

Matter 1: Legal and Procedural Requirements

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

Plan Preparation

Q1. Has the Plan been prepared in accordance with the Local Development Scheme in terms of its form, scope, and timing?

No Comment

Q2. Have requirements been met in terms of the preparation of the Plan, notification, consultation and publication and submission of documents?

No Comment

Q3. Has the preparation of the Plan complied with the Statement of Community Involvement?

No Comment

Q4. In relation to those who have a relevant protected characteristic, how does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010?

No Comment

Sustainability Appraisal

Q5. Has the plan been subject to Sustainability Appraisal (SA), including a report on the published plan, which demonstrates, in a transparent manner, how the SA and Site Selection Methodology (SSP1) have influenced the evolution of the plan making process. For example, could I be directed to where the sites have been ranked against each other as referenced in paragraph 36 of SSP1? What if anything is the cut off threshold? Have the requirements for Strategic Environmental Assessment been met?

No Comment

Q6. Is the non- technical summary suitably concise? Has the SA followed the correct processes in terms of content and consultation? In particular, is the scoring methodology within the SA consistent, coherent and accurate?

No Comment

Q7. Have all reasonable alternatives been considered in terms of spatial strategy, policies, and sites including increases in density or housing numbers?

7.1 Table B-1 of the SA (DP7): Overview of Policy Updates and Reasonable Alternatives, indicates on pB-9, when looking at alternatives to policy DPH1 (Housing), that the SA did assess both (1) meeting the housing requirement calculated for Mid Sussex by allocating the most suitable sites in line with the site selection methodology; and (2) identify sites above and beyond the housing requirement.

7.2 Section B.12 Housing on pB-79 and in table B-50 reviews the merits of these two options and concludes that whilst Option 2 would be likely to ensure that there will be sufficient houses to meet the needs of current and future residents, and therefore generates a major positive impact on housing provision.

7.3 The Housing Need and Requirements Topic Paper (H5) indicates at para 28 that the Council's housing requirement is supply led i.e. the extent to which it can meet its need and potentially contribute towards unmet need arising elsewhere is guided by the availability and suitability of sites following the principles set out in the NPPF. Para 64 of H5 goes on to explain that: *'With regards to housing need and supply, the Sustainability Appraisal considers this in two separate but inter-linked areas:*

- *Assessment of reasonable alternative spatial options (plan strategy)*
- *Assessment of reasonable alternatives for housing policy DPH1'*

7.4 Para 65 of the same document advises that: *'These two areas are interlinked in that the spatial strategy is reliant on there being sufficient suitable sites to achieve the strategy, and that allocation of housing sites must be in accordance with the spatial strategy which has a direct impact on the number of sites proposed for allocation'*.

7.5 Given the above, we consider that the SA's conclusion on the options for identifying sites above and beyond the housing requirement was predicated on the fact that the council believed there were no more sites that would enable them to deliver above and beyond what was planned in accordance with the spatial strategy and consistently with the site selection methodology adopted in the SHELLA and SA.

Q8. Have these reasonable alternatives, been considered on a like for like basis? Is the evidence on which the scenarios are predicated consistent and available from the Examination website? What is the significance if any, to the robustness of the SA, of the publication of additional evidence, such as transport and flood risk evidence after the Plan was submitted? Are there any policies, or strategies, where there were no reasonable alternative options to consider? If so, what is the justification?

No Comment

Q9. Has the SA of the Pre-submission Plan been subject to consultation with the consultation bodies? What concerns have been raised and what is the Council's response to these?

No Comment

Habitats Regulations Assessment

Q10. What role has Natural England played in the production of the Habitats Regulations Assessment and how has the Council had due regard to its professional expertise and its guidance?

No Comment

Q11. Is the Plan, as submitted, likely to have a significant effect on European sites either alone, or in combination with other plans or projects? Have these other plans or projects been appropriately identified?

No Comment

Q12. Have the appropriate assessments of the implications for those sites been undertaken in a manner consistent with the sites' conservation objectives?

No Comment

Q13. In doing so, are the appropriate assessments, and evidence underpinning them, capable of ascertaining that the Plan as submitted will not adversely affect the integrity of the European sites and their qualifying features, either alone, or in combination?

No Comment

Q14. If the mitigation measures set out in the Habitats Regulations Assessment are required, what evidence is there that these will work over the lifetime of the plan and beyond?

No Comment

Q15. Is the Plan's strategy and distribution of development consistent with the recommendations of the Habitats Regulation Assessment?

No Comment

Other Matters

Q16. Does the Plan include all relevant strategic policies to address the Council's priorities and adequately set out an overall strategy for development as required by paragraphs 20-23 of the National Planning Policy Framework (the Framework)? Specifically, please set out how each of the individual categories set out within criteria 20 a) to 20 d) are justified by up to date and proportionate evidence and, where this has been supplied by developers, the extent to which it should be relied upon?

No Comment

Q17. Has the Council had regard to the specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?

No Comment

Q18. What is the relationship between the policies of the submitted Plan and the made Neighbourhood Plans within the district?

No Comment

Q19. Does the Plan include policies in relation to the mitigation of and adaptation to climate change? If so which?

No Comment

Q20. Have the policies of the Plan inappropriately elevated extant and future specific studies, such as supplementary planning guidance, and other standards to development plan status? If so, what modifications are required to rectify this?

No Comment