



THAKEHAM

Mid Sussex District Council District Plan 2021 – 2039 Examination

Matter 1 Hearing Statement – Legal and Procedural Requirements

September 2024

Regulation 19 Response IDs:

- 1189800
- 1191281
- 1187538
- 1187734
- 1191000
- 1191190
- 1191219
- 1191735

Matter 1: Legal and Procedural Requirements

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

Plan Preparation

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

No comment.

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

No comment.

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

The submitted Duty to Cooperate Statement of Compliance sets out how the preparation of the District Plan complies with the Statement of Community Involvement.

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

No comment.

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?

This is for Mid Sussex District Council (MSDC) to answer.

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?

The Non-Technical Summary is considered suitably concise.

However, on the matter of soundness, we contend the accuracy of some of the scoring in relation to Policy DPSC1 as follows:

Energy and Waste – ‘Minor negative’

The proposed development will be net zero carbon, and thus Thakeham is seeking to optimise the energy performance of the development. We therefore consider this ‘minor negative’ should be upgraded to ‘neutral’.

Biodiversity & Geodiversity

The proposed development will 1) achieve a 20% biodiversity net gain, and 2) ensure all arboricultural features of value (including ancient woodland) will be duly protected with buffers of at least 15m; and therefore, the impact should be assessed as ‘positive’ on balance, rather than ‘neutral’.

We therefore object to this element of the Sustainability Assessment.

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

Thakeham does not wish to make comment.

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?

Thakeham does not wish to make comment.

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?

Thakeham does not wish to make comment.

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?

Thakeham does not wish to make comment.

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?

Thakeham does not wish to make comment.

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

Thakeham does not wish to make comment.

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?

Thakeham does not wish to make comment.

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?

Thakeham does not wish to make comment.

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

Thakeham does not wish to make comment.

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?

With specific regard to Policy DPSC1 (Land to the West of Burgess Hill/North of Hurstpierpoint), this strategic allocation is justified and supported by proportionate evidence, including:

- Arboricultural Statement;
- Initial Flood Risk and Surface Water Assessment;
- Ecology Report;
- Heritage and Archaeology Technical Briefing Note;
- Landscape and Visual Baseline Appraisal;
- Environmental Noise Assessment Report;
- Preliminary Transport Strategy;
- Utilities Planning Note

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

We consider that through the preparation of the District Plan, MSDC has demonstrated compliant approach to that set out in S19 of the 2004 Act (as amended).

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

Thakeham does not wish to make comment.

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

Increasing resilience to climate change, including mitigation and adaptation, is a common thread which runs through numerous policies in the District Plan. Specific policies which directly relate to the mitigation of and adaptation to climate change include:

- DPS1: Climate Change
- DPS2: Sustainable Design and Construction
- DPS3: Renewable and Low Carbon Energy Schemes
- DPS4: Flood Risk and Drainage
- DPS5: Water Neutrality

Thakeham is committed to delivering the DPSC1 site as a net zero carbon development, which aligns with our wider business commitments to mitigating climate change.

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?

Thakeham does not wish to make comment.