2021- 2039 EXAMINATION

Inspector: Louise Nurser BA (Hons) Dip UP MRTPI

72. Are any main modifications necessary for soundness, if so, why?

End