

# Mid Sussex District Plan Examination

## Inspector's comments on development management policies

The following comments concern those development management policies of the plan which are considered to need modification to make them sound – mostly for reasons of clarity, effectiveness or to bring the policy into line with national policy. Only those development management policies that require modification are included in the table. I have not commented on policies that are going to be the subject of hearings, or development management policies that appear sound.

The modifications that I consider necessary, and the reasons for them, are set out in the table below.

In addition, the Council have themselves proposed some modifications following the regulation 19 consultation – for example, in response to stakeholder comments. However, some of these are not required for soundness and others are themselves unsound. I can only recommend modifications where they are required for soundness. I have set out in the table those of the Council's proposed modifications that I cannot recommend.

It can be assumed that, where I have not commented on individual policies or proposed modifications, I have not at this stage identified soundness issues relating to them.

The Council should now work through the table and produce the draft wording of the modifications for my consideration. I am not inviting discussion with the Council on the need for these modifications but would be happy to clarify any matters with the Council and discuss precise wording with them.

This document will be placed on the examination website but will not be open to wider discussion at this stage. In due course a draft schedule of main modifications will be produced which, when finalised, will be the subject of public consultation.

Policy no and title	Issue	Necessary modification
DPS1: Climate Change	Criterion 4: the production and use of methane, nitrous oxide, fluorinated gases, refrigerants and air conditioning systems is subject to other controls and is not directly related to the planning system.	Delete Criterion 4.
DPS2: Sustainable Design and Construction	Introductory paragraph: there is no support in national policy for requiring a sustainability statement for all development. This is a disproportionate and unnecessary requirement.	Delete this requirement.
	Zero carbon development: a “fabric first” approach is not explained and there is no specific support for this approach in national policy.	Delete this requirement.

	<p>Energy use and Assessment frameworks: WMS 2023 states that that any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned building regulations should be rejected at examination (other than in specific circumstances which are not reflected in the policy). It is also worth noting that the emerging NPPF does not allow for local energy efficiency standards.</p> <p>Embodied carbon: there is no requirement in national policy to “prioritise retention and retrofit of existing buildings or structures to capture the embodied carbon associated with the building’s original construction” or to require “a whole life-cycle (WLC) carbon assessment using a nationally recognised assessment methodology”. The use of “sustainable sourced wood...from local sources” is not an approach reflected in national policy.</p> <p>Householder development: “increasing the energy efficiency of other parts of the building” is not fairly related to the development being proposed and is unduly onerous.</p> <p>Prevent overheating: many developments because of the nature of their scale and operation may require air conditioning. There is no specific support in national policy for the avoidance of air conditioning systems.</p> <p>Water resources and water efficiency: it is not clear that there is any evidence that supports 85l/person/day other than in the Sussex North Water Resource Zone.</p>	<p>Delete both these sections.</p> <p>Delete these requirements.</p> <p>Delete the requirement to increase the energy efficiency of other parts of the building.</p> <p>Delete the requirement to avoid air conditioning systems.</p> <p>Unless supported by clear evidence, delete this requirement.</p> <p>Generally: Policy DPS2 should be re-cast so that it supports energy efficient and low carbon development without straying into matters that are covered by the building</p>
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		<p>regulations, especially building energy efficiency, and without resorting to onerous and requirements and unnecessary statements and metrics. The Council's proposed modifications M10 and M11 should not be taken forward.</p>
DPS3: Renewable and Low Carbon Energy Schemes	<p>Solar, wind and hydro energy: these policies refer to diagrams A.1 and A.8 in the appendices of the Sustainable Energy Study which are not on the Local Plan Examination Evidence Base. Thus there is no publicly available source for an applicant to refer to in order to find out where renewable energy projects may be appropriate. In any case, it is not appropriate for the policy to refer to diagrams in separate documents in this manner. If they are material to decisions on planning applications they should be included in the plan.</p> <p>It is not clear why the policy refers only to the setting of the AONB instead of the AONB itself.</p> <p>Thermal Energy Distribution: Heating and Cooling Networks: criteria 15-22 are over-prescriptive and are more appropriate for SPD. Several are not relevant to planning, including compliance with technical standards, registration and pricing.</p> <p>Community-led energy: "the positive benefits" "material consideration" and "the preference is" are not precise. The plan does not explain what the positive benefits are considered to be, compared with other schemes; it is not clear why this is expressed simply as a material consideration instead of encouragement; and it is not clear what the expressed preference means in terms of the practical application of the policy. None of this is adequately explained in the background text.</p>	<p>Include the relevant diagrams in the plan and explain their relevance and how they will be used in decision-making. Alternatively, remove from the policy all references to the Study and the diagrams.</p> <p>Make sure that the policy takes into account proposals within the AONB itself and not just those affecting its setting.</p> <p>Remove "It is expected that heat networks address all of the following:" and remove Criteria 15-22.</p> <p>Reduce the policy to a simple encouragement for community-led energy schemes and delete all subsequent text. Provide brief explanation in the supporting text.</p>

DPS4: Flood Risk and Sustainable Drainage	<p>Flood Risk: the first sentence of the policy appears to apply a sequential risk-based approach to all development. However, is only required by the NPPF in respect of development areas known to be at risk from flooding now or in future. In addition, with certain exceptions, applicants need not apply the sequential test on sites allocated in the plan.</p> <p>The 5<sup>th</sup> paragraph does not reflect national policy in the NPPF.</p> <p>The section on sustainable drainage refers to a Greenfield Qbar rate which is a technical term which is not explained and does not belong in the plan. This level of prescription is unnecessary.</p>	<p>It is suggested that Policy DPS4 should be re-written simply to reflect national policy in the latest versions of the NPPF and PPG because those versions of will be material considerations in respect of development management.</p>
DPS5: Water Neutrality	<p>It is understood that circumstances have changed since the Council drafted this policy.</p>	<p>The policy should be deleted or re-drafted to reflect current circumstances.</p>
DPS6: Health and Wellbeing	<p>Regarding the Council's proposed modification M20: it is not appropriate for the supporting text to Policy DPS6 to require development proposals to <i>accord with</i> the Green Infrastructure Framework – since this framework is a non-statutory tool produced by another body. In any case Policy DPN3 deals with green and blue infrastructure.</p>	<p>The Council's proposed modification M20 should not be taken forward.</p>
DPN2: Biodiversity Net Gain	<p>Level of Biodiversity Net Gain: policy DPN2 and also Policy DPSC GEN seek 20% biodiversity net gain on Significant Sites and Significant Sites allocations. However, national guidance in PPG "Biodiversity net gain" states "Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development." There is</p>	<p>Delete the requirement for 20% biodiversity net gain on Significant Sites and Significant Sites allocations from Policies DPN2 and DPSC GEN.</p>

	<p>no justification in the Plan's supporting text and there is no link to ENV14 "Biodiversity" in the evidence base.</p>	
DPN3: Green and Blue Infrastructure	<p>The Council's proposed modification at M31 is not necessary for soundness. "Should" is a normal and commonly used expression in a plan. Changing it to "must" makes no difference.</p>	<p>M31 should not be taken forward.</p>
DPN4: Trees, Woodland and Hedgerows	<p>The statement "Trees, woodland and hedgerows will be protected" in the first paragraph, and the similar statement in the second paragraph, need to be qualified. Not all trees and hedgerows can or should be protected or incorporated into development. There are many that are poor specimens, diseased or simply in the wrong place. The first sentence of the second paragraph effectively repeats the first. The key policy text starts with the third paragraph.</p> <p>Tree replacement: this is normally on a 1:1 basis and it is not clear from the evidence why a greater requirement would normally be sought; individual circumstances will dictate the appropriate replacement scheme.</p> <p>Use of Buffer Zones: presumably the policy intends to say 15 times larger than the diameter of the trunk, rather than 15 times the diameter of the tree, because the latter could be taken to mean 15 times the diameter of the canopy.</p> <p>M32 which refers to soils in the supporting test is not necessary for soundness.</p>	<p>Change the first sentence of the policy to begin "Trees, woodland and hedgerows are valuable natural capital assets..."</p> <p>Delete the first sentence of the second paragraph.</p> <p>Replace "greater than 1:1 basis" with "1:1 basis or greater as appropriate in the circumstances".</p> <p>Modify the policy to ensure this point is clear.</p> <p>M32 should not be taken forward as a main modification.</p>
DPN7: Light Impacts and Dark Skies	<p>As regards the Council's proposed modification M41, item 6 is both over-prescriptive in referring to particular document sections, and unclear in referring to "other relevant guidance". This part of M41 belongs in the supporting text. The important points</p>	<p>Remove M41 item 6 and place in the supporting text.</p>

	are already covered at a higher level in the policy.	
DPN9: Air Quality	<p>Ashdown Forest SPA/SAC The Ashdown Forest has a separate policy, DPC6. Policy DPN9 should not seek to duplicate part of it.</p> <p>This also applies to M42.</p>	<p>Delete the section headed “Ashdown Forest SPA and SAC”. Instead, provide a cross reference to Policy DPC6.</p> <p>M42 should not be taken forward.</p>
DPC6: Ashdown forest SPA and SAC	<p>Air Quality: the PPG guidance “Appropriate Assessment” states that an individual assessment of non-strategic projects may not be necessary where the strategic appropriate assessment is sufficiently robust. The HRA states (see 3.1 of the HRA Executive Summary) that air quality modelling data at key road links highlights that the Local Plan will have no adverse effect on the integrity of the Ashdown Forest SPA / SAC, both alone and in-combination. That being the case, it is not clear why Policy DPC6 requires new development likely to result in increased traffic to be assessed through a site-specific HRA at the application stage. Furthermore, “new development likely to result in increased traffic” is not precise enough; it would apply to a wide range of development regardless of impact.</p> <p>Paragraph 4 of the policy: “Development outside of the zone.. may require mitigation” imposes an arbitrary and imprecise requirement because it is not clear to applicants whether the requirement will apply to them or not. It is also unclear whether it applies to residential development or all development. The policy should clearly apply just to a specifically defined area, ie the 7km zone. The same point applies to the supporting text and in particular the idea that the zone of influence might change. It is not appropriate to have a variable zone of influence, since alterations to the zone would not be part of the statutory local plan process and would not be tested at examination.</p>	<p>Either delete this part of the policy in respect of new development allowed for by the plan, or provide clear evidenced justification for its inclusion. If it can be justified, provide an explanation in the supporting text and make the policy more precise.</p> <p>If this part of the policy is deleted, it should be replaced by a requirement for HRA in respect of development not provided for by the plan, where it generates significant amounts of traffic which is likely to have an adverse effect on the integrity of the SPA and SAC. This would make the policy internally consistent with its first paragraph.</p> <p>Delete this requirement and the corresponding supporting text.</p>

DPB1: Character and Design	<p>The Mid Sussex Design Guide SPD is not a development plan document, has not been examined and does not carry the weight of a DPD. It is therefore not appropriate to say that all development must be designed in accordance with it.</p> <p>Items 3 and 5 overlap and should be combined, along with criterion c) of 20 minute neighbourhoods (see below). It should be clear that a green infrastructure plan is only required where the scale of the development makes it relevant.</p> <p>20 minute neighbourhoods: there is no problem in including this as a concept. However, it is not appropriate for the policy to include a link to a document produced by an external organisation and expect development to embed the principles of that document. That document is not part of the development plan, has not been examined and itself can carry limited weight.</p> <p>A further problem arises because the 20 minute neighbourhood criteria are expressed in a separate set of requirements whereas they should be an integral part of the character and design requirements listed under the previous headings. The policy structure thus creates ambiguity and duplication.</p> <p>As regards the criteria themselves:</p> <p>Criterion a): it is inappropriate to make all major sites provide for "development for all ages". This would hinder the ability to develop (for example) communities designed to accommodate the specific needs of older people. The concept is only relevant to the plan as a whole, and to the larger sites that can accommodate a range of specialist homes.</p> <p>Criterion (c): not all major development (at the smaller scale)</p>	<p>Modify the first sentence of the policy to read "Applicants should have regard to the Mid Sussex Design Guide SPD in the design of new development".</p> <p>Modify the policy as necessary.</p> <p>Any principles should be expressed in the plan itself, and the link should be omitted from the policy. An explanation of the origins of the 20 minute concept should be included the supporting text.</p> <p>To make the policy sound, there appear to be two choices:</p> <ul style="list-style-type: none"> <li>- Apply the criteria to strategic sites, or sites over a certain large size which are capable of embedding all the requirements, or</li> <li>- Merge the criteria with the other design principles in Policy DPB1 to avoid duplication and confusion, and make it clear that they only apply where the site has the capability of delivering them. Do not have a separate set of criteria under the "20 Minute Neighbourhood" heading. Say that regard should be had to all these design principles in new development, commensurate with the size</li> </ul>
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	<p>will have the capacity for green spaces and green infrastructure. This criterion also repeats items 3 and 5 of the policy in a different way.</p> <p>Criterion d): food growing opportunities cannot be provided in all major developments, and this is a concept that might be considered under the green infrastructure umbrella.</p> <p>Criterion e): it is not clear what “exploit opportunities to improve access to local employment” (etc) actually entails in practice, especially for the smaller major development sites.</p> <p>Criterion f): it is not clear what the policy means by advanced digital infrastructure, but if the Council is seeking high speed broadband capability to each dwelling such a policy is not necessary as the connection and the physical infrastructure are now required by the Building Regulations. This criterion should therefore be deleted.</p>	<p>and location of the development.</p> <p>The second option in my view would be preferable because it would avoid creating a separate set of criteria, which would add a further layer of requirements and introduce potential overlap and ambiguity.</p>
DB4: Aerodrome Safeguarding Requirements	As the first sentence of the policy is written, it appears to apply to all development throughout the district to comply with aerodrome safeguarding requirements, no matter what its nature, size or location.	Rewrite the first sentence to say “Development should not compromise the operational integrity and safety of Gatwick Airport”.
DPT1: Placemaking and Connectivity	<p>Item 4: as regards the 20 Minute Neighbourhood, the same point applies here as to Policy DPB1.</p> <p>Item 5: regarding the Mid Sussex Design Guide, the same point applies as to DPB1.</p>	<p>The principles should be set out in the plan and should not be referred to by a footnote and link to a non-statutory unexamined document produced by a third party.</p> <p>Replace “Development must integrate relevant requirements of Chapter 4 of the Mid Sussex Design Guide SPD” with “Applicants should have regard to the Mid Sussex Design Guide SPD in the design of new development”.</p>

	<p>M53: the proposed modification omits the NPPF words “Developments which generate significant amounts of movement”. It refers to “demand management measures such as travel plans” which is vague. It refers to development phasing linked to the outcomes of travel plan monitoring, but this leaves too much uncertainty for developers.</p> <p>M54 is not necessary, it is just added description within the background text and is not needed for soundness.</p>	<p>The submitted policy is sound in this respect and M53 is not required for soundness. M53 should not be taken forward.</p> <p>M54 should not be taken forward as a main modification.</p>
<p>DPT2: Rights of Way and Other Recreational Routes</p>	<p>The first part of the policy is about protecting rights of way. Proposed modification M55 – “Provide necessary enhancements to meet user needs” does not fit in with either the theme or the grammar of this paragraph. It is not necessary in any case because items 1 to 4 of this policy concern new provision and enhancement, as does the whole theme of Policy DPT3. M55 is not necessary for soundness.</p> <p>M56 is not necessary for soundness. This policy is about supporting rights of way and recreational routes. Green infrastructure is dealt with elsewhere in the plan including Item 3 of DPT3. The plan must be read as a whole.</p> <p>M57 is not needed as part of the policy. It does not fit with the other items. Any right of way which crossed the railway would of course require consultation with Network Rail in any event. Safe design is a requirement of Policy DPSD6: Health and Wellbeing.</p>	<p>M55 should not be taken forward.</p> <p>M56 should not be taken forward.</p> <p>M57 should not be taken forward.</p>
<p>DPT3: Active Travel</p>	<p>Item 2 should read “where appropriate and feasible” to reflect the fact that development requirements should be fairly and reasonably related to the development.</p> <p>M59 is not necessary to make the plan sound. The plan seeks good</p>	<p>Modify accordingly.</p> <p>M59 should not be taken forward.</p>

	<p>design, No equivalent modification has been proposed for Policy DPN3.</p> <p>M60 is not required to make the plan sound, it just adds words without changing the effect of the policy.</p>	M60 should not be taken forward.
DPT4: Parking and Electric Vehicle Infrastructure	Item 4 is not sound because it requires compliance with a non-statutory and unexamined document.	Replace “Be delivered in accordance with” with “Have regard to”. If there are key points in the WSCC EV charging strategy that are needed to control this kind of facility, they should be set out in this policy.
DPE2: Existing Employment Sites	<p>Policy DPE2 seeks to protect all existing employment sites. However, the NPPF does not include a specific policy towards the protection of industrial and business land or buildings. It gives substantial weight to the value of using suitable brownfield land within settlements and it promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. It also states that planning policies need to reflect changes in the demand for land. Where development does not come forward, planning authorities should reallocate the land for a more deliverable use that can help to address identified needs. (NPPF Section 11: Making effective use of land). This policy would potentially prevent good windfall sites coming forward for housing.</p> <p>The policy goes on to refer to traditional employment use classes (E(g), B2 and B8) and non-employment generating uses. This is no longer appropriate given the wide range of employment-generating uses within Use Class E.</p> <p>Changes within a use class do not amount to development so it is not effective to make a distinction E(g) and other business uses in the same use class.</p>	<p>In terms of protection, Policy DPE2 should be more focused on the sites that are important to keep in use classes E, B2 and B8 and these should be specifically identified. Protection should not be indiscriminately applied over all such sites.</p> <p>The policy should not seek to single out E(g) uses and should address Use Class E as a whole.</p>

DPE3: Employment Allocations	<p>The need for additional land for economic development and the question of whether any site should be allocated for such development are likely to be the subject of a hearing.</p> <p>The table in Policy DPE3 is very outdated. Use Class B1 no longer exists and planning permission is not required to change from E(g) to any other activity within Class E.</p>	<p>The table in Policy DPE3 and the background text must be revised to take into account the reality of Use Class E as a whole.</p>
DPE5: Within Town and Village Centre Boundaries	<p>Item 3: delivery lockers are a useful feature for the public and it should not be necessary to demonstrate that their installation would enhance the vitality and vitality of the centre.</p>	<p>In Item 3, delete “it can be demonstrated that their installation would enhance the vitality and viability of the centre”. The item should read: “Delivery lockers, where they would not restrict accessibility”.</p>
DPE6: Development within Primary Shopping Areas	<p>Item 3: changing activity within Use Class E does not require planning permission. The aim of the law is to allow for freedom of use within Class E. The reference to sub-classes of Use Class E and the reference to restrictions on mix purports to place policy above law. It would also place greater restrictions on new development than those that exist in the rest of the primary shopping area.</p>	<p>Delete Item 3 and replace it with “New developments for retail, food and beverage, and service uses compatible with the Primary Shopping Area will be supported”.</p>
DPE8: Sustainable Rural Development and the Rural Economy	<p>Item 1 is a misquote from the NPPF which states “Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas”: it does not require businesses themselves to demonstrate that they support sustainable growth and the vitality of the rural economy, and it does not restrict policy support to small scale economic development.</p>	<p>Delete “small scale” and criterion (a) from Item 1.</p>
DPE9: Sustainable Tourism and the Visitor Economy	<p>The heavily restrictive nature of this policy would make it difficult to change unsuitable tourism-related buildings and sites to more beneficial uses which may make better use of the site. There may well be circumstances where housing (or another use) is a more appropriate for the site especially given the District's identified housing need. The NPPF seeks the best use of land and</p>	<p>Item 5 should be deleted and replaced with “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</p>

	<p>seeks flexibility, particularly where it would help to meet identified needs for housing. A criterion needs to be inserted which allows for such circumstances.</p> <p>There is a disconnect between the first and second parts of the policy. Existing tourist accommodation is to be retained where it is well located and respects the character and beauty of the countryside. Yet poor location and detrimental character are not mentioned in requirements 1 to 6 for deciding whether a tourist facility should be lost.</p> <p>Item 5 overlaps with Item 2 and is not needed.</p> <p>New tourism accommodation and attractions: it is not clear why Policies DPC1, DPC4 or DPE8 are singled out since the plan must be read as a whole. In addition, items 7 to 15 are not necessary; they are reductionist versions of controls which exist elsewhere in the plan and are likely to result in duplication and confusion. They have not been incorporated, for example, in DPE8 in respect of rural businesses.</p>	<p>proposed change of use or redevelopment".</p> <p>See above</p> <p>See above</p> <p>Delete references to Policies DPC1, DPC4 and DPC8 and delete items 7 to 15. Instead, under this subtitle, state "Development proposals for new tourism accommodation...will be supported where they meet the requirements of other relevant development plan policies".</p>
DPH1: Housing	This will be the subject of separate questions and a hearing session.	
DPH6: Self and Custom Build Housing	<p>Item 5 and explanatory text: it is not appropriate to seek affordable housing in respect of custom and self build housing since these homes are brought forward by individuals for their own use.</p> <p>Item 8: self and custom build housing is a particular kind of housing, it is not affordable housing, and it is not sound to require unsold or unreserved plots to be offered to the Council or a Registered Provider.</p>	<p>Delete Item 5 and the penultimate paragraph of the explanatory text.</p> <p>Make clear that custom and self build sites are not required to provide affordable housing.</p> <p>In Item 8, delete everything after "for a further 6 months" and replace with "after which it may be developed for ordinary market housing".</p> <p>Delete the last sentence of the explanatory text ("Planning</p>

		obligations...District Council").
DPH7: Housing Mix	<p>The table is meant to be a starting point but the rest of the policy reads as though it is a requirement against which certain exceptions are allowed. However, most sites, including many major sites, would not be able to deliver the mix in the table.</p>	<p>Delete “Variations to the above will be considered...that” and delete Items 2, 3, 4 and 5. Replace it with “Housing development should reflect this mix as far as possible, subject to site size, characteristics and location, identified need and viability”.</p> <p>The background text should be modified to recognise that only the largest sites will be able to deliver the whole range of dwelling sizes and types set out in the table.</p>
DPH8: Affordable Housing	<p>This subject will be the subject of separate questions and a hearing.</p> <p>However, Item 6 of Policy DPH8 exhibits the same problem as Policy DPH7.</p> <p>The policy and background text should make it clear that this policy does not apply to self and custom build housing.</p>	<p>Delete: “Unless otherwise agreed with the Council...Housing Mix” and replace it with “The mix of homes should accord with Policy DPH7: Housing Mix”.</p> <p>Add this modification to the policy and background text. In Item 1, delete the word “all”.</p>
DPSC GEN: Significant Site Requirements	<p>Item 4: the requirement to support a community development officer is likely to be unlawful. The requirement is not in relation to the land and cannot therefore be sought under s106. It is an operational staff role, which is a revenue activity rather than capital expenditure required to make the development acceptable in planning terms, and it is not necessary to enable the development to go ahead.</p> <p>M74 and M75 are not necessary for soundness.</p>	<p>Delete Item 4.</p> <p>Do not take forward M74 and M75 as main modifications.</p>
DPSC1 to DPSC7 and DPA7 and DPA12	These will be the subject of separate questions and examination hearings.	

Other site allocations	These may be the subject of separate questions where these are considered necessary.	
DPI5: Open Space, Sport and Recreational Facilities	New and additional provision: in the last sentence of the first paragraph, the Mid Sussex Design Guide SPD is unexamined guidance so the plan should not require design to "accord" with it.	In the last sentence of the first paragraph, delete "should accord with" and replace with "should have regard to".
DPI6: Community and Cultural Facilities	<p>New and additional provision: Policy DPI6 is not positively prepared. National policy in the Framework (and indeed in the draft new Framework) takes a positive and supportive approach towards the provision of new community facilities. However, Policy DPI6 introduces a series of impediments to new development of this kind. It is not a requirement of national planning policy to demonstrate a need for community facilities in order to be granted planning permission (indeed the same applies to almost any type of development). Issues of location and vitality and viability are not mentioned in national policy in the context of community facilities. National policy does not require community facilities to put forward a business plan. Whether shared use is possible entirely depends on the nature of the development and the way it is to be managed. None of these criteria are sound.</p> <p>Existing provision: national policy simply talks about guarding against the unnecessary loss of <i>valued</i> facilities and services, particularly in relation to meeting day-to-day needs. The draft Framework refers to the loss of <i>key</i> community facilities and public service infrastructure. Neither constitutes a blanket restriction in the manner of Policy DPI6, or a blanket requirement for marketing. The draft Framework refers to marketing in relation to key facilities, mentions shops and public houses; but there is no reason why marketing should not take place while the use is still in operation. The requirement for</p>	<p>The policy should be redesigned to give substantial weight to the benefits of providing new or improved public service infrastructure and community facilities. It should express encouragement towards new community facilities in line with national policy. This part of the policy should end at "...will be supported where the proposal meets the requirement of other relevant development policies". The remainder of this part of the policy including items 1 to 5 should be deleted.</p> <p>The criteria for retaining existing facilities should be much shorter and less obstructive in order not to frustrate beneficial development and it is suggested that it should follow the wording in HC6 of the draft Framework.</p>

	<p>marketing for a year after a unit becomes vacant is excessive and does not encourage the best use of land. Moreover, these restrictions do not have regard to the needs of large operators (such as the NHS) who may need to organise and rationalise their sites according to their wider priorities.</p>	
DPI7: Water and Wastewater Infrastructure	<p>DEFRA guidance on wastewater responsibilities was published in May 2025. Sewerage undertakers have a general duty under the Water Industry Act 1991 to provide a sewerage system and it is a statutory requirement to prepare, publish and maintain a Drainage and Sewerage Management Plan (DWMP).</p> <p>The DWMP must identify the actions the sewerage undertaker proposes to take to build in sufficient capacity for meeting both current and future demand, both in terms of sewer capacity and wastewater treatment. Sewerage undertakers are required to consider the condition of their assets and their ability to cope with both existing demand and the projected future demand based on population growth calculations and known planned development in the area.</p> <p>Water undertakers have a general duty under s37 of the Water Industry Act to maintain, improve and extend their water supply networks to account for future water needs. They are required to produce statutory water resource management plans which set out how they will meet water supply needs for the next 25 years.</p> <p>The providers of water and wastewater treatment will be aware of the level of development being proposed through this plan and should plan accordingly. Where any deficiencies are highlighted, it is incumbent on the water authority to plan for these to be addressed. It should not be necessary for the applicant to demonstrate, as sought</p>	<p>The first part of the policy, “Development proposals which increase...necessary infrastructure provision”, including criteria 1 and 2, should be deleted. The corresponding explanatory text should also be deleted.</p> <p>New text should be added to the policy to say that, 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.</p>

	<p>by Policy DPI7, that sufficient capacity exists off-site and demonstrate how appropriate infrastructure improvements will be completed. For the same reasons, it is not appropriate for the policy to say that such infrastructure provision will be secured through planning conditions and obligations since this is the duty of the sewerage and water undertakers.</p>	
Policy DPI8: Viability	<p>The use of the term “not policy compliant” should be avoided. If a scheme provides less than 30% affordable housing because of viability issues, and these are satisfactorily evidenced in accordance with Policy DPI8, it is policy compliant against the plan as a whole. As regards infrastructure contributions, these vary according to circumstance so there is no benchmark for “policy compliance”.</p> <p>It appears that the policy is intended to apply to all relevant development, which is right, but much of the explanatory text relates to housing. The policy’s applicability needs to be made clearer.</p> <p>There is too much prescriptive detail in the policy, much of which relates to process rather than policy matters.</p>	<p>Delete “Where a planning application is not policy compliant, in respect of infrastructure contributions and/or affordable housing”</p> <p>Replace with “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 provision sought by Policy DPI1..”</p> <p>Delete all other references in policy and text which refer to “policy compliant” and “non-policy compliant” (and similar) and replace with a clear explanation.</p> <p>Delete Items 2, 3, 5, 7, 8 and 9, which are process-related, and put them into the supporting text. Simplify this section of the policy by reducing it to the essential details.</p>
END		