

MSDC response to Action Point AP-002

Action Point AP-002

Council to produce a Topic Paper that sets out the Council's approach to meeting the requirements of Chapter 11 of the NPPF in respect of making effective use of land including achieving appropriate densities with reference to the policies of the Plan. It should explain how this has informed the assessment in the Sustainability Appraisal (in particular on page 38); and how the approach has informed the long-term strategy for development within the district including beyond the plan period.

1. Introduction

- 1.1 This paper has been prepared in response to Action Point AP-002. It is the Council's view that the requirements of Chapter 11 of the National Planning Policy Framework (NPPF) in respect of making effective use of land including achieving appropriate densities have been complied with throughout the preparation of the Submitted District Plan. This paper looks at each requirement of Chapter 11 of the NPPF and addresses how the preparation of the Submitted District Plan has met each aspect.
- 1.2 The evidence base for the Submitted District Plan includes various studies and background papers that inform the approach in the Plan to making effective use of land and achieving appropriate densities. The spatial strategy of the Plan is based on four key principles, one of which is making effective use of land. The **site selection methodology** has been developed to enable a robust and transparent site assessment process [SSP1]. Together with the **Sustainability Appraisal** [DP7, DP8, DP9] and other background evidence such as the **Strategic Housing Market Assessment** [H1] and the **Urban Capacity Study** [H3], this has informed the Submitted District Plan which allocates housing sites to meet (and exceed) the requirements in full of Mid Sussex District (Policy DPH1: Housing). There are other policies in the Plan (discussed later in this paper) that will ensure that windfall sites will make effective use of land and achieve appropriate densities whilst having regard to local character and the site's context.

2. National policy and guidance

- 2.1 Chapter 11 of the NPPF (September 2023) sets out national policy in relation to making effective use of land (as detailed in Table 1, overleaf). The NPPF is clear that in promoting an effective use of land to meet the need for homes and other uses, it is also important to safeguard and improve the environment and ensure safe and healthy living conditions. The NPPF identifies ways to make effective use of land including:
 - encouraging multiple benefits from land.
 - supporting the development of under-utilised land and buildings.

- reallocating land for more deliverable uses.
- using retail and employment land for homes in areas of high housing demand.
- making effective use of sites that provide community services.
- in some circumstances, setting density standards.

2.2 In supporting development that makes efficient use of land, the NPPF lists several factors that should be taken into account:

- the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- local market conditions and viability;
- the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- the importance of securing well-designed, attractive and healthy places.

Table 1 - Chapter 11 of the NPPF.

Chapter 11: Making effective use of land (NPPF, September 2023)	
Para 119	Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.
Para 120	<p>Planning policies and decisions should:</p> <ol style="list-style-type: none"> encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production; give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Para 121	Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.
Para 122	<p>Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:</p> <ul style="list-style-type: none"> a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
Para 123	<p>Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:</p> <ul style="list-style-type: none"> a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.
Para 124	<p>Planning policies and decisions should support development that makes efficient use of land, taking into account:</p> <ul style="list-style-type: none"> a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
Para 125	<p>Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:</p> <ul style="list-style-type: none"> a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum

	<p>density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;</p> <p>b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and</p> <p>c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).</p>
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- 2.3 Planning Practice Guidance (PPG) expands on the NPPF by providing guidance on evidence that can be used to help determine whether land should be re-allocated for a more deliverable use; supporting proactive land assembly; and encouraging the temporary use of under-utilised land prior to the delivery of development¹.
- 2.4 In terms of planning for higher density development, Planning Practice Guidance refers to several considerations that may help with identifying appropriate densities:
- Accessibility measures such as distances and travel times to key facilities, including public transport stops or hubs (and taking into consideration services capacity and frequencies and destinations served).
 - Characterisation studies and design strategies, dealing with issues such as urban form, historic character, building typologies, prevailing sunlight and daylight levels, green infrastructure and amenity space.
 - Environmental and infrastructure assessments, such as the capacity of services and presence of environmental risks (e.g. flood risks or overheating), and the opportunities to address these.
 - Assessments of market or site viability.
- 2.5 The Planning Practice Guidance for making effective use of land also discusses measuring density and how these can help make effective use of land. This includes:
- **Plot ratio measures** can help to indicate how a development will relate to its surroundings and the provision of open space within the site. For example, the site coverage ratio (gross external ground floor area ÷ site area) indicates the ratio of building cover to other uses.
 - **Bedspaces per hectare:** indicates the density of potential residential occupation.
 - **Dwellings per hectare:** measures the number of homes within a given area.
- 2.6 The Planning Practice Guidance cautions that the use of different density measurements can give different results and advises that dwellings per hectare, used in

¹ <https://www.gov.uk/guidance/effective-use-of-land>

isolation, can encourage particular building forms over others, in ways that may not fully address the range of local housing needs. For example, an apartment building containing one person studios could deliver significantly more dwellings per hectare, but significantly fewer bedspaces per hectare, than a terrace of family-sized townhouses on a similarly sized site. It is therefore important to consider how housing needs, local character and appropriate building forms relate to the density measures being used.

- 2.7 The Planning Practice Guidance for housing and economic land availability assessments² outlines that the purpose of such assessments is to identify the range of sites that may be available to meet requirements. It goes on to say that the estimation of the development potential of each identified site can be guided by the existing or emerging plan policy including locally determined policies on density. Development potential should link to Chapter 11 of the NPPF to make effective use of land. If there are insufficient sites to meet requirements, the development potential of the site may need to be re-evaluated including densities that reflect accessibility to public transport such as town centre locations.

² <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

3. Approach to making as much use as possible of previously developed land

- 3.1 Mid Sussex is predominantly a rural district with only 12% of the total area of the district being within defined built-up areas. Therefore, opportunities for making use of previously developed land to meet housing needs are limited.
- 3.2 Notwithstanding that, making effective use of land is one of the four principles of the District Plan Strategy. Ensuring that land within the district is therefore used effectively has been an important consideration in the preparation of the Plan. Chapter 6 of the Plan confirms this will be achieved by maximising opportunities for reusing brownfield sites and ensuring that the full potential of a site is considered when proposals are brought forward.

Approach to identifying previously developed land

- 3.3 Opportunities for brownfield development are largely limited to the three main towns and larger villages within the district. The opportunity for the large-scale redevelopment of brownfield sites, such as ports or traditional industries, is non-existent. The Council has used various tools to identify previously developed land during the preparation of the Plan. This includes undertaking a 'Call for Sites', preparation of the **Strategic Housing and Employment Land Availability Assessment (SHELAA)** [SSP4], **Urban Capacity Study** [H3] and maintaining a Brownfield Land Register.

Strategic Housing and Employment Land Availability Assessment

- 3.4 The Council developed its approach to the SHELAA in accordance with the requirements of the NPPF and PPG. The methodology followed is set out in the Council's **Strategic Housing and Employment Land Availability Assessment Methodology** paper [SSP4, paragraphs 4.9 to 4.29].
- 3.5 Stage 1 of the SHELAA involves the identification of the pool of sites to be assessed. Upon embarking on the review of the SHELAA, the Council announced a 'Call for Sites', which ran from the 7th January to the 19th February 2021.
- 3.6 An email publicising the Call for Sites was sent to all contacts on the Planning Policy alert database, which included Town/ Parish Councils, developers, land agents, public bodies (including the Council's Estates Team) as well as individuals who had registered to be kept updated on Planning Policy matters – there approximately 800 subscribers to this service. Sites could be submitted using the online Site Submission form available on the Council's SHELAA webpage or by email or post. In advertising the Call for Sites, the Council advised that sites already in the SHELAA need not be re-submitted because these would automatically be re-considered. However, site promoters could submit any updates such as amendments to the site boundary or yield.

- 3.7 Outside of the Call for Sites, the Site Submission Form remained available on the Council's website allowing sites to be submitted at any point. Sites that were submitted outside of the Call for Sites were registered and included in subsequent updates of the SHELAA. This enabled sites that were promoted at the Regulation 18 and Regulation 19 consultations to be considered and assessed in the 2023 and 2024³ SHELAA updates, respectively.
- 3.8 In addition to sites promoted through the Call for Sites, and in accordance with the Planning Practice Guidance for the SHELAA, the Council drew on other sources of information to identify potentially suitable sites. This included:
- All unimplemented Development Plan employment and housing allocations (including allocations from the 2004 Local Plan, 2008 Small Scale Housing Allocations DPD, 2018 District Plan (2014-2031), 2022 Site Allocations DPD and Neighbourhood Plans).
 - Sites with extant planning permission (including unimplemented and under construction).
 - Sites that the Council has been made aware of (lapsed planning permissions, withdrawn or refused applications).
 - Sites on the Council's Brownfield Land Register. The Register holds sites from a range of sources, including Development Plan allocations, sites with planning permission, lapsed planning permissions and sites considered potentially suitable for housing that the Council is aware of (i.e. pre-app discussions). This approach has ensured that the Council holds a comprehensive database of brownfield sites in the District.
 - Town and Parish Councils (any potential additional sites to those allocated in neighbourhood plans).
 - Engagement with other public sector bodies (including West Sussex County Council, NHS, Sussex Police, Network Rail, Southern Water).
- 3.9 In establishing the pool of sites, the Planning Policy Team worked closely with the Council's Estates Team to identify potential sites in the Council's ownership.
- 3.10 When a site was submitted to the Council, an initial desktop review of constraints and site capacity was undertaken. A density of 30, 40, 50 or 50-100+ dwellings per hectare (dph) was then applied taking into consideration the location and local character. This provided a 'Standardised Yield' which is indicative of potential capacity based on the indicative density multiplied by site area. A 'Developer Yield' was also recorded where a promoter provided a capacity when submitting a site and this was cross-reference with the standardised yield to ensure proposals maximised supply. The developer yield is used in the assessment of a site. Through the site selection process, the capacity may change to reflect the outcome of the detailed assessment (Stage 2(c)) e.g. to incorporate mitigations and on-site infrastructure requirements. In the case of the proposed allocations, a site will also have an 'Allocation Yield'.

³ Due to the advanced stage of the Plan, only new sites identified during the Regulation 19 consultation were included in the SHELAA rather than reassessing extant sites.

3.11 Paragraph 122 of the NPPF requires regular reviews of land allocations and land availability. As well as housing allocations, the SHELAA database records the extant employment allocations. The **Economic Growth Assessment** [ED2] identifies employment need over the Plan period and confirms that it can be met by existing commitments (planning permissions and extant allocations). In response to this evidence, the Plan protects the district's existing employment sites to maintain a range of sites. This is considered vital in achieving the Plan's vision including protecting the economic vitality of the district and supporting sustainable communities. In this context, all employment sites are retained for employment. Existing employment sites are protected by **SA34: Existing Employment Sites**. The status of these sites is monitored through the Council's **Authority Monitoring Report** [O4, section 5c] and the annual survey of completions and commitments. The Council has therefore sought to update the SHELAA on a regular basis to reflect any changes in land availability ensuring the Council is in the best position to maximise development opportunities.

Urban Capacity Study

3.12 The Council commissioned consultants to prepare an **Urban Capacity Study** (UCS) which was completed in September 2022 [H3]. The study sought to quantify the potential for accommodating new homes on land and buildings within existing settlement areas, as required by NPPF para 120 (c-e). It supplements the SHELAA work by seeking to establish the additional potential for accommodating new homes in the district over and above the sites identified by or promoted to the Council. The SHELAA's pool of sites fed into determining the baseline of the UCS survey work. The UCS used the SHELAA to verify which brownfield sites had already been identified. SHELAA sites identified within the scope of the UCS (within the built-up area boundary of Category 1 and 2 settlements) were removed to ensure they were not double counted with sites identified through the UCS survey work.

3.13 The UCS proactively identifies a range of sites that could have development potential, including:

- Garage courts;
- Car parks;
- BT Exchanges;
- Petrol stations;
- Other redevelopment opportunities (industrial activities, car showrooms, garages, timber yards, community buildings);
- Further office to residential prior approval opportunities; and
- Empty properties.

3.14 As the UCS explains at Section 3: Capacity Estimates, assessments of the development potential of each site were made using a density multiplier. A range of densities were applied, depending on site location, with higher densities (75-125dph) in more central, urban areas such as town centres, and lower densities (20-30dph) in settlement edges. The densities used reflect a combination of the built form and densities achieved on recent development schemes. The ranges and typologies are consistent with those used in the SHELAA. The Council therefore considers that the densities reflect an

optimised density for each site in the context of the site and the settlement it sits within. A high and low density multiplier was applied to each of the identified sites to come to a mid-point to recognise that schemes could come forward for a greater number of units than the lower range. The range allows for this [H3, page 4].

- 3.15 The UCS found that capacity does exist for new homes within the existing built-up areas surveyed in the district. This is in addition to sites identified through the SHELAA. Although such sites could make a contribution to meeting the district's housing needs, it will not be sufficient to meet them in full.
- 3.16 The UCS provides the evidence to justify the inclusion of a windfall allowance in **Policy DPH1: Housing**. The study concludes that there is evidence to justify an allowance of 466 homes per annum on identifiable larger sites; 79 units per annum from non-identifiable sites of less than five units; and a further 25 units per annum from non-identifiable sites from other sources such as office to residential conversions. A windfall allowance of allowance of 1,768 units over the plan period is included in Policy DPH1. This represents almost 24% of the housing supply that the Council needed to plan for to meet the residual housing need once completions, existing planned and allocated development is taken into account.

Site Selection

- 3.17 The Site Selection process follows three stages: Stage 1 – Site Identification; Stage 2 – Site Selection; and Stage 3 – Scenario / In-combination testing. The full methodology is set out in the **Site Selection Methodology** [SSP1].
- 3.18 Stage 1 - Site Identification is the SHELAA which established the pool of sites. As outlined in the 'Strategic Housing and Economic Land Availability Assessment' section above, sites were derived from a variety of sources. All sites, whether greenfield or brownfield, were assessed against the same filters; the presence of any absolute constraints to development or the site yield falls below the size threshold (minimum five units or 0.25ha) [SSP4, paragraph 3.6]. Appendix 3 of the 2024 SHELAA [SSP4] sets out the excluded sites.
- 3.19 Stage 2 is the detailed assessment of sites. It included three steps which each site is considered against. Sites that passed each step make up the final shortlist of sites to be assessed at Stage 3. All sites were assessed against the same parameters and criteria within Stage 2(a), (b) and (c); no distinction was made between greenfield or brownfield sites. Sites at Stage 2(c) were assessed against 14 criteria [SSP3, appendix 1].
- 3.20 At Stage 2(c), the Council filtered out sites that fell within the adopted built-up area boundary (BUAB). The reason being that proposed **Policy DPH3: Sustainable Development – Inside the Built-up Area** allows for infilling and redevelopment opportunities within the BUAB. Sites within the BUAB would not require allocation to gain planning permission and instead could be determined against other policies in the Plan.

- 3.21 However, the Council makes the exception to this approach with proposed allocations **DPA3: Burgess Hill Station** and **DPA8: Orchard Shopping Centre, Haywards Heath**. These are large mixed-use redevelopment sites with a degree of complexity (i.e. more than one landowner, relocation or provision of existing uses) which the Council consider would benefit from allocation to facilitate delivery. Allocating these two larger-scale, previously developed sites recognised the commitment to bringing the sites forward and provides clarity and confidence for stakeholders involved and potential developers.
- 3.22 The SHELAA identified 27 previously developed sites (with a yield totalling 1,545 homes), which were assessed through the site selection process (**Error! Reference source not found.**, below). Almost half of these sites (with a yield totalling 543 dwellings) were rejected at earlier stages (2(a) or (b)). Some 14 sites were rejected at Stage 2(c); seven of the 14 (with a yield totalling 314 dwellings) are within the BUAB, the remaining seven of the 14 (totalling 297 dwellings) rejected at Stage 2(c) were concluded as contrary to NPPF (i.e. loss of employment).

Table 2 - The previously developed sites in the SHELAA and how they were assessed.

SHELAA stage	Number of sites	Total yield
Total	27 previously developed sites in the SHELAA	1,545 dwellings
Stage 2 a) and b)	11 sites rejected	543 dwellings
Stage 2 c)	7 sites rejected – within the built-up area boundary	314 dwellings
Stage 2 c)	7 sites rejected – contrary to NPPF	297 dwellings
Stage 3	2 sites proposed for allocation (DPA3 and DPA8)	400 dwellings

- 3.23 The two remaining previously developed sites (with a yield totalling 400 dwellings), owned by the Council, progressed to Stage 3 of the site selection process and subsequently are proposed for allocation in the Submitted District Plan for mixed used development (**DPA3: Burgess Hill Station and DPA8: Orchards Shopping Centre, Haywards Heath**). As a landowner, the Council is seeking to maximise the development potential of these sites, to meet housing need and to deliver improvements to town centre viability and transport hubs. The Council worked with Network Rail as part landowner of **DPA3: Burgess Hill Station**. To assist in the delivery of DPA3, the Submitted District Plan identifies **DPA3a: Allotment Site – Nightingale Lane** to re-provide the allotments located within DPA3.
- 3.24 The inclusion of site allocations DPA3 and DPA8 responded to the Scrutiny Committee request in January 2022 that further work, including maximising brownfield and windfall development, was undertaken. The subsequent Regulation 18 Draft District Plan included DPA3 and DPA8. With regards to DPA3, further work and engagement between the Council and Network Rail resulted in the yield increasing from 150 dwellings to 300 dwellings. This approach accords with NPPF paragraphs 120 c) and 121.

Sustainability Appraisal and Further Testing to Inform District Plan Strategy

- 3.25 Policies DP4 and DP6 of the adopted District Plan set out the current spatial strategy for the district which seeks to facilitate proportionate growth across the hierarchy of settlements, with development focused towards the three towns. The District Plan Review provides an opportunity to review this approach and consider possible alternatives for the distribution of development.
- 3.26 The **Sustainability Appraisal (Regulation 18)** [DP8] assessed two reasonable alternative spatial options in relation to the distribution of development. The two options are described in [Figure 1](#) below.

Figure 1 - The two reasonable alternative spatial options assessed in the Sustainability Appraisal (Regulation 18) [DP8].

Table 3.1: Mid Sussex Spatial Options

Spatial Option	Description of Spatial Option
Option 1	Maintain the existing spatial strategy set out in Policies DP4 and DP6 of the Adopted District Plan, with proportionate growth across the hierarchy of settlements, with main settlements accommodating greater levels of growth.
Option 2	Growth to support the sustainability potential of existing smaller settlements, with limited growth in protected landscapes. This spatial option seeks to support growth in settlements with existing facilities, such as retail opportunities, schools and health care, while recognising that urban extensions of a strategic size bring opportunities to support the development of new facilities.

- 3.27 The sustainability performance of each option was assessed and overall, it was found that Spatial Option 1 performed better in relation to some aspects of social and economic sustainability. However, there was uncertainty in the deliverability of this option given there are now fewer potential options for growth at the three main towns and larger villages.
- 3.28 Spatial Option 2 provides greater certainty in relation to the delivery of the identified housing need and performs better in relation to some aspects of environmental sustainability; however, new growth points may lead to a greater need to travel with associated impacts on climate change. The Sustainability Appraisal notes that detailed site assessment work would be required to define the likely nature and level of these impacts and the potential strategies to mitigate adverse effects. Further detail on the assessments of each spatial option can be found in the Sustainability Appraisal (Regulation 18) [DP8].
- 3.29 The conclusions of the Sustainability Appraisal (Regulation 18) reflect the findings of the evidence base, including the SHELAA, that indicated that, beyond existing commitments:

- There is limited further growth potential at East Grinstead, Haywards Heath and AONB settlements⁴.
- There is the potential for growth at some settlements not within the AONB and the extent of growth is dependent upon the characteristics of the settlements and the availability/ size of sites which can make the settlements more sustainable (i.e. by providing much needed infrastructure such as primary schools and enhancing/creating village centres which offer much needed access to shops and services).

3.30 The first key principle of the revised District Plan strategy is the protection of the High Weald AONB the **Sustainability Appraisal (Regulation 19) (SA)** [DP7]. There are no reasonable alternatives identifies for this principle as it requires consideration under current planning policy. This principle was included to ensure that the spatial options do not result in development that would being harm to the landscape character or setting of the AONB, as required by NPPF.

3.31 The second key principle of the revised District Plan strategy is making effective use of land. The SA [DP7] concludes that there were no reasonable alternatives for 'Making effective use of land' since this principle requires consideration under current national policy. Ensuring that land within the District is used effectively is an important consideration in the preparation of the district Plan. National planning policy and guidance promotes the use of previously developed land and encourages consideration of various approached to accommodating growth.

3.32 The SA goes onto identify five Spatial Options, as reasonable alternatives to the third and fourth principles of the updated District Plan strategy (i.e. 'Growth at existing sustainable settlements where it continues to be sustainable to do so' and 'Opportunities for extension, to improve sustainability of existing settlements'). Options 1 and 2 are the same as those assessed at the Regulation 18 stage. The summary of this assessment is set out in Table 4-2 of the SA (3, overleaf).

- **Option 1:** Maintain the existing spatial strategy set out in policies DP4 and DP6 of the Adopted District Plan, with proportionate growth across the hierarchy of settlements, with main settlements accommodating greater levels of growth.
- **Option 2:** Growth to support the sustainability potential of existing smaller settlements, with limited growth in protected landscapes. This spatial option seeks to support growth in settlements with existing facilities, such as retail opportunities, schools, and health care. While recognising that urban extensions of a strategic size bring opportunities to support the development of new facilities.
- **Option 3:** Creating a new sustainable settlement with associated facilities.
- **Option 4:** Focus development in the three towns utilising existing facilities and transport links.
- **Option 5:** Prioritise development on brownfield land.

⁴ Settlement in the High Weald AONB: Ardingly, Ashurst Wood, Balcombe, Handcross, Horsted Keynes, West Hoathly and Sharpthorne.

3.33 The summary of the assessment of the five options is set out in Table 4-2 of the SA (3, below).

Figure 2 - Extract from the Sustainability Appraisal [DP7, page 60].

Table 4-2: Summary of the sustainability appraisal of the Options

SA Objective		Options				
		1	2	3	4	5
1	Housing	+/-	++	+	+/-	+/-
2	Health & wellbeing	+	+/-	+/-	++	+
3	Education	++	+/-	+/-	++	++
4	Community and crime	++	+/-	+/-	++	++
5	Flooding and surface water	0	0	0	0	+
6	Natural resources	--	--	--	+/-	++
7	Biodiversity and geodiversity	-	-	-	-	+/-
8	Landscape	--	-	-	+	+/-
9	Cultural heritage	-	0	0	+/-	+/-
10	Climate change and transport	+	-	-	+	+
11	Energy and waste	+/-	+/-	+/-	+	+
12	Water resources	+/-	+/-	+/-	+/-	+/-
13	Economic regeneration	++	+	-	++	++
14	Economic growth	++	+	+	++	++

3.34 Overall, Option 5 scores positively against many SA objectives. It is beneficial for this to be a principal component of the Plan strategy. However, against the Housing objective the impact is uncertain, as prioritising brownfield sites would be unlikely to meet all housing need as Mid Sussex District has limited brownfield sites available for development.

3.35 The SA confirms that the preferred spatial option is Option 2. Options 1, 4 and 5 are effectively 'nested' within Option 2. This approach builds on the adopted spatial strategy through the addition of extensions of a strategic size to enable smaller settlements to become more sustainable; it therefore comprises a 'top-up' to the existing spatial strategy.

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3.36 As a result of the work set out above to explore the potential of brownfield sites, it was concluded that the Plan could not rely solely on brownfield sites to meet housing needs. The Council has looked extensively at the potential sources of sites in order to maximise opportunities for allocating previously developed land through the Plan. Early and ongoing engagement with developers, public sector bodies, the Council's own Estates Team, as well as other site search work undertaken through the UCS, identified 27 sites (with a yield totalling 1,545 dwellings), two of which are proposed allocations (see **Error! Reference source not found.**, above). In the absence of identified previously developed land development options and the fact that the district is predominantly rural with few suitable large-scale redevelopment opportunities, the strategy needed to look at additional options to meet housing need, i.e. the Plan strategy also considered other spatial options to meet housing need.

- 3.37 The principle of defined built-up areas in Mid Sussex is well established through previously adopted development plans. Outside these areas, lies the ‘Countryside’ where there is a general presumption against development. Within the defined built-up areas, there is a general presumption in favour of development, subject to more specific development management considerations. The Submitted District Plan tops-up the housing supply already committed through the Adopted District Plan and other DPD allocations and sites with permission, which include the redevelopment of sites. Looking forward, there is no evidence to suggest that the natural churn/ redevelopment of sites will not continue beyond the Plan Period. The **Urban Capacity Study** identifies typologies of site that have the potential to provide a supply of sites beyond the Plan Period indicating on ongoing supply.

Policy response in the Submitted District Plan

- 3.38 The Spatial Strategy of the Plan seeks to maximise effective use of land by maximising opportunities for reusing brownfield sites. The Council acknowledges that, as discussed at the Stage 1 hearings, a Main Modification will be required to translate the spatial strategy into a policy, ensuring the Plan complies with the requirement of paragraph 119 of the NPPF. This will provide greater weight and clarity to the Plan strategy to promote effective use of land, making as much use as possible of brownfield land.
- 3.39 The Plan has sought to maximise delivery on previously developed land through the Plan Strategy (key principle 2), **Policy DPH1: Housing** (sets windfall allowance) and **Policy DPH3: Sustainable Development – Inside the Built-up Area** and site allocations on brownfield sites. DPH1 identifies a windfall allowance of 1,768 homes over the plan period, of which 466 from larger identified sites and 1,302 from smaller and non-identifiable sites. These figures are justified from the findings of the **Urban Capacity Study** [H3].
- 3.40 Policy DPH3 supports the strategy for maximising previously developed land as it is a policy that supports development within built-up areas, subject to consideration of scale, design, transport links etc.
- 3.41 The policies of the District Plan encourage multiple benefits from both urban and rural land as required by paragraph 120 a) of the NPPF. Mid Sussex is well served by accessible greenspace, with urban areas linked to the countryside by footpaths and bridleways. The development of the three Sustainable Communities, provide opportunities to improve public access to the countryside. This is reflected in **Policies DPSC1, DPSC2 and DPSC3**. In addition, **Policy DPT2: Rights of Way and Other Recreational Routes**, encourages improved access to the countryside to be delivered by ensuring development links to existing routes or provision of additional routes.
- 3.42 Biodiversity and geodiversity are important natural capital assets and provide benefits to people and wider society as part of ecosystem services. Nature recovery is important for delivering improvements to nature, ecological networks and green and blue infrastructure. The Submitted District Plan includes a suite of policies that recognise the benefits of nature for the environment and health and wellbeing. Land can provide

multiple benefits particularly that used for green and blue infrastructure and nature-based solutions. The requirement for mandatory biodiversity net gain was introduced by the Environment Act 2021 and commenced earlier in 2024. Biodiversity net gain seeks to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. Relevant policies include:

- a) **DPS1: Climate Change**
- b) **DPS6: Health and Wellbeing**
- c) **DPN1: Biodiversity, Geodiversity and Nature Recovery**
- d) **DPN2: Biodiversity Net Gain**
- e) **DPN3: Green and Blue Infrastructure**
- f) **DPN4: Trees, Woodland and Hedgerows**

- 3.43 The Significant Sites (**DPSC1, DPSC2, and DPSC3**) are also an opportunity to deliver improvements for biodiversity and nature recovery through a policy requirement of a minimum biodiversity net gain of 20% (**Policy DPSC GEN**).
- 3.44 In line with paragraph 120 b) of the NPPF and as mentioned above, land can provide multiple benefits particularly that used for green and blue infrastructure and nature-based solutions. By its definition, green and blue infrastructure is a network of multi-functional green and blue spaces and other natural features, urban and rural which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity [Further detail is set out in ENV9]. **Policy DPS1: Climate Change** also recognises the role of nature-based solutions to help carbon sequestration and climate change adaptation and mitigation. It specifically mentions that green and blue infrastructure and nature-based solutions can help moderate surface and air temperatures, increase biodiversity and form part of flood risk management and sustainable drainage systems as well as providing opportunities for recreation and being used for food production.
- 3.45 The Council has met the requirements of paragraphs 120 c) and d) by including policies within the Submitted District Plan and it is also considered through the evidence base.

4. Achieving appropriate densities

- 4.1 Through the preparation of the Submitted District Plan, the Council has sought to make effective use of land by achieving appropriate densities on sites. The main findings from the Council’s evidence base and how these have informed the policies in the Submitted District Plan are summarised below.

Summary of evidence to inform approach to density

Housing needs for different types of homes

- 4.2 Paragraph 124 a) of the NPPF sets out that planning policies should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development. The Council has prepared a **Strategic Housing Market Assessment (SHMA)** [H1] which examines the need for different types and forms of housing. Different types and forms of housing can impact on the densities that can be delivered. Key findings from the SHMA relevant to the density of future development are shown in Table 3 below. **Error! Not a valid bookmark self-reference.**

Table 3 - Need for different sizes of homes in Mid Sussex

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	20-25%	40-45%	25-30%
Affordable Ownership	10-15%	50-55%	25-30%	5-10%
Affordable Rented	30-35%	40-45%	15-20%	5-10%

- 4.3 The findings of the SHMA point towards a need for different sizes of homes in the market and affordable sectors. These findings are then reflected in **Policy DPH7: Housing Mix** which sets out that the Council expects the ranges in Table 3 to be used as a starting point for housing mix in new development. These housing mix requirements may impact on densities that can be achieved in new developments. For market housing, the SHMA indicates a greater need for larger units. Across the affordable tenures, the greatest need is for two bed units, at least a proportion of which would be houses rather than flats. This greater need for houses, rather than smaller units, would most likely result in lower density schemes. A balance in the mix of sites (higher density town centre and lower density edge of settlement) identified in the Plan is therefore needed to ensure that the Plan is in the best position to help address needs. The SHMA notes that in applying the mix to individual development sites, regard should be had to the nature of the site and character of the area. This consideration is an important part of **Policy DPB1: Character and Design** which requires that all development must be of high quality and must respond appropriately to its context, be inclusive and prioritise sustainability.

Availability of land suitable to meet housing needs

- 4.4 As identified in the preceding section of this Paper, the district has very limited supply of brownfield land within built up areas of towns and larger villages. These sites are likely

to be most suited for one and two bedroom homes where a higher density can be achieved through flatted typologies. The majority of sites promoted to or identified by the Council are greenfield sites, of varying size, which can accommodate a range of typologies, including flats and larger homes.

Local market conditions and viability

- 4.5 The Council has commissioned viability work to support the District Plan [IV2, IV3 and IV5]. The viability work was undertaken in line with requirements in the NPPF and Planning Practice Guidance. The **Viability Study** [IV2, para 4.33] sets out the approach taken to development in different locations and this links to density:
- **Brownfield sites** – Development is likely to be of a higher density than greenfield sites and be based around schemes of flats, semi-detached housing and terraces.
 - **Flatted schemes** – This is considered to be a separate development type that is only likely to take place in the larger town centres. These are modelled as conventional development and as Build-to-Rent.
 - **Greenfield sites** – These include the potential Significant Sites. These are likely to be developed as a broad mix including family housing. They are likely to include a low proportion of flats.
- 4.6 The viability study [IV2, IV3 and IV5] concludes that greenfield sites are more viable than brownfield sites due to the additional costs associated with bringing forward these sites. This is not considered to impact on the overall viability of the Plan as there are only two brownfield site allocations.

Availability and capacity of infrastructure and services

- 4.7 Access to transport, infrastructure and services including open space are important factors when considering appropriate densities for new development. The **Mid Sussex Design Guide SPD** [O3] notes that the towns form the centre of activity within the district and are the focus for shops, community and employment uses. These centres offer the potential for intensification to provide much needed homes and jobs in the most accessible and sustainable locations.
- 4.8 The **Site Selection Methodology** [SSP1] uses criteria to assess the suitability and sustainability of SHELAA sites. The accessibility factors are the availability of public transport, access to main service centre, distance to primary school, distance to health centre or GP surgery, and distance to local convenience retail.
- 4.9 The **Infrastructure Delivery Plan (IDP)** [IV1 and IV4] notes there is a wide range of identified infrastructure needed across the district, not all of which is required to support development identified in the Submitted District Plan. The assessment of the baseline of existing infrastructure identifies some existing infrastructure deficiencies (as set out in Chapter 6 of the IDP). These include congestion on the strategic and local road networks, infrequent public transport, pressure on NHS services, and deficiencies in open space, sport and recreational facilities. Whilst these existing deficiencies are

not always for the Plan to remedy, it was a factor in the decision to introduce the concept of ‘sustainable communities’ to the strategy of the Plan.

- 4.10 The **Sustainability Appraisal** [DP7] assessed the sustainability performance of **Policy DPI2: Planning Obligations** and found that the policy could help to ensure that site users are served by suitable infrastructure and are located in areas with good access to services and facilities. The Sustainability Appraisal also comments that the provision of new and expanded schools on the Significant Sites would improve access by locating site-end users in closer proximity to primary education or increasing capacity at existing schools.
- 4.11 All proposed site allocations will be contributing towards infrastructure through direct provision and/or financial contributions. For smaller sites, this will mean a financial contribution to public transport improvements, additional school capacity and sport provision for example, rather than direct provision. This can result in a disconnect between the delivery of homes and infrastructure provision, whilst money from various schemes is pooled and spent on infrastructure delivery. Infrastructure can be delivered more efficiently where development is at a scale and density to deliver schools on site and directly fund improvements to public transport improvements, for example, via a new bus route.
- 4.12 The Plan strategy to create more sustainable settlements will provide a mechanism to address existing deficiencies at existing smaller settlements, with limited services and facilities. In order to achieve sustainable development and promote sustainable communities, which deliver significant social infrastructure, the Submitted District Plan aligns with the concept of 20-minute neighbourhoods/ local living to help create complete, compact and connected neighbourhoods. The 20-minute neighbourhood concept is a mechanism that can help increase densities. This is achieved by increasing housing density and creating compact and well-connected places, investing in and expanding existing sustainable and active travel links within the more sustainable settlements in Mid Sussex, enabling residents to easily access a range of services that meet their day-to-day needs either by active travel modes or public transport.
- 4.13 Strategic Objective 6 of the Submitted District Plan states:

“ To ensure that development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes as a priority the provision of efficient and sustainable transport networks”.

To help achieve this strategic objective, the Submitted District Plan includes policies on infrastructure (DPI1 to DPI8) which set out the requirements for infrastructure provision to support development and planning obligations.

Approach to character in the District and securing well-designed, attractive and healthy places

- 4.14 The Council has a number of documents that detail the character of the district. These include landscape character assessments, conservation area appraisals, the Sussex Extensive Urban Surveys, the Mid Sussex Design Guide and the Urban Capacity Study.

- 4.15 The **Mid Sussex Design Guide SPD** was adopted in November 2020 [O3]. It provides clear design principles and standards that aim to deliver high quality new development and create safe and attractive places. The Design Guide highlights that high quality design is essential to optimise the development potential of sites.
- 4.16 The Design Guide is clear that density of development is an important consideration when preparing a character study which is an essential part to the design of a new development and understanding its context. Key questions that should be asked include: What is the prevailing density of the settlement? Does it vary and what would be appropriate for the application site?
- 4.17 Chapter 2 provides the starting point when designing future developments by providing the context of Mid Sussex outlining what makes it distinctive and special. It identifies the important characteristics that an applicant will be expected to consider, including the landscape and settlement characteristics. This includes a detailed description of the characteristics of the three towns, identifying the character areas and which areas are suitable for intensification and those that are not. The SPD does not seek to prescribe densities but the conclusions of the SPD assessment, should be used by developers when designing site layouts and considering the density of sites.
- 4.18 Chapter 5 of the Design Guide addresses site optimisation and mixed-use layouts. The Design Guide recognises that increasing density of development in the most accessible locations will help to deliver much needed homes and employment space in the most sustainable places reducing both the need to travel and the pressure to build on the countryside.
- 4.19 Principle DG32 addresses managing increased density in town centres and explains that development density should be appropriate to the location and respond to and/or enhance the character of the existing settlement. Principle DG32 goes on to identify opportunities for more intensive development within the part of the three town centres (Burgess Hill, East Grinstead and Haywards Heath) identified as coarse grained and there is guidance on how the intensification should look. Principle DG33 notes that only in exceptional circumstances may there be potential for tall buildings (above six storeys) in the town centres.
- 4.20 Principle DG34 addresses managing increased density in urban extensions and sets out that higher density development should be in more accessible locations and lower density development should be in the peripheral areas. Principle DG34 notes that a range of densities in an urban extension can aid the legibility of a development and to increase its distinctiveness.
- 4.21 The Mid Sussex Design Guide thus provides important guidance and clarification on how density should be approached in new development.

Density and Site Selection

- 4.22 The method to determining the appropriate yield for sites in the SHELAA is set out in paragraph 3.10 above. The **Site Selection - Site Assessment proformas** [SSP3, Appendix 3] include the indicative yield of the site.
- 4.23 These yield figures have been derived from the site submission forms provided by the site promoter and the site assessment process. Through the assessment process the Council ensured that potential constraints identified through the desk-top survey were reflected in the site's developable area and yield to ensure that sites make effective use of land. The site's location (i.e. town centre or edge of settlement), adjacent uses and local character were also taken into account.
- 4.24 Each of the proposed site allocations includes the number of dwellings that it is expected that the site will deliver. The supporting text for **Policy DPH1: Housing** explains that the yields are approximate and based on work undertaken to date. The yields may be refined as a result of more detailed master planning work when sites come forward at the planning application stage.
- 4.25 The principles of the 20-minute neighbourhood/ local living approach in the Submitted District Plan will deliver a graduated density, with more compact development forms around the centres of the sustainable settlements, with less dense development on the edges of countryside. **Policy DPSC GEN: Significant Site Requirements** includes a requirement (2) for the Significant Sites to support a vibrant and inclusive community which embodies the local living/ 20-minute neighbourhood 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. Together with another requirement (3) to 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.

Sustainability Appraisal to inform District Plan Strategy

- 4.26 As set out in paragraph 3.25 – 3.27, the **Sustainability Appraisal** [DP7, section 4.2.3] tested various spatial options that provided reasonable alternatives for the location of new development. Increasing density is not directly considered as part of the spatial strategy, but it is intrinsically linked to making effective use of land.
- 4.27 Section 3.4 of the Sustainability Appraisal explains the assumptions applied to the appraisal process. The assumptions made for SA Objective 1: Housing, are explained at paragraph 3.4.1 (page 38). In relation to density, it states:

“When striving for sustainable development, housing density should be considered carefully. High population densities can limit the accessibility of local key services and facilities such as hospitals, supermarkets, and open spaces, including playgrounds and

sports fields. High population densities also influence perceptions of safety, social interactions, and community stability.”

- 4.28 The Council’s interpretation of this paragraph is that high population densities could potentially increase pressure on local services and therefore high-density development could have negative impacts where additional provision is not planned for. However, the paragraph does not conclude that high density development is negative and that sustainable development can be achieved when high-density development is brought forward with sufficient infrastructure.
- 4.29 The Council has carefully considered the potential pressures that high population densities can have on access to services and facilities. The Plan strategy is clear that growth needs to be supported by the necessary infrastructure to support development. This is reflected in Strategic Objective 6, the infrastructure requirements in Chapter 17: Infrastructure, the infrastructure requirement of the site allocations, and in the **Infrastructure Delivery Plan** [IV4].
- 4.30 In response to potential issues around public safety and social cohesion, the Council has carefully considered the importance of delivering development that ensures cohesive, safe and healthy communities, as set out in the strategic objectives of the Plan. This is also reflected in policies **DPS6: Health and Wellbeing** and **DPB1: Character and Design** and the **Design Guide SPD** [O3].
- 4.31 The appraisal of the spatial options of the Plan (Appendix A) against SA Objective 1 does not conclude that high density development would have overall negative outcomes and should not be pursued. Table A-2 shows that Making Effective Use of Land scores a +/- against the housing objective due to the uncertainty on whether this principle would meet the housing needs of the district rather than any of the potential negative impacts set out in paragraph 3.4.1 discussed above. The Council has planned positively for high density development in appropriate locations and where accompanied by the necessary infrastructure and has therefore reflected the findings of the appraisals in Appendix A in the Plan itself.
- 4.32 When the exercise to scope which policies of the Adopted District Plan needed review was undertaken it was concluded that **Policy DPB1: Character and Design** only needed a minor update. This was because there had not been a significant change to national policy or guidance to require a major update, in matters relating to density and making effective use of land. For example, the wording in the NPPF under which the adopted Plan was examined (2012 para 129 a-c) is the same as para 125 (a-c) of NPPF, September 2023. For this reason, it was not considered necessary to assess reasonable alternatives to this policy.

Policy response in the Submitted District Plan

- 4.33 The Spatial Strategy of the Plan seeks to maximise effective use of land by maximising opportunities for reusing brownfield sites and ensuring that the full potential of a site is considered. By this we mean, ensuring sites are developed in accordance with **Policy**

DPB1 (and the **Design Guide SPD**) to ensure sites are developed in a way that maximises the development potential of the site, whilst taking into account the wider policy requirements. The Plan also states that ‘where greenfield sites are required, development is planned at an appropriate density to make efficient and effective use of the site’ (DP1, page 25).

- 4.34 The Council has a longstanding commitment to ensuring that land is developed at an appropriate density, to ensure that when sites are brought forward, the development potential of each site is maximised. The submission version of the Adopted District Plan included a policy on housing density. This policy was subsequently deleted through the Main Modifications to that Plan because the Inspector concluded that the policy “...did not have sufficient regard to local character and thus did not reflect the NPPF or PPG; in its place, the need to optimise the potential of a site to accommodate development in accordance with NPPF paragraph 58 is added [to] DP24: Character and Design” [BD4, para 45].
- 4.35 The Council was disappointed in the Inspector’s response to density and it sought to address the loss of a density policies through the adoption of an SPD. The **Mid Sussex Design Guide SPD** was adopted in 2020 [O3]. The Design Guide includes a chapter on Site Optimisation, which explores the opportunities and constraints to development in each of the town centres. An analysis of the urban grain of the towns, identifies which areas are most suitable for redevelopment/ intensification, and which are more sensitive to change. Whilst the SPD does not contain specific densities it does provide guidance on those areas of the towns which can accommodate higher density development. Chapter 5 identifies opportunities for site optimisation including in the town centre and urban extension locations.
- 4.36 This context is important when assessing the Council’s approach to density in this Plan because a) the lack of significant change on this matter between the 2012 and 2022 NPPF; b) the Inspector’s response to the inclusion of specific density in the adopted Plan; and c) how the Council responded to this through the adoption of the Design Guide SPD. It is in this context that Policy DPB1 was written, taking into account the Inspector’s conclusion on the Adopted District Plan and the guidance that exists in the Design Guide. Policy DPB1 does not seek to prescribe density standards but states that development will be required to “Optimise the potential of the site to accommodate development especially on brownfield sites and in locations close to facilities”. The Council considers that this is an appropriate approach to addressing density in the Plan, supplemented by the SPD, in a situation where the Council can meet its housing need with an oversupply for unmet need.
- 4.37 At the request of the Inspector, the Council has suggested a main modification to remove reference to the Design Guide in the policy but it will continue to be referenced in the supporting text of the Plan and remain a material consideration.
- 4.38 **DPSC GEN: Significant Site Requirements** sets out the overarching requirements for the significant sites. This policy does not prescribe density standards but refers to the need for compact settlements, at a density that supports local services. The site specific policies for the sustainable communities (DPSC1-3) identify site specific

characteristics that will need to be taken into account when developing masterplans for the sites. These factors will also inform the most appropriate density for the whole site, alongside the requirement of Policy DPB1.

- 4.39 In conclusion, the Council's view is that the District Plan from initial preparation to submission has taken into account the requirements of Chapter 11 of the NPPF. The Council considers that the Submitted District Plan will make effective use of land and that appropriate densities will be achieved, both at the plan-making stage and at the planning application stage.