

**MID SUSSEX**  
**DISTRICT COUNCIL**

# **Statement of Common Grounds**

**Mid Sussex District Council and  
Environment Agency**

**September 2024**

## Parties to the Agreement

- Environment Agency (EA)
- Mid Sussex District Council (MSDC)

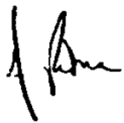
## Signatories



Date: 26 September 2024

Mid Sussex District Council

Ann Biggs – Assistant Director for Planning and Sustainable Economy



Date: 24 September 2024

Environment Agency

Anna Rabone – Sustainable Places Technical Specialist

## Introduction

Mid Sussex District Council (MSDC) has prepared and submitted the Mid Sussex District Plan 2021-2039 for examination. It is necessary for the Mid Sussex District Plan to meet the requirements of the National Planning Policy Framework and Planning Policy Guidance. These include requirements in relation to flood risk.

## Objectives

This Statement of Common Ground has the following broad objectives:

- To demonstrate a consistent approach to strategic planning issues affecting Mid Sussex District Council and the Environment Agency
- To demonstrate that the methodology and conclusions of the updated Mid Sussex Level 1 Strategic Flood Risk Assessment (SFRA) are considered appropriate by the Environment Agency, including the approach taken in relation to future flood risk.
- To confirm that the Sequential and Exception Test as well as a Level 2 Strategic Flood Risk Assessment have been undertaken and are underpinned by the outcomes of the Level 1 SFRA.
- To demonstrate that the Environment Agency do not raise any objections to the allocation of sites or the development management policies within the Submission Draft Mid Sussex District Plan 2021-2039

## Current position

The Submission Mid Sussex District Plan 2021-2039 was submitted to the Secretary of State on 8 July 2024.

## Evidence Base

The Council confirm that an updated Level 1 Strategic Flood Risk Assessment (SFRA), a Level 2 SFRA and a Sequential/Exception Test paper form part of the supporting evidence base.

The Environment Agency provided clear advice at the Regulation 18 consultation that an update to the existing 2015 SFRA would be desirable following the successive updates of the Planning Practice Guidance for Flood Risk and Coastal Change since the publication of the last Level 1 SFRA. The 2015 SFRA report was however based upon live mapping data. It was therefore supported by the most up-to-date dataset and was an appropriate basis to carry-out high-level assessment to inform the Site Selection and Sustainability Appraisal processes.

One of the changes to the PPG related to climate change allowances which affects fluvial, tidal and surface water allowances. The purpose of this guidance is to ensure an allowance for climate change is made in flood risk assessments to help minimise vulnerability and provide resilience to flooding and coastal change in the future.

The 2024 Level 1 SFRA now accounts for the latest update of the PPG. The Environment Agency have informed and validated the development of the SFRA.

A Level 2 SFRA was subsequently prepared focussing on those sites proposed for allocation which have been identified to be at risk of flooding. It was prepared in accordance with the NPPF and the PPG. The Level 2 SFRA provides site specific summaries which include the relevant evidence to undertake the Exception Test process in accordance with the PPG.

The Sequential/Exception Test paper draws upon the information set out in the SFRA reports and demonstrates that sites allocated for development in the Submitted District Plan are suitable for development based on the Sequential and, where necessary, Exception Tests. Importantly, it takes account of all sources of flood risk.

## Proposed Site Allocations

Eighteen of the proposed allocations within the District Plan are partially at risk of fluvial and/or pluvial flooding, the main risks of flooding within the plan area. For 50% of those sites, 10% or less of the site area is at risk of pluvial flooding and only three of the proposed allocations include a small extent of current or future flood zone. Where relevant, site specific requirements have been included within the site allocation policies to address flood risk issues.

Proposed Site Allocations are being supported by a proportionate evidence base to justify the allocations in accordance with the NPPF, including in relation to flood risk.

For each of the sites, the evidence consists of the following:

- A Sequential Test which justifies that there are no reasonable alternatives to the proposed allocation;
- A Level 2 Strategic Flood Risk Assessment (SFRA), where the site was subject to the exception test process.

In addition, a site-specific Flood Risk Assessment, which will need to take into account the Level 2 assessment undertaken, will be required at the planning application stage.

The Environment Agency agrees that, as far as their remits for flood risk are concerned, they have encountered no critical uncertainties regarding the allocation of sites that would cause the District Plan to be unsound.

## Development Management Policies

Agreement has been reached between the Council and the Environment Agency on the wording of a number of policies contained in the District Plan. In their response to the Regulation 18 consultation, the Environment Agency has made some suggestions that they feel would improve policy wording in some areas. As reflected in the Environment Agency's Regulation 19 consultation representation, most comments have been incorporated into the submission version of the Mid Sussex District Plan, with no outstanding issues being raised.

# Appendix – Changes made to the Plan as a result of the work with the Environment Agency

## Regulation 18 Consultation

The Environment Agency provided detailed comments with associated suggested wording changes to the Regulation 19 Consultation.

**TABLE 1 - COMMENTS RECEIVED BY THE ENVIRONMENT AGENCY DURING THE REGULATION 18 CONSULTATION AND ASSOCIATED RESPONSES<sup>1</sup>**

Comments received	Responses
<b>Chapter 8: Sustainability</b>	
<ul style="list-style-type: none"> <li>Consider updating Strategic Flood Risk Assessment (SFRA) and take account of other sources of flooding</li> <li>Support natural flood management and nature-based solutions</li> <li><u>DPN4 Flood Risk and Drainage</u>: Suggested wording for consistency with recently updated PPG.</li> </ul>	A revised SFRA has been published. Policy DPS4 amended as suggested.
<b>Chapter 9: Natural Environment and Green Infrastructure</b>	
<ul style="list-style-type: none"> <li><u>DPN3 Green Infrastructure</u>: ‘Green infrastructure’ should be changed to ‘green and blue infrastructure’.</li> <li><u>DPN1 Biodiversity, Geodiversity and Nature Recovery</u>: <ul style="list-style-type: none"> <li>Areas identified as opportunities for nature recovery should be safeguarded from development.</li> <li>Watercourses should have an 8m ecological buffer zone</li> <li>Policy should include reference to river restoration opportunities</li> <li>Provide cross reference to DPN2: Biodiversity Net Gain</li> </ul> </li> <li><u>DPN6 Pollution</u>: Amend policy to include suggested statement on pollution prevention practices</li> <li><u>DPN10 Land Stability and Contaminated Land</u>: Amend policy to reference “potential pathways for identified risk to receptors”</li> </ul>	Further detail provided in supporting text, regarding nature recovery and river restoration opportunities. References to blue infrastructure added to policies. Watercourse buffer zone added to Policy DPN1. Policy DPN6 amended to refer to pollution prevention practices. Policy DPN10 amended as suggested.
<b>Chapter 10: Countryside</b>	
<ul style="list-style-type: none"> <li><u>DPC3 New Homes in the Countryside</u>: Needs to clarify that this will not be permitted if it conflicts with other policies or planning guidance</li> </ul>	Plan should be read as a whole therefore not necessary to state this.
<b>Chapter 14: Sustainable Communities</b>	
<u>DPSC1 Land to the west of Burgess Hill</u>	Policy amended as suggested.

<sup>1</sup> Comments can be reviewed in full via the following link:

<https://midsussex.inconsult.uk/connect.ti/districtplanreg18/managelistRepresentations?docID=13256372&nextURL=%2Fdistrictplanreg18%2Fmanagebrowserespondents%3Fsort%3Dobjector%5F%5FcommonName%26dir%3Dasc%26startRow%3D1%26docID%3D13256372&objectoruid=43758337&repStatusList=1,2,3,4,5>

<ul style="list-style-type: none"> <li>• Areas of Flood Zones 2 and 3 within the site – Strategic Flood Risk Assessment needs consulting to understand future flood risk and the extent in these areas.</li> <li>• Opportunities for river restoration which could contribute to Biodiversity Net Gain.</li> </ul>	
<b>Chapter 15: Housing</b>	
<p><u>DPH4 General Development Principles for Housing Allocations</u></p> <ul style="list-style-type: none"> <li>• Include additional bullet points referring the sequential and exception tests of paragraphs 023 and 037 of the NPPF</li> <li>• Amend to read: “Provide a site-specific Flood Risk Assessment (FRA) / surface water drainage strategy in areas at risk from (delete - fluvial or surface water flooding from) <u>any source (such as fluvial or surface water flooding)</u> to inform the site layout and any appropriate mitigation, <u>resilience and resistance</u> measures that may be necessary. (Delete - Areas at risk of flooding should be avoided in the first instance.) <u>Any proposal must demonstrate that it does not increase flood risk elsewhere, and provides a betterment wherever possible (i.e. a net flood risk benefit).</u>”</li> <li>• Consider greywater recycling</li> <li>• Refer to the Catchment Abstraction Management Strategies (CAMS).</li> <li>• Developments should connect to public foul sewer as a priority</li> </ul>	<p>Policy deleted and principles embedded elsewhere.</p>
<p><u>Site DPH5 Batchelors Farm, Keymer Road, Burgess Hill</u></p> <ul style="list-style-type: none"> <li>• Suggested policy wording to refine policy requirement in relation to flood risk.</li> </ul>	<p>The plan should be read as a whole. All planning applications for allocated or non-allocated sites will be assessed against Policy DPS4: flood risk and sustainable drainage (which has been amended to take account of EA comments), as well as site-specific criteria being included in site allocation policies where appropriate.</p>
<p><u>Site DPH11 Land east of Borde Hill Lane Haywards Heath</u></p> <ul style="list-style-type: none"> <li>• Amend wording to avoid developing in flood risk areas; consistent with other allocations.</li> <li>• May be opportunities for restoration/ enhancement of northern watercourse; could add to BNG</li> </ul>	<p>Policy amended to avoid developing areas of existing and future flood risk. Policies DPN1 and DPN2 require new development to restore and protect watercourses within or adjacent to the site and provide biodiversity net gain.</p>
<p><u>Site DPH19 Land at Chesapeake and Meadow View, Reeds Lane, Sayers Common</u></p> <ul style="list-style-type: none"> <li>• Amend wording to avoid developing in flood risk areas; consistent with other allocations, and to include reference to integrate of SuDS.</li> </ul>	<p>Policy amended as suggested.</p>
<p><u>Site DPH20 Land at Coombe Farm, London Road, Sayers Common</u></p> <ul style="list-style-type: none"> <li>• Amend wording to avoid developing in flood risk areas; consistent with other allocations, and to include reference to integrate of SuDS.</li> </ul>	<p>Policy amended as suggested.</p>
<p><u>Site DPH21 Land to the West of Kings Business Centre, Reeds Lane</u></p>	<p>Policy amended as suggested.</p>

<ul style="list-style-type: none"> <li>Amend wording to avoid developing in flood risk areas; consistent with other allocations, and to include reference to integrate of SuDS.</li> </ul>	
<p>Site DPH22 Land at LVS Hassocks, London Road, Sayers Common.</p> <ul style="list-style-type: none"> <li>Amend wording to avoid developing in flood risk areas; consistent with other allocations, and to include reference to integrate of SuDS.</li> </ul>	Policy amended as suggested.
<p>Site DPH28 Land at Hyde Lodge, Handcross</p> <ul style="list-style-type: none"> <li>Culvert partially located within site (southeast of site). Opportunities to open up/daylight some of the culvert could be explored</li> </ul>	Policy amended as suggested.
<p>DPH29 Gypsies, Travellers and Travelling Showpeople</p> <ul style="list-style-type: none"> <li>Policy amendment suggested re connection to main foul sewer</li> </ul>	Policy amended as suggested.

## Regulation 19 Consultation

The Environment Agency responded to the Regulation 19 Consultation supporting the changes introduced by Mid Sussex District Council. No further changes to the Plan were suggested by the Environment Agency<sup>2</sup>.

<sup>2</sup> Comments can be reviewed in full via the following link:

<https://midsussex.inconsult.uk/districtplanreg19/showUserAnswers?qid=9332771&voteId=1189771&answerDate=20240223114115&nextURL=%2Fdistrictplanreg19%2FlistRespondents%3Fsort%3DcommonName%26dir%3Dasc%26startrow%3D1%26search%3Denvironment%2520agency>