

# Mid Sussex District Plan Review Examination

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**Our ref** 65901/01/MS/HBe  
**Date** 27 September 2024  
**From** Lichfields obo Berkeley Latimer

## Subject Matter 1: Legal and Procedural Requirements

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This hearing statement has been submitted by Berkeley Latimer (BL). BL is promoting the 'Land South of Reeds Lane' (DPSC3) 'Significant Site' for 2,000 homes in Sayers Common.

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

#### Plan preparation

##### Q1-Q4 inclusive:

1.1 No comment.

#### Sustainability appraisal

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

1.2 Yes. BL considers the submitted plan's strategy (DP1)<sup>1</sup> to be justified. In coming to that conclusion, the Reg.19 SA (DP7) together with the site selection documents (SSP1 to SSP5) transparently demonstrate how the strategy has evolved to arrive at the plan before this examination.

1.3 The Reg.19 SA (DP7) identifies that five reasonable alternatives for growth were tested against the different objectives and updated throughout the plan making process<sup>2</sup>. It compares these options against each other<sup>3</sup> before concluding that Option 2 (growth to support sustainability potential of existing smaller settlements) was preferred while also incorporating Option 1 where sites were available (i.e. maintain the existing spatial strategy by growing existing settlements proportionate to their size)<sup>4</sup>. This was noting there were insufficient sites to continue that approach noting developments already coming forward

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<sup>1</sup> As summarised in Chapter 6 (pages 31-42)

<sup>2</sup> Summarised in Section 4.2.3 (page 58, DP7) & fully detailed at Appendix A to DP7, Section A.1 to A.2 (pages A1-7).

<sup>3</sup> Summarised in Table 4.2 (page 60, DP7) & fully detailed at Appendix A to DP7, Section A.3 (pages A7-A8).

<sup>4</sup> Appendix A to DP7, final two paragraphs on page A8.

and site availability. Finally, the SA (DP7) presents an assessment of the potential sites for allocation<sup>5</sup>, including eight new sites identified since the Reg. 18 plan was published<sup>6</sup>.

- 1.4 Supporting this, the Council has also been through what looks to be a clear and transparent site selection process (as shown in documents SSP1 to SSP5). The latest ‘Site Selection Conclusions Paper’ (SSP3) demonstrates that the Council has followed a clear methodology to selecting sites: taking the outputs of the SHELAA (SSP5) and arrived at a final shortlist of sites<sup>7</sup>. It then has considered and tested the potential delivery of ‘significant sites’ (i.e. 1,000+ homes) against each other while also undertaking further assessment of sites below this threshold<sup>8</sup>. It also sets out to explain why certain sites were discounted throughout the process<sup>9</sup>.
- 1.5 In summary, the proposed strategy and allocations underpinning it looks to have been through a thorough site assessment process. The evidence base demonstrates both why and how the proposed preferred spatial strategy – to (1) focus growth on settlements that can be made sustainable through development, in combination with (2) those allocations in the adopted plan, plus (3) additional other allocations following the current plan’s strategy where available – has been arrived at.

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

- 1.6 While this is considered a question for the Council to address, BL is content that the SA – in terms of its content, consultation, and scoring – is robust.

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

- 1.7 Yes. Building on our response to Q5, BL is satisfied the plan as submitted is justified because it is based on an appropriate strategy that takes into account the reasonable alternatives available to the Council.
- 1.8 Notwithstanding, it may be that other representors consider that the Council should have tested different levels of housing growth or different spatial options to inform the plan. The quantification of housing numbers is a question for Matter 6, but if the Inspector came to a similar view, our considered opinion is that undertaking such additional work would not undermine the soundness or the strategy of the current plan as submitted.
- 1.9 The preferred strategy seeks to meet the district’s housing needs and was arrived at noting a lack of site availability to carry on with the current spatial strategy<sup>10</sup> and was clearly tested

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<sup>5</sup> Summarised in Section 6 (pages 72-79) and fully detailed in both Appendix B (pages B70-B79 & section B13, pages B92-B124) and Appendix C (in full).

<sup>6</sup> See Appendix C to DP7. Specifically, Table C-1 and Section C.3 (pages C2-C25)

<sup>7</sup> See Section 2 (pages 3-7, SSP3)

<sup>8</sup> See Section 3 (pages 8-23, SSP3)

<sup>9</sup> See Appendix 4 (‘Site Assessment Conclusions by Settlement’) and Appendix 5 (‘Response to Omission Sites’) to SSP3.

<sup>10</sup> Appendix A, Section A.3 (last paragraph, page A7, DP7)

and preferred to other options through the SA (DP7)<sup>11</sup>. In this context, any additional work that might be required (notwithstanding BL does not consider it necessarily is required) would either (1) reinforce that the strategy currently proposed would still be preferred; or (2) potentially require additional allocations to be made if they could be accommodated (i.e. in transport and other terms). In either case, the additional work could be prepared by the Council as part of this examination in a timely manner with modifications made to the plan in response as the Inspector considers may be appropriate.

**Q8-Q9:**

1.10 No comment.

**Habitats regulations assessment****Q10-Q15 inclusive:**

1.11 No comment.

**Other matters****Q16-Q17:**

1.12 No comment.

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

1.13 As explained on Page 44 of the submitted plan (DP1), it sets strategic policies (that Neighbourhood Plans cannot) and that where non-strategic policies conflict with a made Neighbourhood Plan, the District Plan Review (DP1) would take precedence.

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

1.14 No comment.

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

1.15 Yes, the policies of the plan have inappropriately elevated the status of Supplementary Planning Documents (SPD). As per the PPG (ID: 61-008) – do not form part of the development plan (under the current planning system) and they cannot introduce new planning policies into the development plan. Consequently, **BL objects** on the basis the plan is not consistent with national policy (Paragraph 35d – NPPF, Sep 2023).

1.16 In response to this soundness objection two modifications are required:

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<sup>11</sup> Appendix A, Section A.3 (large two paragraphs, page A8, DP7)

- 1 The reference to SPDs on page 6 of the submitted plan (DP1) under the list of documents that will form part of the 'Mid Sussex Development Plan' should be removed<sup>12</sup>; and
- 2 The requirement in Policy DPB1 (Character and Design) stating all new development must be designed in accordance with the 'Mid Sussex Design Guide' SPD should be removed<sup>13</sup>.

1.17 Implementing the above two modifications would resolve our soundness objection.

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<sup>12</sup> Chapter 1, Section 3 (DP1)

<sup>13</sup> Chapter 11, Policy DPB1 (DP1)