

Mid Sussex District Council

District Plan Review

Matters, Issues and Questions – Stage 1

Matter 1: Legal and Procedural Requirements

September 2024



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

Plan Preparation

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

Yes, the Submitted District Plan has been prepared in accordance with the adopted Local Development Scheme.

Form

- 1.1. The latest Local Development Scheme (LDS) [P1] was adopted by the Council in January 2024. The LDS commits the Council to preparing a District Plan that sets the overall planning framework for protecting and enhancing the distinctive character of the district and its towns and villages over the plan period to 2039. It states the Plan will set out the Council's infrastructure needs and requirements and a revised Policies Map. The Plan has been prepared for the Mid Sussex District excluding the area that falls within the South Downs National Park. The Council is satisfied that the form of the Submitted District Plan is as set out in the LDS.

Scope

- 1.2. Table 1 of the LDS states the Council will commit to assessing the policies of the Adopted District Plan that remain in-date and follow all legal processes for those that require updating. Paragraph 4.4 of the LDS outlines two stages of scope (as required in paragraph 33 of the NPPF) – to review the plan as a whole and updating it as necessary. The review of the Adopted District Plan found that the majority of the policies required at least a minor update to either take into account changing circumstances affecting the area, and/or changes in national policy.
- 1.3. The Review of Scope and Updates Required document [BD3] contains a table that sets out the policies that were assessed as requiring an update and to what extent.
- 1.4. The Council is satisfied that the scope of the Submitted District Plan is as set out in the LDS.

Timing

- 1.5. The LDS has been published and kept up-to-date during the preparation of the Submitted District Plan. The District Plan Review commenced in 2020 and was included in the LDS adopted in December 2020 [P3]. An update to the timetable was made in the November 2022 LDS [P2]. A further update to the timetable was made in the LDS adopted in January 2024 [P1]. In terms of timings, **Table 1** shows the stages of the District Plan's progression as set out in the adopted LDS, with further detail on the dates the stages were completed. There was a slight delay to the submission of the Plan, due to the pre-election period prior to the July 2024

General Election however the Plan was submitted as soon as practically possible after the Election had taken place.

Table 1: Timetable for District Plan

| Stage | LDS (January 2024) | Actual Date |
|-------------------------------------|--|--|
| Public Consultation (Regulation 18) | Winter 2022 (As set out in November 2022 LDS [P2]) | Undertaken November - December 2022 |
| Public Consultation (Regulation 19) | Winter 2024 | Undertaken January - February 2024 |
| Submission to Secretary of State | Spring 2024 | July 2024 |
| Examination | Summer 2024 | October 2024 |
| Estimated date for Adoption | Autumn 2024 | TBC |

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

Yes, requirements set out in the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended) and the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended) have been met during the preparation of the Plan, consultation and publication and submission of documents.

2.1. The table below outlines each requirement and details where in the MIQ responses or submission documents this information has been provided, along with a summary of how these requirements have been met.

Table 2: Assessment of District Plan preparation

| Preparation of the Plan | | |
|---|---|---|
| PCPA (as amended) | Summary | Detailed Information and documents |
| S19(1) Preparation in accordance with the local development scheme. | The Submitted District Plan has been prepared in accordance with the LDS [P1] . | See response to Matter 1, Question 1. |
| S19(1A) Include policies designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change | The Submitted District Plan includes policies which ensure development and use of land contribute to the adaptation and mitigation of climate change. | <p>See response to Matter 1, Question 19.</p> <p>The Submitted District Plan has a key strategic objective of achieving <i>Sustainable Development and Adaptation to Climate Change</i>. The policies directly linked to mitigating and adapting to climate change are listed below:</p> <ul style="list-style-type: none"> • DPS1: Climate Change • DPS2: Sustainable Design and Construction • DPS3: Renewable and Low Carbon Energy Schemes <p>In addition to the above policies, other policies within the Plan are also relevant and have links to climate change objectives and are listed below:</p> <ul style="list-style-type: none"> • DPS4: Flood Risk and Drainage • DPS5: Water Neutrality • DPS6: Health and Wellbeing • DPB1: Character and Design • DPE1: Sustainable Economic Development • DPN1: Biodiversity, Geodiversity and Nature Recovery • DPN2: Biodiversity Net Gain |

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| | | <ul style="list-style-type: none"> • DPN3: Green and Blue Infrastructure • DPN9: Air Quality • DPT1: Placemaking and Connectivity • DPT3: Active and Sustainable Travel <p>DPI7: Water and Wastewater Infrastructure</p> |
| S19(1B) Identify the strategic priorities for the development and use of land in the authority's area. | The strategic priorities for the development and use of land within the district have been identified in the Submitted District Plan (Chapter 6). | <p>See response to Matter 3, Questions 33 and 34.</p> <p>In accordance with the National Planning Policy Framework (NPPF) September 2023, the strategic priorities of the Submitted District Plan are grouped into three priority themes: Environment, Economy and Social. These priorities are supported by fifteen strategic objectives which have guided the strategy and policies within the Plan.</p> <p>The Updated District Plan Strategy is based on four key principles:</p> <ol style="list-style-type: none"> 1. <i>Protection of the High Weald AONB</i> 2. <i>Making effective use of land</i> 3. <i>Growth at existing sustainable settlements where it continues to be sustainable to do so</i> 4. <i>Opportunities for extensions to improve sustainability of existing settlements</i> |
| S19(1C) Policies to address identified priorities as set out in the development plan documents. | Each policy in the Submitted District Plan is cross-referenced to the strategic objective it aims to achieve. | See response to Matter 1, Question 16. |
| S19(2)(a) regard to national policies and guidance | The policies within the Submitted District Plan have been prepared having regard to national policies and | See response to Matter 3, Question 31 and Matter 1, Question 16 |

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| | <p>guidance and are consistent with national policy.</p> <p>The Plan meets the requirements of paragraphs 20 – 23 of the NPPF, September 2023.</p> | <p>The Review of Scope and Updates Required Document [BD3] prepared in November 2023, details the review process of the 2018 District Plan policies to reflect amendments to the NPPF.</p> |
| S19(3) Comply with their Statement of Community Involvement | <p>The Council has complied with the SCI [C6] during the preparation of the Submitted District Plan.</p> | <p>See response to Matter 1, Question 3.</p> <p>The process and outcome of the consultations conducted for the Regulation 18 and 19 stages are set out in the Statement of Consultation (Regulation 22) [C1].</p> |
| S19(5) Sustainability Appraisal | <p>The Submitted District Plan has been subject to SA at each stage of the process.</p> | <p>See response to Matter 1, Questions 5 and 6.</p> <p>The Sustainability Appraisal (SA) Scoping Report [DP9] published on November 2021 represented Stage A of the SA. It was developed with the intention of setting out the necessary scope of the SA, which informed the Regulation 18 consultation version of the District Plan.</p> <p>The Council commissioned Lepus Consulting Ltd to prepare the Regulation 18 SA [DP8], published in October 2022.</p> <p>The Council commissioned JBA Consulting to prepare the SA Report of the Publication Draft of the Mid Sussex District Plan Review to support Regulation 19 consultation [DP7]. The report was published in November 2023.</p> |

Consultation, Publication and Submission of Documents

| Town and County Planning Act (Regulations 2012) | Summary | Detailed Information and documents |
|--|---|--|
| <p>Regulation 18 (Draft Policies)</p> | <p>Specific and general consultation bodies were invited to make comments on the District Plan at all stages of its formulation as well as supplementary documents, which were made available in the Council’s website.</p> <p>The policies and supporting text have been amended having had regard to the representations received at each stage of preparation of the Local Plan.</p> | <p>A total of 2,881 comments were received at Regulation 18.</p> <p>691 ‘specific consultation bodies’ and ‘general consultation bodies; were directly contacted to provide comments.</p> <p>At each stage of preparation of the District Plan, the Council has published all comments received at the previous consultation.</p> <p>This is set out in the Consultation Statement [C3] and its appendices.</p> <p>Draft Policies: District Plan at Regulation 18 [DP15].</p> <p>Supplementary Documents: Habitats Regulations Assessment [Main Report DP13 and Executive Summary DP14]</p> <p>Sustainability Appraisal [Scoping Report DP9 and Main Report DP8]</p> |
| <p>Regulation 19</p> | <p>Specific and general consultation bodies were invited to make comments on the District Plan at all stages of its formulation as well as supplementary documents, which</p> | <p>A total of 1,359 comments were received at Regulation 19.</p> <p>The Statement of Consultation (Regulation 22) [C1] and Appendix 2 [Summary of the main issues raised C1.A2] explains how the consultation was undertaken and summarises the main issues raised, with the Council’s response to each issue.</p> |

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| | <p>were made available in the Council's website.</p> <p>Having regard for the representations received at Regulation 19, suggested amendments to the policies and supporting text have been submitted as a Schedule of Proposed Modifications [DP2].</p> | <p>A list of representations by respondent and by policies has been made available as a spreadsheet [C2].</p> <p>The version of the Plan consulted on was the District Plan at Regulation 19 (Submission Draft) [DP1].</p> <p>Draft Policies Map: Draft Policies Map [DP3]</p> <p>Submission District Plan: District Plan 2021-2039 (Submission Draft - Regulation 19) [DP1]</p> <p>Supplementary Documents: Habitats Regulations Assessment [DP11]</p> <p>Sustainability Appraisal [DP7]</p> |
| Regulation 20 | The Council's stakeholders were given the opportunity to comment on the District Plan at Regulation 18 and 19 in accordance with the relevant regulations. | <p>The process and outcome of the consultations conducted for the Regulation 18 and 19 stages are set out in the Statement of Consultation (Regulation 22) [C1]</p> <p>Appendix 1 summarises the representations received at the Regulation 18.</p> <p>Appendix 2 [C1.A2] summarises the representations received at the Regulation 19 and includes the Council's responses to the issues raised.</p> |
| Regulation 22 | In accordance with Regulation 22 the Council made all relevant submission documents available through the | Statement of Consultation (Regulation 22) [C1] has been undertaken in accordance with the relevant regulations and the adopted SCI. |

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| | <p>Council's website and notified all relevant parties.</p> | <p>Draft Policies Map [DP3]</p> <p>Schedule of Proposed Modifications [DP2]</p> |
| <p>Regulation 35</p> | <p>The Council made details of the examination process and submission documents available on the Council's website through the District Plan's Evidence Base Library in accordance with Reg 35(1)(a) and in deposit locations including the Council's office and across the district in compliance with Reg 35(1)(b).</p> <p>All documents have been submitted as appropriate.</p> | <p>District Plan's Evidence Base Library.</p> <p>Submission documents are available for inspection in locations across the district as set out in [DP6]. The relevant documents listed in Regulation 35 were also made available in the same locations during Regulation 18 and Regulation 19 consultation as described in [C3] and [C1] respectively.</p> |

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

Yes, the Submitted District Plan was prepared in accordance with The Council’s Statement of Community Involvement (SCI) [C6].

- 3.1. The SCI [C6] was adopted in March 2019. The SCI sets out 6 general principles of community engagement as:
- *Principle 1: Be timely*
 - *Principle 2: Be inclusive*
 - *Principle 3: Be transparent*
 - *Principle 4: Be respectful of each other’s views*
 - *Principle 5: Be efficient*
 - *Principle 6: Be clear about results*
- 3.2. The SCI explains that Community Involvement Plans (CIP) must be completed for all planning policy documents, providing further detail on who, why, when and how people will be involved. Following the template set out in the SCI, a CIP was developed for both the Regulation 18 [C7] and Regulation 19 consultations [C5].
- 3.3. Full details on the consultation process at Regulation 18 and 19 are set out in the Statement of Consultation (Regulation 22) [C1] prepared in accordance with Regulation 22 (1)(c) of The Town and Country Planning 16 (Local Planning) (England) Regulations 2012 (as amended). It demonstrates that consultation on the Submitted District Plan has been undertaken in accordance with the relevant regulations and the adopted SCI.
- 3.4. The Statement of Consultation [C1] includes a list of Statutory Consultees and Organisations contacted, copies of letters/emails sent out, screenshots of the consultation portal alongside guidance on use of the portal, press releases, social media posts and exhibition panels.
- 3.5. The Statement of Consultation [C1] summarises the key issues raised for all policies and areas of the Development Plan as well as supplementary documents.
- 3.6. The table below summarises the consultation techniques used at each stage of the preparation of the Submitted District Plan.

Table 3: Summary of Consultation process

| Stage | Summary of Consultation |
|--------------------------------|---|
| Regulation 18 (Draft Policies) | <ul style="list-style-type: none"> • Dedicated webpage • Hard copies of consultation documents made available at the Council’s office, the district libraries and Help Points and on the Council’s website. • Six public exhibitions/drop-in sessions held in key locations around the district. |

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| | <ul style="list-style-type: none"> • Press releases, email alerts and social media posts. • Letters or emails sent to specific consultation bodies (statutory consultees) and other organisations as specified in the SCI/CIP. • Emailed those subscribed to the Planning Policy email alert service. • Prepared a Frequently Asked Questions pack which was made available on the webpage and at the staffed exhibitions/drop-in sessions. <p>The Council directly contacted 72 statutory consultees (83 contacts), 54 MSDC elected members, 150 organisations (256 contacts) and 298 individuals, notifying them of the Regulation 18 consultation and inviting responses.</p> <p>The Council received a total of 2,881 comments from 1,365 respondents on the document and supporting evidence (including the Sustainability Appraisal and Habitats Regulations Assessment).</p> |
| <p>Regulation 19 (Publication Policies)</p> | <ul style="list-style-type: none"> • Dedicated webpage. • Hard copies of consultation documents made available at the Council's office, the district libraries and Help Points and on the Council's website. • Press releases, email alerts and social media posts. • Emailed those subscribed to the Planning Policy email alert service. • Prepared an updated Frequently Asked Questions pack which was made available on the webpage' <p>The Council directly contacted 79 statutory consultees, 48 MSDC elected members, 176 organisations and 1,822 individuals, notifying them of the Regulation 19 consultation and inviting responses.</p> <p>The Council received a total of 1,359 comments from 1,335 respondents on the document and supporting evidence (including the Sustainability Appraisal and Habitats Regulations Assessment).</p> |

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

An Equalities Impact Assessment (EqIA) [C4] has been prepared to assess the implication of the Plan on the whole community including those with protected characteristics, having regard to S149 of the Equality Act 2010.

- 4.1. The EqIA [C4] informed public consultation and assesses the objectives and policies within the Submitted District Plan to ensure that they do not discriminate against people or groups with protected characteristics and tackle inequality. The Table in section 2 of the EqIA outlines the opportunities, current and future actions to promote equality, good relations and/or address barriers to service/differential impact through the preparation and submission of the Plan and it is divided by protected groups.
- 4.2. The following table outlines how the Plan has met the three aims expressed in s149 of the Equality Act 2010

Table 4: Addressing the three aims of the S149 Equality Act 2010

| S149, Equality Act 2010 | Submitted District Plan |
|---|--|
| <i>(1) A public authority must, in the exercise of its functions, have due regard to the need to:</i> | Opportunities and actions taken |
| <i>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</i> | <ul style="list-style-type: none"> - Engagement with representative organisations of different ethnic and age groups as well as Access Groups. - With consultations of all planning documents aimed to be open to all and accessible to pregnant women, those with young children, disabled people and people of all ages to ensure that it was not a barrier to engagement. Additionally supporting material is made available on the website which is equipped with 'browse aloud' for those with visual impairments. Consideration has been given to font size and design layout of all consulted documents - Ensure that sufficient older persons' housing and specialist accommodation is delivered to meet identified needs |

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| <p><i>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</i></p> | <ul style="list-style-type: none"> - By ensuring the location and design of development is accessible to all including open spaces, the public realm and transport infrastructure - By ensuring there is adequate provision of community facilities and local services, and infrastructure. - By ensuring a suitable housing offer is provided, including affordable housing, particularly in rural locations, to enable people to continue to live in suitable accommodation in their locality. - By ensuring the correct amount and distribution of housing and employment development to enhance the economic prosperity of all the district's towns and villages. |
| <p><i>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it</i></p> | <ul style="list-style-type: none"> - By ensuring there is adequate provision of community facilities and local services, and infrastructure. - By ensuring the integration of affordable housing with open market housing |

4.3. Representations made during each stage of public consultation were reviewed to ensure that any equality issues raised were appropriately considered and resolved where necessary.

4.4. The key findings of the assessment of impacts in the EqIA [C4, Section 3] found that:

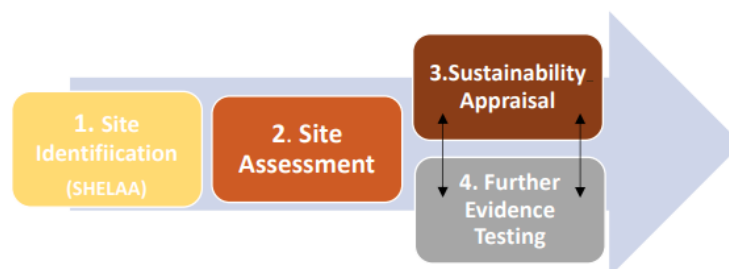
- Existing engagement methods are responding to needs of protected groups.
- Consultations are managed to ensure that engagement reaches as wide as possible audience, including protected groups.
- The Submitted District Plan has the opportunity to provide policies that aim to create safe and attractive places that are responsive to the needs of all, including protected groups.
- With regard to the protected groups, the consultation of and policies in the Submitted District Plan have no identified negative impacts that are not remedied through future actions.

Sustainability Appraisal

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

The plan has been subject to a Sustainability Appraisal. The SA reports [[DP7](#) , [DP8](#), [DP9](#)], which were published and subject to consultation at each formal stage of the preparation of the plan, were submitted alongside the Plan and other relevant documents in line with regulatory requirements. The Sustainability Appraisal incorporates the findings of the Site Selection process to influence the content of the Plan, with sites chosen for allocation or rejected based on the findings.

- 5.1. The Site Selection Methodology [[SSP1](#)] sets out the stages followed to identify sites to meet the identified housing need and how the Sustainability Appraisal influenced this process. It identifies the Sustainability Appraisal as one of the components that informs the Site Selection process (para 5, figure below) and explains the integration between the two documents (para 57 – 59).



- 5.2. An important role of the Site Selection process, in particular Stages 1 and 2, was to inform the selection of Reasonable Alternative site options to be tested within the Sustainability Appraisal. More specifically the Site Selection process rejected sites that lacked relationship to existing settlements (stage 2a), with showstopper constraints i.e. where the NPPF explicitly says development should be refused (stage 2b) or with a combination of constraints rendering the site unsuitable for allocation (stage 2c). As noted in Planning Practice Guidance (11-018-20140306) reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies. The Council has concluded that sites rejected at stages 2a, 2b and 2c of the Site Selection process are not reasonable alternatives, with justification provided within the Site Selection Conclusions papers [[SSP2](#) and [SSP3](#)].

- 5.3. The Sustainability Appraisal forms part of Stage 3 of the Site Selection process and was directly informed by further evidence testing as set out from para 53 of the Site Selection Methodology [\[SSP1\]](#).
- 5.4. In summary, objectives set out in the Sustainability Appraisal were considered alongside other planning issues in line with the criteria highlighted within the NPPF, meaning that in depth work has been carried out to identify reasonable alternatives for sites which needed to be subject to Sustainability Appraisal.
- 5.5. The Sustainability Appraisal has been an integral part of the District Plan preparation and one of the evidence documents used to influence the Site Selection process. It demonstrates that the approach set out in the Plan is sustainable compared to other reasonable alternative options.
- 5.6. With regard to the ranking exercise referenced in paragraph 36 of the Site Selection Methodology [\[SSP1\]](#), this was intended to occur at stage 2(b) and (c) of the process and therefore ahead of reasonable alternatives being subject to assessment against the Sustainability Framework.
- 5.7. The ranking was not intended to be a formal adding scores exercise following the assessment against the criteria set out in Appendix 1 of the methodology [\[SSP1, Appendix 1\]](#) to rank the site against each other. Rather it was intended to be an informal process based on officer's professional judgement to make recommendations to refine a list of suitable, available and deliverable (i.e. reasonable alternatives) sites which should be subject to further testing. Importantly it would only be triggered in the event that insufficient reasonable alternatives had been identified following stage 2(b) and (c) to meet housing need. Sites that did not fully satisfy stage 2 criteria would have therefore needed to be considered at stage 3 to ensure that the Council can meet their housing need in full. The need to carry out a ranking exercise did not arise because there were more than sufficient reasonable alternatives passing through to stage 3 to meet the housing requirement. This was therefore the cut off threshold for identifying reasonable alternatives that would be subject to further testing and those sites that should be rejected.
- 5.8. The requirements for the SEA have been met. The SA incorporates SEA to meet the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations'). Table 3-1 (p.15) of the SA report [\[DP7\]](#) demonstrates the SEA Regulation requirements and how/where in the SEA/SA report these have been met.

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

In preparing the SA report, the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations 2004 (The SEA Regulations), which transpose the Directive into English Law, have been followed.

- 6.1. The non-technical summary is suitably concise. The Regulations do not prescribe the content, format or length, rather, the Planning Practice Guidance on Strategic environmental assessment and sustainability appraisal established that ‘*The sustainability appraisal will need to include a non-technical summary of the information in the main report, and be prepared with a range of readers in mind providing a clear, accessible overview of the process and findings*’ [[Paragraph: 019 Reference ID: 11-01920140306](#)]. A non-technical summary was prepared to accompany the Pre-submission SA [[DP7](#), p.xviii] covering each of the sections within the report including an overview of the process followed through the preparation of the District Plan and the findings of the SA. It has been written using plain language to ensure it is accessible to a wide audience.

The SA has followed the correct process in terms of content and consultation, it has been carried out in accordance with the relevant regulations and the Council’s Statement of Community Involvement.

- 6.2. Annex I of the SEA Directive sets out the scope of information provided through the process. Government guidance requires that the SA incorporates the requirements of the SEA Regulations. In practice, SA and SEA follow similar methodologies and it is possible to combine them without losing the essence of either. Table 3-1 of the Pre-submission SA report [[DP7](#), p.15] identifies where each of the requirements have been met.
- 6.3. An important part of the SA process is consultation with Statutory Environmental Bodies (Historic England, Natural England and the Environment Agency), wider statutory consultees (as defined in the Council’s adopted Statement of Community Involvement [[C6](#)]) and members of the community. The SEA Directive makes a number of requirements regarding consultation on the report. The table below shows how the requirements have been met.

Table 5: Consultation requirements met as identified in the SEA Directive

| The SEA Directive’s requirements | How the requirements have been met |
|---|---|
| Authorities with environmental responsibility, when deciding on the scope and level of detail of the information to be included in the environmental report | Undertaken through the scoping report. It was subject to consultation from 15 th November to 20 th December 2021. |

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| Authorities with environmental responsibility and the public shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme | Undertaken through: <ul style="list-style-type: none"> - Regulation 18 consultation held from 7th November to 19th December 2022 - Regulation 19 consultation held from 12th January to 23rd February 2024 |
| Other EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country | Not applicable. |
| Taking the environmental report and the results of the consultations into account in decision-making | The SA report prepared to support the Plan has been consulted upon alongside the corresponding version of the Plan and was appended to Council reports at each decision making stage (e.g. when approving the Regulation 18 and 19 versions of the Plan for consultation and latterly submission). Comments received during the consultation period have informed the Submitted District Plan which the Council intends to use to guide development across the district to 2039. It will form part of the decision making process for the examination, and ultimately by the Council when asked to adopt the District Plan. |
| When the plan or programme is adopted, the public and any countries consulted shall be informed and the following made available to those so informed: The plan or programme as adopted A statement summarising how environmental considerations have been integrated into the plan or programme The measures decided concerning monitoring | Not yet applicable. These requirements will be considered and met upon adoption of the Plan. |
| Monitoring of the significant environmental effects of the plan's or programme's implementation | Not yet applicable. The significant effects of the Plan will be monitored once adopted. |

6.4. The scoring methodology within the SA has been applied consistently, coherently and accurately. The SA has been undertaken in accordance with the methodology set out in the Scoping Report [DP9] which was consulted on and agreed with the three Statutory Environmental Bodies. The scoring methodology and associated assumptions were subsequently refined for clarity to take into account the latest advice and guidance. They are set out in section 3.4 of the Pre-submission SA

[DP7, p.38] for each of the SA objectives and was subject to wider consultation at that stage.

- 6.5. The appraisals were carried out by expert consultants to assess each reasonable alternative and apply the scoring methodology in a consistent manner. This provided a level of independence to findings. Cross-referencing with the Site Selection assessment scoring and outcomes was undertaken to ensure consistent and coherent assessments had been carried out across the evidence base, and in particular in relation to the Site Assessment work. To assist with accuracy, site promoters were provided draft findings of the Site Selection work for fact-checking purposes and amendments were made where justified. This ensured that the process was accurate, whilst ensuring that the final scoring against each of the Site Selection and Sustainability Appraisal criteria was a matter of professional judgement based on evidence.

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

The SA has considered all reasonable alternatives in terms of spatial strategy, policies and sites and these are recorded in the SA with full justification provided.

- 7.1. The SA has been undertaken throughout the development of the Plan, informing each step of the process. A series of reasonable alternatives has been identified for the spatial strategy, policies and sites. Where the Council did not identify reasonable alternatives, a rationale was provided within the SA report [DP7].
- 7.2. The SA and options appraisal evolved and were iterative with the preparation of the Plan and not fixed. Further options arose as the Plan developed, and in particular during the regulatory consultation stages with new sites being promoted for residential allocation within the Plan. In the interest of consistency and transparency, all options were subject to the same process in respect to whether they formed reasonable alternatives and whether they were substantially different to those already assessed. In respect of new sites, there were in the first instance subject to assessment by the Site Selection methodology [SSP1], and subsequently assessed in the SA, if considered to be reasonable alternatives.
- 7.3. The draft SA has been published at each stage of the District Plan public consultations which fed into the development and the assessment of reasonable alternatives set out in the SA report. The Council is confident that all reasonable alternatives have been considered and they are set out in the following sections of the Pre-submission SA report [DP7]:
- **For the spatial strategy**, reasonable alternatives and how they were arrived at is set out in section 4 with the full assessments in relation to spatial options under Appendix A. Increase in density is considered to form an integral part of

the 'making effective use of land' principle in line with national policy. It forms part of the spatial strategy and will guide future development across the district.

- **For policies**, reasonable alternatives and how they were arrived at are detailed in Appendix B. Increase in housing number was assessed as a reasonable alternative to policy DPH1. The full assessment and reason for discounting the alternative is set out from p.B-79 onwards. This should be read alongside the Housing Need and Requirement Topic Paper [H5] which summarises on how the housing requirements was determined for the Plan and provides the justification as to why the option chosen was a more realistic approach for the delivery of housing in the district during the plan period.
- **For sites**, reasonable alternatives are listed in section 6 and 7 and supported by Appendix C, D and E. The Site Selection methodology [SSP1] sets out the process to identify the reasonable alternatives.

7.4. The Council does not consider that there are any further alternatives to be assessed.

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

The reasonable alternatives have been considered on a on like for like basis against the SA framework set out in section 3 of the SA report [DP7, table 3-6, p.25] using the most relevant and up-to-date data available to the Council.

- 8.1. As set out under Matter 1, Question 6, the scoring methodology was developed and consulted upon with the relevant Statutory Environmental Bodies. This means that it was widely agreed at an early stage of the process with no significant issues raised. The assessment format and scoring approach is transparent. It follows best practice and in this respect was uncontested. The appraisals were carried out by expert consultants to assess each reasonable alternative and each applied the scoring methodology in a consistent and independent manner. For transparency, all assessment outcomes and findings have been included in the report [DP7].
- 8.2. All the relevant evidence used to develop scenarios was available at the time the assessments were carried out, made available to the Sustainability Appraisal consultants and published during the respective consultation periods.
- 8.3. The Site Selection criteria set out in the Site Selection Methodology [SSP1] clearly sets out the source of the datasets relevant to carry out assessments. Equally, the

Pre-Submission SA report [DP7] provides in depth information as to how each SA objectives were considered against detailed assumptions.

- 8.4. The robustness of the SA has not been hindered by the publication of additional evidence after the Plan was submitted. The appraisals were based on the evidence available at that time – in these instances the SFRA (2015) [ENV10] and Transport Study – Scenario 3 [T2], Scenario 4 and 4b [T3] and Scenario 5 [T7]. The level of information available at the time of the assessment was sufficient to arrive at each score and determine the sustainability credentials of the reasonable alternatives. The implications and relevance of the updated SFRA work are set out in response to Matter 5.
- 8.5. With regard to the transport evidence released post-submission [T9], it is an ‘in combination’ assessment to review potential mitigations on the network rather than to assess scenarios or individual sites, the site appraisals in the SA are on an individual basis. In addition, the transport evidence published post-Submission is the next iteration of modelling to seek highways mitigations based on a preferred scenario, rather than critical for the early stages of individual site assessments and SA.
- 8.6. The additional flood risk evidence submitted was the Strategic Flood Risk Assessment (SFRA) [ENV11, ENV15] and the Sequential and Exception Tests [ENV12]. The appraisal carried out in the Site Selection process, including the SA, were based on the live mapping data contained within 2015 SFRA report [ENV10] and transposed into the 2024 SFRA report [ENV11]. This was considered to be sufficiently robust to test reasonable alternatives against the SA framework and supported by the Environment Agency as set out in the relevant Statement of Common Ground [DC16].

Policies/Strategy with No Reasonable Alternatives

- 8.7. No reasonable alternatives were identified for some policies and principles of the spatial strategy. In most cases, this is because the policy is directly transposed from the adopted District Plan with no updates, or only minor updates to reflect National Policy which do not sufficiently alter the direction of policy for it to be considered an ‘alternative’ approach. This is set out in Appendix A and B of the SA Report [DP7]. For ease of reference, they are detailed alongside the justification below.

Table 6: Summary of Policy/ Strategy with No Reasonable Alternatives

| Policy/ Spatial Strategy | ‘No reasonable alternative’ justification |
|--|---|
| Protection of designated landscapes | To accord with national policy and guidance |
| Making effective use of land | To accord with national policy and guidance |
| DPS1 | No alternatives since the NPPF includes requirement to mitigate climate change |
| DPS4 | No alternatives as update required following major Planning Practice Guidance update. |

| | |
|--------------|---|
| DPS6 | No alternative option, resulted from introduction of other policies (DPB1, DPT3, DPT2, DPN3 and other DPN policies, DPI1, DPI5, DPI6, DPE policies, DPS1) |
| DPN1 | No alternatives. Updated to include reference to nature recovery and Local Nature Recovery Strategy and to reflect best practice, required under legislation. |
| DPN6 | No alternatives as came from general update of DP29 which has been split into three policies. Required under changes in national guidance. |
| DPN10 | No options as required under national legislation. |
| DPT5 | Rely on non-specific West Sussex transport plan/ sustainable travel policies. |
| DPE1 | No options as updated to reflect changes in NPPF |
| DPE4 | No options as updated to reflect changes in NPPF. |
| DPE5 | No options as updated to reflect changes in NPPF. |
| DPE6 | No options as updated to reflect changes in NPPF. |
| DPE7 | No options as updated to reflect changes to Permitted Development Rights and NPPF. |
| DPH2 | No reasonable alternatives. The policy is required to support plan delivery. |
| DPH3 | No reasonable alternatives. The policy is required to support plan delivery. |
| DPH7 | No reasonable alternatives - evidence led |
| DPH9 | No reasonable alternatives - evidence led |
| DPI2 | No options as driven by requirements of Planning Practice Guidance (sets out developer obligation requirements within plan), regulations and evidence |
| DPI3 | No reasonable alternatives identified |

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

The Sustainability Appraisal (SA) for the Pre-Submission Plan has been subject to consultation with the prescribed consultation bodies in accordance with the SEA Regulations. No concerns have been raised by the consultation bodies.

- 9.1. Three consultations were held at different stages of the preparation of the SA:
- On the Scoping Report (from 15th November to 20th December 2021) [DP9]
 - On the Regulation 18 SA Report (from 7th November to 19th December 2022) [DP8]
 - On the Regulation 19 SA Report (from 12th January to 23rd February 2024) [DP7]
- 9.2. The Statutory Environmental Bodies (Environment Agency, Natural England and Historic England) have been consulted at each of these stages.

9.3. Consultation bodies did not raise concerns about the SA during consultation on the Pre-submission Plan. For ease of reference, the comments received are set out below.

- **Natural England** [[Response #1196374](#)] “Other than referring to it when giving advice on specific policies and allocations, we do not have any general comments to make on the Sustainability Appraisal”.
- **Historic England** [[Response #1190689](#)] Made no comments relating to the SA in its Regulation 19 consultation response.
- **Environment Agency** [[Response #1189771](#)] Made no comments relating to the SA in its Regulation 19 consultation response.

Habitats Regulations Assessment

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

As the statutory nature conservation body, Natural England has been fully involved throughout the iterative Habitats Regulations Assessment (HRA) process. The Council has had due regard to its professional expertise and guidance. A Statement of Common Ground with Natural England [[DC18](#)] confirms that ‘Natural England concurs with the conclusions of the HRA for the Mid Sussex District Plan’.

- 10.1. The Council has worked closely with Natural England (and other partners) on HRA matters during the adoption of the District Plan, Sites DPD and production of this Plan.
- 10.2. The HRA has been prepared using advice and guidance from Natural England. Documents published by Natural England have been referenced in the HRA, for example, Site Improvement Plans and road traffic emissions guidance [Habitats Regulations Assessment, [DP10](#) – paragraphs 2.16 and 6.10]. In addition, relevant policies including **DPC6: Ashdown Forest SPA and SAC** and **DPN9: Air Quality** have been developed following advice from Natural England.
- 10.3. In relation to **DPC6: Ashdown Forest SPA and SAC**, the Council has worked with Natural England with respect to the zone of influence for the Ashdown Forest SPA [[DP10](#) – paragraph 7.38]. On the advice of Natural England, and in partnership with five other neighbouring councils, the Conservators of Ashdown Forest and other parties, the Council has developed an approach to managing the recreational pressure on the Ashdown Forest SPA and SAC. This takes the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation as set out in **Policy DPC6: Ashdown Forest SPA and SAC**. This strategic solution is active and long-standing, having been agreed

as appropriate through the adoption of the District Plan and Sites DPD. The strategic solution ensures the requirements of the Habitats Regulations are met with regard to the in combination effects of increased recreational pressure on the Ashdown Forest SPA arising from new residential development [DP10 – paragraph 7.47 and 7.52].

- 10.4. Natural England is the statutory consultee for the appropriate assessment stage of the HRA [DP10 – paragraph 2.15]. Natural England was consulted and it submitted a representation at both the Regulation 18 and Regulation 19 stages of the District Plan [Representation ID number 1196374]. The Council has taken into account the comments made by Natural England in later versions of the HRA [Statement of Consultation, (Regulation 22), C1 and Statement of Consultation (Regulation 18), C3]. The Regulation 19 version of the HRA [DP11] was updated following the close of consultation to the Submission version [DP10] to clarify sections that Natural England had responded to. No substantive changes were required to the HRA or its conclusions. The Submission version was also reviewed by Natural England before it was finalised; its agreement to the content and findings is recorded in a Statement of Common Ground [DC18].
- 10.5. Natural England and the Council participate in several partnership groups that are relevant to HRA matters and these are outlined in the Statement of Common Ground. These partnerships demonstrate a commitment by both parties to ongoing co-operation and collaboration on projects.

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

The Submitted District Plan is likely to have significant effects on some European sites and for some impact pathways, however, when assessed further in the Habitats Regulations Assessment (HRA) [DP10] and with mitigation measures as necessary, the conclusions of the HRA confirm that the Submitted District Plan will not adversely affect the integrity of European sites and their qualifying features, either alone, or in combination. The other plans or projects have been appropriately identified and these are set out in the HRA [DP10].

- 11.1. In terms of a likely significant effect on European sites, the HRA sets out the following:

Arun Valley SAC, SPA and Ramsar site – Water neutrality

‘The Mid Sussex District Plan (MSDP) may increase the population and employment opportunities within the Southern Water Sussex North WRZ, potentially resulting in more water being abstracted which in turn could alter the water level within the designated site. Therefore, Likely Significant Effects (LSEs) cannot be

excluded and the site is screened in for Appropriate Assessment regarding this impact pathway.'

[[DP10](#) – paragraph 6.8]

Ashdown Forest SPA/ SAC – Atmospheric pollution

'The Mid Sussex District Plan (MSDP) will significantly increase the population and employment opportunities within the District, likely resulting in more commuter journeys being undertaken within 200m of sensitive heathland. Therefore, Likely Significant Effects (LSEs) cannot be excluded and the site is screened in for Appropriate Assessment regarding this impact pathway.'

[[DP10](#) – paragraph 6.12]

Ashdown Forest SPA/ SAC – Recreational pressure

'The available evidence base highlights that recreational pressure is a continuing concern for the Ashdown Forest SPA / SAC, with visitor numbers expected to further increase due to emerging Local Plans. Therefore, LSEs of the MSDP on the Ashdown Forest SPA / SAC regarding recreational pressure cannot be excluded and these sites are screened in for Appropriate Assessment.'

[[DP10](#) – paragraph 6.19]

Castle Hill SAC – Atmospheric pollution

'Overall, LSEs of the MSDP on the Castle Hill SAC regarding atmospheric pollution can be excluded and the site is screened out from Appropriate Assessment in relation to this impact pathway.'

[[DP10](#) – paragraph 6.16]

Castle Hill SAC – Recreational pressure

'Overall, AECOM concludes that there will be no LSEs of the MSDP on the Castle Hill SAC regarding recreational pressure and the site is screened out from Appropriate Assessment regarding this impact pathway.'

[[DP10](#) – paragraph 6.22]

- 11.2. However, the conclusions of the HRA confirm that the Plan will not adversely affect the integrity of European sites and their qualifying features, either alone, or in combination with other plans or projects (see the response for question 12).
- 11.3. Appendix B of the HRA presents a likely significant effect screening assessment of the policies in the Plan.
- 11.4. Chapter 2 of the HRA sets out the scope of the project [[DP10](#) – paragraphs 2.9-2.16]. This states that future development proposed for the adjoining authorities of Wealden, Tunbridge Wells, Sevenoaks, Tandridge, Crawley, Horsham, Adur, Brighton & Hove and Lewes has been used to inform the screening stage of the

HRA process. Chapter 5 of the HRA discusses the identified impact pathways. Appendix C of the HRA contains the air quality modelling methodology for the Ashdown Forest SAC which includes an in-combination assessment.

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

The Habitats Regulations Assessment (HRA) has been carried out with reference to relevant guidance and case law [DP10 – Chapter 3: Methodology]. This includes an appropriate assessment which considers the conservation objectives for each European site.

- 12.1. Chapter 4 of the HRA [DP10] sets out the conservation objectives for each of the European sites and Chapter 5 discusses the identified impact pathways. The screening for likely significant effects and appropriate assessment of the District Plan (Chapters 6 and 7 of the HRA) make reference to the conservation objectives [DP10 – for example, paragraphs 6.12, 7.24 and 7.31].

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

The conclusions of the Habitats Regulations Assessment (HRA) confirm that the Submitted District Plan will not adversely affect the integrity of European sites and their qualifying features, either alone, or in combination. As confirmed in the Statement of Common Ground with Natural England: 'Natural England concurs with the conclusions of the HRA for the Mid Sussex District Plan' [DC18].

- 13.1. The HRA concludes:

Arun Valley SAC, SPA and Ramsar site – Water neutrality

'Overall, it is concluded that the MSDP will not result in adverse effects on the integrity of the Arun Valley SAC, SPA or Ramsar site regarding water neutrality, either alone or in combination with other plans or projects. No additional policy recommendations are made.'

[DP10 – paragraph 8.6]

Ashdown Forest SPA/ SAC – Atmospheric pollution

'Overall, it is concluded that the MSDP will not result in adverse effects on the integrity of the Ashdown Forest SPA / SAC regarding atmospheric pollution, either

alone or in combination with other plans or projects. No additional policy recommendations are made.'

[DP10 – paragraph 8.9]

Ashdown Forest SPA/ SAC – Recreational pressure

'Overall, given that an established mitigation framework comprising SANG and SAMM measures is in place (and this is adequately captured in Plan policy), and has been agreed with Natural England, it is concluded that the MSDP will not result in adverse effects on the integrity of the Ashdown Forest SPA / SAC regarding recreational pressure, either alone or in combination with other plans or projects. No additional policy recommendations are made.'

[DP10 – paragraph 8.13]

- 13.2. The HRA is underpinned by an evidence base. The core studies and data are listed in the HRA [DP10 – paragraph 2.16]. Evidence was prepared to support the Adopted District Plan, which is also relevant for the Submitted District Plan.
- 13.3. The evidence base for the HRA is continuing to be expanded. There is ongoing air quality monitoring on Ashdown Forest being undertaken by the local authority partnership. Visitor surveys are also ongoing as part of the SAMM Strategy with the most recent visitor survey of Ashdown Forest and the SANG sites undertaken in 2021. This ongoing work will continue to develop the evidence base for Ashdown Forest and it will inform future HRAs. It will also help to determine if the mitigation approach as part of the strategic solution for recreational pressure on Ashdown Forest continues to be effective and it will inform any required adjustments to the mitigation approach which can be reflected in future plans and programmes.

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

The mitigation measures described in the Habitats Regulations Assessment (HRA) and required in Policy DPC6: Ashdown Forest SPA and SAC represent a well-established approach recommended by Natural England and applied across the country. The Council is already successfully implementing this approach to the satisfaction of Natural England. The mitigation measures form part of the strategic solution for Ashdown Forest and are implemented by all the local authorities as a partnership approach. There is sufficient evidence available locally and nationally to demonstrate that the mitigation measures are effective.

- 14.1. Mitigation measures are necessary to counteract the effects of potential increasing recreational pressure on the Ashdown Forest SPA arising from new residential development within a 7km zone of influence around the Ashdown Forest SPA.

Mitigation measures will help to ensure that the conservation objectives for the Ashdown Forest SPA and SAC are met which will prevent a deterioration of the conservation status of qualifying species for which the SPA has been classified and the qualifying habitats and species for which the SAC has been designated.

- 14.2. The SANG and SAMM approach to mitigation set out in the HRA and reflected in the submitted District Plan is not new. SANG and SAMM mitigation are well-established and applied in lots of locations across the country. It is an approach supported by Natural England, the statutory nature conservation body. The Council has also been advised by experts in the field when developing this approach to mitigation.
- 14.3. A strategic solution has been in place for almost ten years, and it ensures the requirements of the Habitats Regulations are met with regard to the in combination effects of increased recreational pressure on the Ashdown Forest SPA arising from new residential development. The strategic solution is a partnership approach with five other local authorities – Lewes District Council, Sevenoaks District Council, Tandridge District Council, Tunbridge Wells Borough Council and Wealden District Council, and is supported by Natural England. The partnership has been working together for several years, for example, the Joint SAMM Strategy came into effect in 2020.
- 14.4. The SANG and SAMM mitigation approach set out in **Policy DPC6: Ashdown Forest SPA and SAC** aligns with the strategic solution for recreational pressure on the Ashdown Forest SPA. It is an approach that the Council is already successfully implementing. The Statement of Common Ground with Natural England confirms its support for the strategic solution, the SANG and SAMM mitigation approach and Policy DPC6: Ashdown Forest SPA and SAC [\[DC18\]](#).
- 14.5. In his report, the Inspector for the adopted District Plan was satisfied that the approach in **DP17: Ashdown Forest SPA and SAC** (Adopted District Plan) was based on the recommendations of the HRA, was a well-established approach and was agreed by Natural England. With Policy DP17 in place, the spatial strategy and the overall housing requirement of the Adopted District Plan could be implemented without harm to the Ashdown Forest SPA [\[BD4 – paragraph 58\]](#). The Inspector for the Sites DPD was also satisfied that the SANG and SAMM mitigation approach is well-established and used elsewhere such as at the Thames Basin Heaths and Dorset Heaths, as set out in his report [\[BD5 – paragraph 234\]](#). Adopted District Plan Policy DP17 is currently being implemented and **Policy DPC6: Ashdown Forest SPA and SAC** follows the same approach and some minor clarification has been made to be consistent with the current application of the policy, best practice and other local authorities. **Policy DPC6: Ashdown Forest SPA and SAC** is supported by Natural England.
- 14.6. The approach to mitigation is a long-term strategy. Monitoring at regular intervals is already happening with further monitoring planned as part of the SAMM Strategy. This will help to demonstrate if the strategy is effective and will allow the strategy to be refined as appropriate.

- 14.7. The most recent visitor survey for the SANGs for Ashdown Forest was undertaken in 2021 and forms part of the evidence base for the HRA. The visitor survey report [\[ENV17\]](#) concludes:

‘The results show that the four SANGs are busy sites, popular with visitors and particularly working well to draw dog walkers (a target audience). The SANGs clearly attract a good proportion of people who would otherwise visit Ashdown Forest.’ [Summary]

‘With 25% of interviewees giving Ashdown Forest as the one location they would have visited if they had not visited the site where interviewed, and in total 47% of interviewees naming Ashdown Forest as one of the other locations they visit it is clear that at least a reasonable proportion of those using the SANGs would otherwise be visiting Ashdown Forest. As such the results indicate that the SANGs are fulfilling the role for which they have been designed.’ [Paragraph 6.2]

- 14.8. The HRA for the Submitted District Plan assesses SANG capacity in the District which also takes into account the planned delivery of another SANG (the Imberhorne SANG – an allocation in the Sites DPD and currently at planning application stage). This confirms there is sufficient capacity in the emerging SANG for the proposed development in the Submitted District Plan [\[DP10 – paragraphs 7.48-7.50\]](#).
- 14.9. As part of the strategic solution in partnership with the five other councils and Natural England, the Council has agreed a SAMM Strategy and SAMM projects are ongoing. A co-ordinated and strategic approach is necessary to provide the most certainty for protecting the Ashdown Forest SPA and SAC. This approach allows mitigation to be funded collectively also providing reassurance and certainty that measures can be delivered [\[DP10 – paragraphs 7.52\]](#).
- 14.10. Whilst mitigation measures are not specifically required for water neutrality, the HRA concludes that:

‘All new development will need to be highly water efficient. This can be achieved by designing in water efficiency measures such as low flush toilets, rainwater harvesting and greywater recycling in new development. This will be achieved by Policy DPS5: Water Neutrality. Coupled with the water efficiency measures in the Part C Water Neutrality Study no adverse effect on the integrity of Arun Valley SAC, SPA and Ramsar site will arise alone or in combination with other projects or plans.’ [\[DP10 – paragraph 1.21\]](#).

15. Is the Plan’s strategy and distribution of development consistent with the recommendations of the Habitats Regulations Assessment?

The Submitted District Plan’s strategy and distribution of development is consistent with the Habitats Regulations Assessment (HRA).

- 15.1. The HRA uses the existing evidence base for Ashdown Forest including data analysis to confirm that new residential development within a 7km zone of influence around the Ashdown Forest SPA will need mitigation (SANG and SAMM) for increased recreational pressure. This need for mitigation does not prevent development coming forward within the 7km zone of influence and the HRA does not suggest an alternative strategy or distribution. **Policy DPC6: Ashdown Forest SPA and SAC** sets out the mitigation requirements.
- 15.2. The HRA assesses the quantum of development within the 7km zone of influence. Sites **DPA4: Land off West Hoathly Road, East Grinstead** and **DPA13: The Paddocks, Lewes Road, Ashurst Wood** are wholly within the 7km zone.
- 15.3. Sites **DPA9: Land to west of Turners Hill Road, Crawley Down** and **DPA10: Hurst Farm, Turners Hill Road, Crawley Down** either lie just outside the 7km zone or only have a very small area located within 7km.
- 15.4. Since the 7km zone is not intended to have a precise boundary, both of these sites (DPA9 and DPA10) have been included in the assessment in line with the precautionary principle [[DP10](#) – paragraph 7.46]. The HRA assessment concludes that the emerging Imberhorne SANG (an allocation within the Sites DPD and currently at planning application stage) has sufficient capacity to meet the requirements of the four proposed housing allocations [[DP10](#) – paragraph 7.50].
- 15.5. Out of 6,687 dwellings proposed for allocation in the Submitted District Plan as set out in **Policy DPH1: Housing**, only 444 dwellings are within or close to the 7km zone of influence. This demonstrates that the majority of the proposed housing allocations are outside the 7km zone of influence and will not require SANG or SAMM mitigation.
- 15.6. The HRA discusses the air quality modelling results [[DP10](#) – paragraphs 7.12 to 7.31] and states that the forecast ‘in combination’ nitrogen doses due to traffic growth will have a negligible effect on Natural England’s ability to restore good quality heathland through improved management and the implementation of the Shared Nitrogen Action Plan (SNAP) [[DP10](#) – paragraph 8.8].
- 15.7. With regards to water neutrality, there are no proposed housing allocations within the Sussex North Water Resource Zone. However, as Mid Sussex District is located in an area of serious water stress, all development must be positively planned to minimise its impact on water resources in order to provide resilience against the impacts of climate change including security of water supply. **Policy DPS2: Sustainable Design and Construction** sets out the water efficiency measures and standards for development which are supported by Natural England and the HRA.
- 15.8. Given the conclusions of the HRA, the quantum and distribution of growth proposed in the District Plan will not result in adverse effects on the integrity of European sites.

Other Matters

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

he Plan includes strategic policies that address the Council’s priorities and strategy for development as required by paragraphs 20 – 23 of the Framework (NPPF September 2023).

- 16.1. The District Plan Vision and Strategic Objectives are set out in **Chapter 5** of Plan. Each policy in the Plan is cross referenced to the Strategic Objectives which it relates to. The requirements of NPPF (Sept 2023), paragraphs 20 – 23 are met, as explained in the table below:

Table 7: Assessment of Strategic Policies District Plan against NPPF, paragraphs 20 – 23

| NPPF Requirement | District Plan Policy | Evidence |
|---|--|---|
| 20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: | | |
| <p>a) housing (including affordable housing), employment, retail, leisure and other commercial development;</p> | <p><u>Housing</u></p> <p>DPH1: Housing</p> <p>DPH2: Sustainable Development – Outside the built up area</p> <p>DPH3: Sustainable Development – Inside the Built up area</p> <p>DPH4: Older person’s Housing and Specialist Accommodation</p> <p>DPH5: Gypsies, Travellers and Travelling Showpeople</p> <p>DPH6: Self and Custom Build Housing</p> <p>DPH7: Housing Mix</p> <p>DPH8: Affordable Housing</p> <p>DPH9: First Homes</p> <p>Chapter 15: Sustainable Communities</p> <p>DPSC GEN: Significant Site Requirements</p> <p>DPSC1 – DPSC7 – Sustainable Communities Housing Sites</p> <p>Chapter 16: Site Allocations</p> <p>DPA1 – DPA 19 – Residential allocations</p> | <p>H1 – Strategic Housing Market Assessment (2021)</p> <p>H2 – Mid Sussex Gypsy and Traveller Accommodation Assessment (2022)</p> <p>H3 – Urban Capacity Study (2022)</p> <p>H4 – Housing Supply and Trajectory Paper (2024)</p> <p>H5 – Housing Need and Requirement Topic Paper (2024)</p> <p>SSP1, SSP2, SSP3, SSP4, SSP5 – Site Selection Papers (2023, 2024)</p> <p>The above documents set out the up to date and proportionate evidence that has been prepared to inform the strategic housing policies.</p> <p>Information supplied by developers has informed H4 and this relates to anticipated development rates for residential development. Developers are often best placed to know when and how sites will be delivered. All information provided by developers was sense checked by planning officers to ensure realistic figures are used,</p> |

| | | |
|--|--|--|
| | | <p>taking into account historic delivery rates in Mid Sussex District.</p> <p>The Council has a good working relationship with the site promoters of the three significant sites. This has enabled the Council to draw on their expertise in respect to housing delivery, whilst ensuring sites will deliver the strategic objectives of the Council and local communities. Information supplied by site promoters has been used to inform policy and illustrative masterplans. The information provided by the site promoters is considered to be robust and reliable.</p> <p>The Council has engaged with the promoters of the residential allocations, seeking evidence from them that the sites are deliverable. The Council has no reason to doubt the evidence provided.</p> |
| | <p><u>Employment</u></p> <p>DPE1: Sustainable Economic Development</p> <p>DPE3: Employment Allocations</p> | <p>SSP1, SSP2, SSP3, SSP4, SSP5 – Site Selection Papers (2023, 2024) – Appendix 2 – Employment Sites, Appendix 5 – Employment Commitments</p> <p>ED1 – Economic Growth Assessment Update (2020)</p> <p>ED2 – Economic Growth Assessment Update (2022)</p> <p>ED4 – Mid Sussex Sustainable Economy Strategy and Action Plan 2022 – 2025</p> |

| | | |
|---|---|---|
| | | <p>ED5 – Mid Sussex Sustainable Economy Strategy District Profile 2022 – 2025</p> <p>The above documents set out the up to date and proportionate evidence that has been prepared to inform the strategic employment policies.</p> |
| | <p><u>Retail</u></p> <p>DPE4: Town and Village Centre Development</p> <p>DPE5: Within Town and Village Centre Boundaries</p> <p>DPE6: Development within Primary Shopping Areas</p> | <p>ED3 – Mid Sussex Retail Study 2022</p> <p>The above documents set out the up to date and proportionate evidence to inform the strategic retail policies.</p> |
| | <p><u>Leisure</u></p> <p>DEP9: Sustainable Tourism and the Visitor Economy</p> | <p>ED4 – Mid Sussex Sustainable Economy Strategy and Action Plan 2022 – 2025</p> <p>ED5 – Mid Sussex Sustainable Economy Strategy District Profile 2022 – 2025</p> <p>DEP9 supports the delivery of the Sustainable Economy Strategy and Action Plan.</p> |
| <p>b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)</p> | <p>DPI1: Infrastructure provision</p> <p>DPI2: Planning obligations</p> <p>DPI3: Major Infrastructure Projects</p> <p>DPS3: Renewable Energy and Low Carbon Schemes</p> <p>DPS4: Flood risk and Drainage</p> <p>DPT1: Place Making and Connectivity</p> | <p>ENV1 – Water Cycle Study 2020</p> <p>ENV10 – Strategic Flood Risk Assessment Level 1 (2015)</p> <p>ENV11 – Strategic Flood Risk Assessment Level 1 (2024)</p> <p>ENV12 – Flood Risk: Sequential Test and Exceptions Test (2024)</p> |

| | | |
|---|--|--|
| | | <p>ENV13 – Water Neutrality: Policy Update (2024)</p> <p>ENV15 – Strategic Flood Road Assessment – Level 2 – Main Report and Appendix 1</p> <p>IV1 – Infrastructure Delivery Plan (2024)</p> <p>ENV4 – Sustainable Energy Study (2022)</p> <p>The above documents set out the up to date and proportionate evidence that has been prepared to inform the strategic infrastructure policies.</p> |
| <p>c) community facilities (such as health, education and cultural infrastructure);</p> | <p>DPI15: Open Space, Sport and Recreational Facilities</p> <p>DPI16: Community and Cultural Facilities and Local Services</p> <p>DPS6: Health and Wellbeing</p> | <p>The Planning Policy team has worked closely with the Council teams responsible for parks, open spaces and community buildings to ensure the policies in the Plan deliver the Council’s wider objectives.</p> <p>The Council has also worked closely with NHS Sussex regarding health care provision.</p> <p>IV1 – Infrastructure Delivery Plan set out the conclusions of these discussions, which has informed the strategic community facilities policies.</p> <p>This approach is proportionate, and the evidence is up to date.</p> |
| <p>d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and</p> | <p>DPS1: Climate Change</p> <p>DPS2: Sustainable Design and Construction</p> <p>DPS3: Renewable and Low Carbon Energy Schemes</p> | <p>ENV3 – Net Zero Evidence Base</p> <p>ENV4 – Sustainable Energy Study</p> <p>ENV5 – High Weald AONB Management Plan</p> |

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| <p>planning measures to address climate change mitigation and adaptation.</p> | <p>DPN1: Biodiversity, Geodiversity and Nature Recovery DPN2: Biodiversity Net Gain DPN3: Green and Blue Infrastructure DPN4: Tress, Woodland and Hedgerows DPN5: Historic Parks and Gardens DPN6: Pollution DPN7: Noise Impacts DPN8: Light Impacts and Dark Skies DPN9: Air Quality DPC1: Protection and Enhancement of the Countryside DPC2: Preventing Coalescence DPC3: New Homes in the Countryside DPC4: High Weald Area of Outstanding Natural Beauty DPC5: Setting of the South Downs National Park DPC6: Ashdown Forest SPA and SAC DPB1: Character and Design DPB2: Listed Buildings and Other Heritage Assets DPB3: Conservation Areas</p> | <p>ENV6 – Assessment of SHELAA sites on the HWAONB ENV7 – Major Development in the AONB ENV8 – Setting of the SNDP ENV9 – Green Infrastructure O3 – Mid Sussex Design Guide SPD H3 – Urban Capacity Study DP10 – Habitats Regulations Assessment</p> <p>The above documents set out the up to date and proportionate evidence that has been prepared to inform the strategic infrastructure policies.</p> |
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21. Plans should make explicit which policies are strategic policies. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies

The heading of each policy explicitly states whether it is strategic or non-strategic. It is also clear which strategic objectives each policy relates to. The Council is satisfied that strategic policies are appropriate matters to be dealt with in this way.

22. Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.

The Plan contains three significant sites, two of which will be delivered within the Plan period. It is anticipated that the District Plan will be adopted in 2025, meaning that 2040 will be 15 years from adoption. As submitted the Plan has an end date of 2039. The Council is therefore suggesting that the end date of the Plan be modified to 2040. In any event, the strategic policies of the Plan look ahead to anticipate longer term requirements, in the case of significant extension to villages and towns as set out in **DPSC1 – DPSC3: Significant Sites**. It is anticipated that DPSC2: Land at Crabtree Park will be completed in the year or two following adoption. The Council does not view this as justifying setting a vision that looks ahead to 30 years.

23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies).

A Key Diagram is included within the Plan at page 42, individual site allocations are supported by an outline map, and a Policies Map is provided both in interactive form on the Council's website and in hard-copy form as submitted [\[DP3\]](#).

The District Plan allocates specific sites to deliver longer term growth and therefore does not need to identify broad locations for development.

Chapters 14: Housing, 15: Sustainable Communities, 16: Site Allocations set out how the Plan's Strategic Objectives relating to growth will be delivered. The Plan identifies sufficient land to address objectively assessed needs for the Plan period. The presumption in favour of sustainable development is a key theme running throughout the Plan; each Chapter sets out which of the UN Sustainable Development goals it will support.

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

Yes, the Council has had regard to the specific matters set out in S19 of the 2004 Act and Regulation 10.

17.1. The table below sets out how regard has been given to specific matters, with cross references to other MIQ questions where applicable:

Table 8: Evidence of regard paid to specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10

| Specific matters set out in Section 19 of the 2004 Act (as amended) | Evidence of regard paid during preparation of the District Plan |
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| Development plan documents must be prepared in accordance with the local development scheme. | See response to Question 1 and 19 |
| Each local planning authority must identify the strategic priorities for the development and use of land in the authority's area. | See response to Question 16 |
| Policies to address those priorities must be set out in the local planning authority's development plan documents (taken as a whole) | See response to Question 16 |
| (2) In preparing a local development document the local planning authority must have regard to— (a) national policies and advice contained in guidance issued by the Secretary of State (aa) the local development documents which are to be development plan documents; (h) any other local development document which has been adopted by the authority (i) the resources likely to be available for implementing the proposals in the document (j) such other matters as the Secretary of State prescribes | a) This has been complied with. Further detail is provided in response to Question 2. aa) No further local development documents are planned at this time (h) This Plan will supersede many of the policies set out in the Adopted District Plan (2018). Further detail of those policies to be replaced is set out in Chapter 19 of the Plan. The majority of the policies in the Site Allocation DPD (2022) will continue to be saved. Further detail is set in Chapter 19 of the Plan [DP1] (i) The Council will not be directly responsible for implementing proposals. A Viability Assessment of the Plan has been prepared (Ref IV2 and IV3) (j) Not applicable |
| (3) In preparing the local development documents (other than their statement of community involvement) the authority must | The preparation of the Plan has complied with the adopted Statement of Community Involvement and Community Involvement Plan (Ref C5 and C6). |

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| also comply with their statement of community involvement. | Also see response to Question 3. |
| (5) The local planning authority must also— (a) carry out an appraisal of the sustainability of the proposals in each development plan document; (b) prepare a report of the findings of the appraisal. | A Sustainability Appraisal has been prepared and submitted to the Examination (Ref DP10). Also see response to Question 5, |
| Specific matters set out in Regulation 10 Town and Country Planning Regulations 2012 | Evidence of regard paid during preparation of the District Plan |
| a) policies developed by a local transport authority in accordance with section 108 of the Transport Act 2000 | West Sussex County Council (WSSCC) is the relevant Local Transport Authority. The West Sussex Transport Plan (WSTP) was adopted in 2022. The Council has worked in close liaison with WSSCC during the preparation of the Plan, including development of Transport Modelling and transport mitigation delivered in a way which accords with the WSTP. |
| b) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment | Not applicable for Plan (related to danger from Hazardous substances) |
| c) the need, in the long term— (i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes; (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures; (iii) in the case of existing establishments, to take additional technical measures in accordance with regulation 5 of the Control of Major Accident Hazards Regulations 2015 so as not to increase the risks to human health or the environment | Not applicable for Plan (related to danger from Hazardous substances) |
| (d) the national waste management plan (which has the same meaning as in the Waste (England and Wales) Regulations 2011 | West Sussex County Council is the waste planning authority for the Plan area. West Sussex Waste Local Plan was adopted in 2014. The Council has liaised with WSSCC, as waste planning authority during the preparation of the Plan. |

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

Mid Sussex has full coverage of Neighbourhood Plans, with 20 Neighbourhood Plans ‘made’. The earliest Neighbourhood Plan was made in 2014 with the latest in 2023.

- 18.1. Mid Sussex District Council has advocated the Neighbourhood Plan process, it has encouraged and supported its neighbourhood bodies (in this district, all Town and Parish Councils) to prepare a Neighbourhood Plan to identify local matters that could be addressed through the planning system. The district achieved full coverage of Neighbourhood Plans in 2023.
- 18.2. The vast majority of Neighbourhood Plans (14 out of 20) were ‘made’ prior to adoption of the District Plan in 2018. They were therefore largely prepared in conformity with the development plan at that time which consisted of the Mid Sussex Local Plan 2004. Following adoption of the District Plan in 2018, the Council reviewed the policies in made Neighbourhood Plans to assess the impact the adoption would have on the weight that could be afforded to them, noting that legislation and the NPPF (paragraph 30) requires the most recent adopted plan to take precedence if there are any conflicts. Aside from a few specific examples, Neighbourhood Plan policies are non-strategic in nature and therefore not superseded by adopted District Plan policies.
- 18.3. With respect to the submitted District Plan, this position stands. The submitted District Plan largely contains strategic policies which will therefore not conflict with Neighbourhood Plan policies. If any conflicts do arise, the most recently adopted Plan takes precedence. The Council is satisfied that this is the correct approach given the age of most Neighbourhood Plans made in the district.
- 18.4. Some of the made Neighbourhood Plans included site allocations but not all. Where they allocated sites, and these sites have not yet been delivered, the policies will remain extant and these sites will form part of the housing supply identified in policy **DPH1: Housing** and summarised in Table 2a and Table 2b of the Plan [[DP1](#), page 40]. There are no policies in the submitted District Plan that would prevent these allocations from coming forward or that allocate these sites for alternative uses.

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

The Plan includes policies in relation to the mitigation of and adaptation to climate change.

- 19.1. As set out in **Chapter 8: Sustainability** of the Submitted District Plan [DP1], there is a legal duty for Local Planning Authorities to include policies on climate change within Development Plans. **Chapter 5: Vision and Objectives** sets out the strategic objectives for the Plan and Objectives 1 and 2 explain that the strategy and policies will address climate change mitigation and adaptation. The Plan also embeds the UN Sustainable Development Goals throughout the policies of the Plan. This includes goals relating to Climate Change.
- 19.2. The Plan includes a number of policies that directly relate to the mitigation of and adaptation to climate change. These are as follows:
- **DPS1: Climate Change**
 - **DPS2: Sustainable Design and Construction**
 - **DPS3: Renewable and Low Carbon Energy Schemes**
- 19.3. In addition to the above policies, other policies within the Plan are also relevant and have links to climate change objectives. These are:
- **DPS4: Flood Risk and Drainage**
 - **DPS5: Water Neutrality**
 - **DPS6: Health and Wellbeing**
 - **DPN1: Biodiversity, Geodiversity and Nature Recovery**
 - **DPN2: Biodiversity Net Gain**
 - **DPN3: Green and Blue Infrastructure**
 - **DPN9: Air Quality**
 - **DPB1: Character and Design**
 - **DPT1: Placemaking and Connectivity**
 - **DPT3: Active and Sustainable Travel**
 - **DPE1: Sustainable Economic Development**
 - **DPI7: Water and Wastewater Infrastructure**
- 19.4. The Plan also identifies how each policy accords and aligns with the UN Sustainable Development Goals.

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

The Council acknowledges that, in some cases, extant and future studies, such as supplementary planning guidance, and other standards are referenced within proposed Policies.

- 20.1. Whilst in most cases the Council does not believe they elevate such documents to development plan status, the Council suggests a number of recommendations which could rectify this if there is a concern. These are set out in the table below:

TABLE 9: Further potential modifications

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| <p>DPS1 Climate Change</p> | <p>Reducing carbon emissions</p> <ol style="list-style-type: none"> 1. Development will be required to demonstrate that measures have been taken to reduce carbon emissions, including improvements in energy efficiency and in the design and construction of buildings. This includes new buildings and the conversions of existing buildings. Detailed requirements are set out in Policies DPS2: Sustainable Design and Construction, DPS3: Renewable and Low Carbon Energy Schemes, and the Mid Sussex Design Guide SPD. 2. |
| <p>Supporting text to DPS1</p> | <p>Policy DPS1 is an overarching policy that sets out principles that development should adopt to tackle climate change issues and it signposts to other more detailed policies in the Plan. <u>Further guidance can also be found in the Mid Sussex Design Guide SPD.</u></p> |
| <p>DPS2 – Sustainable Design and Construction</p> | <p>All development must submit a proportionate Sustainability Statement to demonstrate how through its design, construction, operation and use it will contribute to the reduction of greenhouse gas emissions, increase resilience to the impacts of climate change and improve sustainability. and includes incorporation of measures set out at Principle DG37 of the Mid Sussex Design Guide SPD.</p> <p>Water resources and water efficiency</p> <p>New development proposals must accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water resources, water quality, water supply and wastewater treatment.</p> <p>All residential new build: Development must meet a maximum water consumption.....</p> |

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| | <p>New development must be designed with adequate and easily accessible storage space that supports separate collection of dry recyclables and food waste. as well as residual waste taking account of guidance in the Mid Sussex Design Guide SPD.</p> |
| <p>DPS3 – Renewable and low carbon energy schemes</p> | <p>Solar energy</p> <p>Taking account of the Mid Sussex Sustainable Energy Study (2014) Figure A.8, The Council will support proposals for solar energy generation providing they are in conformity with this policy and other policies in the District Plan. For standalone solar panel arrays and associated grid connection, it is expected that applications must address all of the following:</p> <p>.....</p> <p>Wind energy</p> <p>The Council will support wind energy development proposals and associated grid connections, where they lie within an area potentially suitable for this type of development. , including as shown in Mid Sussex Sustainable Energy Study (2014) Figure A.1.</p> <p>Applicants must clearly demonstrate that adverse impacts, including cumulative impacts</p> <p>.....</p> <p>13. Framework Directive Compliance Assessment and evidence of discussions with the Environment Agency around requirements.</p> <p>14. Taking account of the Mid Sussex Sustainable Energy Study (2014) Figure A.8, Consideration must be given to the location, siting and design of the scheme, ensuring that there are no significant individual or cumulative adverse impacts on the environment and amenity. In all cases mitigation will be required to protect river flow, river continuity for fish and provide for sediment transfer.</p> <p>.....</p> <p>17. Make use of ambient or secondary heat sources¹³ (in conjunction with heat pumps where required).</p> <p>18. Demonstrate compliance with appropriate technical standards. (currently 'CIBSE's Heat Networks Code of Practice for the UK).</p> |

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| DPS4 Flood Risk and Sustainable Drainage | The Council proposed modification proposed M19 to include reference to Mid Sussex Design Guide. No longer peruse this change. Policy to remain as submitted. |
| DPS5 – Water Neutrality | <p>As explained in the supporting text of Policy DPS5, to protect the Arun Valley nature conservation sites and to provide certainty that development will not have an adverse effect the Arun Valley sites, the most feasible approach is for development within the WRZ to demonstrate that it is water neutral. This means that all development, within the WRZ, will need to be designed to achieve water efficiency standards above the requirements set out by the optional requirements in Building Regulations.</p> <p>This is a joint local authority approach across six local planning authority areas. The policy approach has recently been tested and found sound, subject to Main Modifications, at the Crawley Borough Council Local Plan Examination, [O8]</p> |
| DPN1 – Biodiversity, Geodiversity and Nature Recovery | Development must incorporate biodiversity features ¹⁴ and such biodiversity features must include appropriate long-term management arrangements where relevant. The Council will provide further guidance on recommended standards for biodiversity features within developments. |
| DPN2 – BNG | <p>Further guidance</p> <p>-</p> <p>The Council will publish further guidance on implementing and delivering biodiversity net gain on its website and development proposals will need to take this into account. This guidance will be reviewed periodically to ensure it reflects best practice, local priorities and opportunities.</p> |
| DPN6 – Pollution |Management Plan identifying how general and site-specific risks will be managed to avoid environmental harm. |

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| | <p>Development proposals will need to take into account the Council's published guidance¹⁶.</p> |
| <p>Supporting text to DPN6</p> | <p>.....land. This policy also makes clear that mitigation measures may be necessary for development likely to increase levels of pollution.</p> <p>The Council will publish detailed guidance on its website and development proposals will need to take this into account (<u>ADD footnote to SPD page</u>).</p> |
| <p>DPN7 – Noise Impacts</p> | <p>.....If required by the local planning authority, the applicant will be required to provide:</p> <ol style="list-style-type: none"> a. An assessment of the impact of noise generated by a proposed development; or b. An assessment of the effect of noise by an existing noise source upon a proposed development. <p>Development proposals will need to take into account the Council's noise guidance such as the Planning Noise Advice Document: Sussex.</p> |
| <p>DPN8 – Light Impacts and Dark Skies</p> | <p>The Council proposed modification proposed M41 to include reference to Mid Sussex Design Guide. No longer peruse this change. Therefore the submitted policy would be amended as follows:</p> <ol style="list-style-type: none"> 5. There would not be an adverse impact on wildlife such as through consideration of the appropriate siting, fitting, design, colour and temperature of lighting. _ <u>6. Aerodrome Safeguarding Requirements have been met and that there will be no impact on air safety</u> <p>Development proposals will need to take into account the Institute of Lighting Professionals guidance and other relevant guidance.</p> |

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| <p>DPN9 – Air Quality</p> | <p>....The use of active and sustainable travel measures and green infrastructure to reduce pollution concentrations and exposure is encouraged.</p> <p>Development proposals will need to take into account the Council's air quality guidance.</p> <p>The Council will require applicants to demonstrate that there is not an unacceptable impact on air quality. The development must minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.</p> <p>Where sensitive development is proposed in areas of existing poor air quality and/or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2021 or as updated)) an air quality assessment will be required.</p> <p>.....</p> <p>Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan where it is relevant and be consistent with the Council's current guidance as stated above.</p> <p>Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.</p> |
| <p>DPC1 – Protection and Enhancement of Countryside</p> | <p>.....higher quality.</p> <p>Development proposals will need to demonstrate they are informed by landscape character. The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that specific to the</p> |

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| | <p>High Weald AONB and that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the rural and landscape character.</p> <p>Major applications.....</p> |
| <p>Supporting text for DPC1</p> | <p>.....This is land which is most flexible, productive and efficient and can best deliver future crops and pasture for food and non-food uses.</p> <p><u>Development proposals will need to demonstrate they are informed by landscape character. The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that specific to the High Weald AONB and that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the rural and landscape character.</u></p> <p>Minerals are a finite resource and can only be worked where they are found. Therefore, it is important to use them in the most efficient manner to secure their long-term conservation.....</p> |
| <p>DPC4 – High Weald AONB</p> | <p>The policy refers to High Weald AONB Management Plan, which has been adopted by the Council as a material consideration. Given its status as a statutory document, reference to it in the policy is retained. However, the following change is suggested:</p> <p>.....High Weald AONB Management Plan.</p> <p>New housing development within or affecting the setting of the AONB should take account of the High Weald Housing Design Guide and High Weald Colour Study including applying a landscape-led design approach that reflects High Weald character;</p> |

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| | <p>responding to the historic pattern and character of settlements in the form, layout, grain and massing of development; and using high quality architecture.</p> <p>Proposals which support the land-based economy and social wellbeing of local communities within the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.</p> |
| DPC5 – Setting of the SDNP | <p>The policy refers to South Downs Partnership Management Plan. Given its status as a stator document, reference to it in the policy is retained. However, the following change is suggested:</p> <p>.....</p> <p>Assessment of such development proposals will have regard to the South Downs Partnership Management Plan <u>and</u> South Downs Local Plan. and other adopted planning documents and strategies.</p> <p>Development proposals should</p> |
| DPB1 – Character and Design | <p>All new development must be designed in accordance with the Mid Sussex Design Guide Supplementary Planning Document (SPD).</p> <p>All new development must</p> |
| DPB2: Listed Buildings and Other Heritage Assets | <p>.....to enhance or better reveal their significance.</p> <p>Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.</p> <p>Proposed development.....</p> |
| DPT1 – Placemaking and Connectivity | <p>.....</p> <p>5. Supporting desirable opportunities for people to choose not to travel by car.</p> <p>6. Development must integrate relevant requirements of Chapter 4 of the Mid Sussex Design Guide SPD and be designed to prioritise sustainable and active modes of travel and define a clear street hierarchy, providing safe and convenient routes for</p> |

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| | <p>walking, wheeling and cycling through the development and linking with existing and enhanced networks beyond, including schemes identified in Local Cycling & Walking Infrastructure Plans, before the highway layout is planned.</p> <p>7. New streets must be designed and built to adoptable standard which can easily.....</p> |
| <p>DPT3 – Active Travel</p> | <p>....and changing facilities.</p> <p>5. Providing appropriate levels of cycle parking facilities (taking account of WSCC Guidance on Parking at New Developments 2020 and subsequent iterations), well designed and laid out to be under cover, secure, conveniently located and easily accessible, close to the main entrance of the premises. and in accordance with the guidance in the Mid Sussex Design Guide SPD.</p> <p>6. Providing or contributing towards delivery of service and infrastructure improvements, in accordance with the West Sussex Bus Service Improvement Plan (BSIP) or subsequent documents.</p> |
| <p>Supporting text to DPT3</p> | <p>.....cyclists, equestrians, persons of reduced mobility and micro-mobility solutions, focusing on the majority of journeys which are short distance to increase the use of active travel modes accessible for all.</p> <p><u>Development should provide appropriate levels of cycle parking facilities (taking account of WSCC Guidance on Parking at New Developments 2020 and subsequent iterations), well designed and laid out to be under cover, secure, conveniently located and easily accessible, close to the main entrance of the premises. and in accordance with the guidance in the Mid Sussex Design Guide SPD.</u></p> <p><u>Development should provide or contribute towards delivery of service and infrastructure improvements, in accordance with the West Sussex Bus Service Improvement Plan (BSIP) or subsequent documents</u></p> <p>Developments of a sufficient scale to warrant consideration during the application process by the statutory consultee, Active Travel England (ATE), are strongly advised to consult with</p> |
| <p>DPT4 – Parking</p> | <p>Development must provide:</p> |

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| | <p>1. Adequate and well-integrated car parking, taking account of the guidance in the Mid Sussex Design Guide SPD and the WSCC Guidance on Parking at New Developments³⁰ (2020 and subsequent iterations) along with the accessibility of the site to services and sustainable travel infrastructure, and the type, mix and use of development.</p> <p>.....</p> <p>Development for Rapid and Ultra Fast EV Charging facilities must:</p> <p>4. Be delivered in accordance with the most up to date WSCC EV Charging Strategy.</p> <p>5. Demonstrate the site is appropriately located to meet an identifiable need and/or locational gap in provision.</p> |
| <p>DPE5 – within Town and village Boundaries</p> | <p>Within Town and Village Centre Boundaries as defined on the Policies Map, development of ‘main town centre uses’, as defined by the NPPF, will be supported. , having regard to relevant Town Centre Masterplan SPDs. Support will also be given for:</p> <p>.....</p> |
| <p>DPH2 – Sustainable development outside the built up area</p> | <p>.....</p> <p>The developer will need to satisfy the Council that:</p> <p>4. The proposal does not represent an underdevelopment of the site with regard to Policy DPB1: Character and Design and Mid Sussex Design Guide SPD; or</p> |
| <p>DPH3 – Sustainable development inside the built up area</p> | <p>Within built-up area boundaries, as defined on the Policies Maps, development will be permitted within towns and villages. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale with particular regard to DPB1: Character and Design, the Mid Sussex Design Guide SPD and other policies within the development plan.</p> |

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| <p>DPH7 – Housing Mix</p> | <p>.....</p> <p>Other accommodation types</p> <p>To meet the identified current and future needs of different groups in the community, the Council will seek a range of accommodation types to be delivered on new developments which are of an appropriate size, scale and location. This could include provision of bungalows and other forms of suitable accommodation., where in accordance with the Mid Sussex Design Guide SPD.</p> <p>These types of accommodation include that which is suitable for:</p> |
| <p>DPH8: Affordable Housing</p> | <p>.....Sites must also not be deliberately sub-divided in order to avoid the required affordable housing threshold being met or to reduce the amount of affordable housing required.</p> <p>The above policy will be monitored and kept under review, having regard to the Council's Housing Strategy and any changes to evidence of housing needs.</p> |
| <p>DPA8 – Orchards shopping centre</p> | <p>.....</p> <ol style="list-style-type: none"> 3. Maximise active frontages in the design of any redevelopment of the site. 4. Enhance car parking within the town centre through the provision of multi-storey and/or decked car parking, optimising the site's topography. and taking into account the design principles set out in the Mid Sussex Design Guide SPD. 5. Informed by a Heritage Impact Assessment, provide an appropriate layout and design which protects the setting of nearby Grade II* listed building 'St Wilfrids Church'. 6. Take into account the 2021 Haywards Heath Town Centre Masterplan SPD and opportunities for The Orchards Shopping Centre (Chapter 5). 6..... |
| <p>DPA13 – Paddocks</p> | <p>.....</p> |

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| | <ol style="list-style-type: none"> 4. Undertake a LVIA to inform an appropriate layout, design and landscaping to conserve and enhance the High Weald AONB. 5. Avoid the appearance of a car-dominated layout in the design of the development. in accordance with the Mid Sussex Design Guide SPD. 6. |
| DPI5 – Open Space | <p>New and additional provision</p> <p>The provision of new, improved and/or enhanced open space, leisure, sport and recreational facilities (including allotments) to support healthy lifestyles in accordance with the strategic aims of the Playing Pitch Study, and other relevant studies as they are published and/or updated, will be supported where it meets the requirements of other relevant development plan policies. The design of open space and public realm should accord with the Mid Sussex Design Guide SPD.</p> <p>Sites for appropriate open space, leisure, sport and recreational facilities to meet local needs will be identified through Neighbourhood Plans or a Development Plan Document produced by the District Council.</p> |
| Supporting text to DPI5 | <p>.....</p> <ul style="list-style-type: none"> • <u>Climbing centres</u> <p><u>The provision of new, improved and/or enhanced open space, leisure, sport and recreational facilities (including allotments) to support healthy lifestyles in accordance with the strategic aims of the Playing Pitch Study, and other relevant studies as they are published and/or updated, will be supported where it meets the requirements of other relevant development plan policies. The design of open space and public realm should accord with the Mid Sussex Design Guide SPD.</u></p> <p>It is important to note that open space, leisure, sport and recreational facilities often form.....</p> |