

Responses to Frequently Asked Questions

Q1 Is it possible to control the timing of delivery of new houses over the Plan period (i.e. to control phasing of development) so that only a limited number of houses are built each year?

It is possible for the Neighbourhood Plan to control the timing or phasing of new houses. However, the imposition of such controls cannot be arbitrary. It must be shown that these are necessary in order to ensure the development is acceptable. Examples of this could be to enable necessary infrastructure to come forward. The reasons for phasing must be specific and justified.

Q2 At what point does the Neighbourhood Plan carry weight in the determination of planning applications?

Guidance on the weight a Neighbourhood Plan can carry prior to its adoption is set out in National Planning Policy Guidance. It states that an emerging Neighbourhood Plan may be a “material consideration” when determining planning applications. The exact “weight” given to policies in the emerging Plan depends on a number of different factors. These include the stage of preparation of the Plan and the extent of objections to particular policies.

The guidance says that whilst a referendum makes sure that the local community has the final say on whether a Neighbourhood Plan comes into force, those determining planning applications should respect evidence of local support before this date and in particular, once the final “Submission Version” Plan has been published. The guidance says that it is for the “decision maker” in each case to determine what weight to give the emerging Plan.

National Guidance also sets out advice on when it may be justifiable to refuse planning permission on the grounds of “prematurity”. This is the term that is used when a planning application may be refused ahead of finalising a Neighbourhood Plan. It explains that a refusal on these grounds is unlikely to be justified except when development is so substantial that its cumulative effect would be so significant that a grant of permission would undermine the entire plan making process by pre-judging decisions about the scale, location or phasing of new development that are central to an emerging Neighbourhood Plan; and that the Plan is at an advanced stage but has not yet passed the referendum and been adopted. In this context, “advanced stage” usually means the end of the publicity period of the 6-week final “Submission Version” Plan.

Q3 Do different site constraints carry different weight in the process of deciding which area should be allocated for housing (e.g. Landscape Impact versus Flood Risk)?

Many potential housing sites will be the subject of one or more potential constraints that could either limit or prohibit their potential for housing development. It is for the Parish Council to decide how much weight to give any such constraint, bearing in mind national and local planning guidance. There are different tests as to whether a site is suitable, depending upon the particular constraint. For example, guidance on flood risk seeks to ensure that housing is located on land that is least likely to flood, wherever possible. Other guidance may be more subjective or encourage consideration of potential forms of mitigation to address potential constraints.

Q4 Will the Neighbourhood Plan help to deliver more affordable housing to Hassocks?

The Neighbourhood Plan will be able to help enable the construction of more affordable housing in the Parish. This could be by requiring a proportion of the new development to include affordable housing and/or for separate sites to be allocated specifically, and only, for affordable housing.

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Q4 It is important to note that recent Government guidance advises that sites for 10 open market housing units or less (or 1,000m² or less) are unlikely to need to provide a proportion of affordable housing (this figure is 5 units or less on sites inside the National Park).

The proportion of affordable housing will need to consider and reflect issues of viability. The draft Mid Sussex District Plan seeks to require a minimum of 30% affordable housing for all residential developments above the threshold or an equivalent financial contribution.

Q5 **How will the Neighbourhood Plan address the lack of capacity at local primary and secondary schools?**

The Local Education Authority, in this case West Sussex County Council, are responsible for ensuring and advising on the capacity of local primary and secondary schools. As part of the preparation of the Neighbourhood Plan, discussions will take place with the County Council to establish what, if any, capacity there is at the schools within the Parish and what impact additional housing may have on this.

Q6 **How will the Neighbourhood Plan address the problems of air quality management at Stonepound Crossroads?**

The Stonepound Crossroads has been identified by the District Council as an Air Quality Management area. This issue has been the subject of considerable discussion and debate as part of a recent large housing planning application close to this junction. The latest position is that the Local Planning Authority, in discussion with the County Council, believe the impact on the crossroads from that development on air quality is likely to be acceptable. As the Neighbourhood Plan moves forward, consideration of further housing allocations in the Parish will need to consider the impact on the air quality around the crossroads. This will be the subject of further discussion with the District Council and their advisors as the Plan progresses.

Q7 **How will the Neighbourhood Plan address problems of traffic flow, particularly queuing at Stonepound Crossroads at peak time?**

The Highway Authority for the area are West Sussex County Council. They are responsible for providing advice on the ability of local roads and junctions to safely cope with further development. They will be consulted as the Plan moves forward. This will include, in particular, the ability of the Stonepound Crossroads to cope with further traffic, particularly at peak periods.

Q8 **How does the Neighbourhood Plan calculate housing numbers when a District Plan has yet to be agreed?**

The District Council are responsible for establishing how many additional houses are likely to be needed in the district and establishing whether this need can be met, either in whole, or in part. This work is ongoing by the District Council. In their latest Draft District Plan, they have set out housing figures that they believe need to be delivered within Mid Sussex up to 2031, and the number of this figure that should be delivered through Neighbourhood Plans. This figure is subject to further refinement and could well change before the District Plan is adopted.

Notwithstanding this, National Planning Guidance makes clear that Neighbourhood Plans can come forward before an up-to-date District Plan is in place. In these circumstances it recommends close working between the Parish and the Local Planning Authority, to minimise the potential for conflict between the Neighbourhood Plan and the emerging District Plan and maximise the prospects of success at Independent Examination.

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Q8 The Neighbourhood Plan Working Group have been looking at what the housing might be needed within the Parish. This calculation is based on three different approaches, which are:

- ❖ Household formation (changes in the average size of households);
- ❖ Demographic changes (migration, births and mortality rate); and
- ❖ Economic changes (job formation and growth).

Applying these ways of assessing housing need shows that overall, the future housing requirement in the Parish between 2011-2031, accounting for the growth at Burgess Hill, is likely to be in the range of 250-400 new dwellings.

Q9 **How can the Neighbourhood Plan come forward ahead of the District Plan?**

National Planning Guidance makes clear that Neighbourhood Plans can be produced either before or at the same time as the Local Planning Authority produces its District Plan.

The Neighbourhood Plan must be in “general conformity” with the strategic policies of the adopted Development Plan that is in force at the time the Plan is prepared. This means the adopted Development Plan. It also encourages careful regard be paid to emerging Development Plan policies.

Q10 **What happens if the District Plan decides to build large numbers of new housing and think that Hassocks should plan for more than is in the Neighbourhood Plan?**

The District Council are still working on their housing targets for the district and how and where these should be located. As part of this, they want Neighbourhood Plans to identify housing numbers and locations for growth within their Parish. There is a close working relationship between the Parish and the District, to ensure that aspirations are aligned wherever possible.

The Guidance notes that it is important to minimise any conflict between policies in the Neighbourhood Plan and those in the emerging District Plan because, where conflict does occur, the decision maker must favour the policy which is contained in the last document to become part of the Development Plan.

The District Council is able to produce a Plan that allocates more land for housing in Parishes in due course, if that is considered necessary. At this stage, there is no indication this is likely to be needed.

Q11 **Does the Parish get to keep the money the developers pay for Section 106/ Community Infrastructure Levy costs?**

In many housing schemes, developers are required to pay financial contributions in conjunction with development, in order to ensure there are adequate facilities provided to meet the needs of new residents. This can be facilities such as new play parks or money towards new school places. At the moment, money is secured under a legal document known as a Section 106 Agreement. In the future, it is expected that much of this money will be secured through a Community Infrastructure Levy.

A proportion of this Levy will be given directly to the Parish Council. This figure is 15%, capped at £100 per existing household for parishes that do not have a Neighbourhood Plan, and 25% uncapped for Parishes that do have Neighbourhood Plans.

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Q12 What happens to planning applications that have already been submitted and will be determined before the Neighbourhood Plan is prepared?

The amount of “weight” that an emerging Neighbourhood Plan can carry when determining planning applications varies depending on a number of factors (see Q2). An application that has already been submitted will need to be determined having regard to existing planning policy, with some weight placed on the emerging Neighbourhood Plan, depending on its status and progress.

Where applications for new houses are approved, these may be able to count towards the overall housing number that the Neighbourhood Plan is seeking to help deliver.

Q13 Can houses be built on sites that are at risk of flooding?

National Planning Guidance sets out detailed guidance on how to consider applications for houses on land that is subject to flood risk. In broad terms, the guidance encourages sites to be chosen for housing that is least likely to flood, and so refuse applications on sites that are most likely to flood.

Whether a particular development is acceptable is likely to depend upon the extent of the flood risk (i.e. how often it would flood), the source of the flooding (e.g. river, sea or surface water) and whether these risks can be overcome. There are occasions when engineering solutions can mean that a site that might currently flood can be developed in a way that addresses that flood problem and means houses on the site in future are not at risk of flooding and do not cause greater flood risk somewhere else. These are matters that have to be looked at in each individual case.

Q14 What effect does the designation of the South Downs National Park have on where houses can be built?

The designation of land as part of the South Downs National Park is significant. It means the site is no longer within the Local Planning Authority area of Mid Sussex District but is within the South Downs National Park Authority. They ultimately decide whether the application should be approved or refused, although in most circumstances, they delegate that power back to the District Council.

The aims and purposes of National Parks are:

- ❖ Conserve and enhance the natural beauty, wildlife and cultural heritage; and
- ❖ Promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public.

In carrying out these purposes, the National Park Authority have a duty to seek to foster the economic and social wellbeing of local communities.

Given this, the main priority for deciding whether a site in a National Park should be developed will be to consider the impact the scheme would have on natural beauty, wildlife and cultural heritage. If a scheme would harm these, then in most cases, it is unlikely the site would be suitable for development.

Q15 Can sites be allocated for housing if the landowners don't agree to sell their site?

In preparing a Neighbourhood Plan and in allocating sites for development, the Parish Council must ensure, where possible, that sites allocated have a reasonable prospect of being delivered. It is therefore necessary for them to consider whether a site is likely to be developed by the current owner or sold to an owner who would be keen to see it developed.

This means, if a landowner indicates they have no intention of selling a site or any intention of seeing it developed, it is unlikely to be selected for housing development in the emerging Neighbourhood Plan.