



Mid Sussex District Plan 2021 -2039
Examination

**Matter 1 Legal and Procedural Requirements
Hearing Statement**

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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

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

1.1.1 Following on from the Local Development Scheme (LDS) published in 2022, the LDS was updated in January 2024 to take account of changes to the make-up of the Council following elections in May 2023.

1.1.2 Although the timescales have slipped slightly, Gladman considers that the Plan has broadly been prepared in accordance with the LDS.

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

1.1.3 This is for the Council to address.

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

1.1.4 This is for the Council to address.

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

1.1.5 This is for the Council to address.

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?

1.1.6 Gladman considers that the SA does not set out in a transparent manner how the SA and Site Selection Methodology have influenced the plan making process. There is no clear section within the SA where sites have been ranked against each other and the rationale for selection of allocated sites is not clearly identified.

1.1.7 Sites have been ruled out during the SA process when they clearly should have been considered as reasonable alternatives. For example, Land off Scamps Hill, Lindfield, which is located within a Category 2 settlement has not been considered as a reasonable alternative due to heritage concerns – no consideration has been given to the balance of these concerns when considered against the need to direct an appropriate level of development to sustainable Tier 2 settlements. We have similar concerns with the level of development directed to other sustainable Tier 2 settlements, including Hassocks, where sites have been ruled out of the process without sufficient assessment or reason. Hassocks in particular is a sustainable settlement with good rail links and Gladman considers that sites have been ruled out of the SA process without full assessment and consideration.

1.1.8 These concerns are further heightened in the context of the issue of unmet housing need in the wider sub-region. This is further addressed within our Matter 6 statement.

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?

1.1.9 This is for the Council to address.

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

1.1.10 No. Gladman considers that, in identifying site allocations, all reasonable alternatives have not been considered which accord with the overall spatial strategy of the plan. As detailed in response to Q5 above, there are a number of sites in Category 2 settlements which have not been fully considered as reasonable alternatives despite being deliverable sites in sustainable locations.

1.1.11 In addition, there has been no testing of increased housing numbers to meet neighbouring needs. This is particularly important given that Mid Sussex is one of the lesser constrained authority areas within the sub-region.

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

1.1.12 As set out above, Gladman considers that reasonable alternatives have not been considered appropriately nor fully and this has significant implications for the robustness of the SA and as such the plan as drafted is unsound.