

Mid Sussex District Plan 2021-39 Examination

Hearing Statement submitted by WILD

Matter 6: Site Selection

Introduction

The rationale for the site selection process is unclear, inconsistent and unjustified. The outcome is site selection that is not effective because it has led to the identification of some sites which are not in accordance with national and local policy; are not sustainable; require mitigations at high cost; and are unlikely to be deliverable as planned.

Section 1: Site Selection Documents

These include:

1.1 *The Plan*. Chapter 4 (Page 22) sets out the evidence base and takes as the starting point for selection the Council's SHELAA, which was explored using the Site Selection Methodology (SSM). The relevant point here is that the SHELAA contains 272 sites (of more than 5 houses) with the potential to deliver 32,000 houses. Even after the 'showstopper stage' (see below) 21,000 potential dwellings remained for consideration. The Council has not demonstrated that it is sound for the Plan to be formulated on the basis that the potential for growth, even allowing for policy and other constraints, is so limited that the 2018 spatial strategy could not be used.

1.2 On Page 40, there is a table with accompanying text which describes the categorisation of settlements. This is too vague to support a process of site evaluation - there is no objective evidence in the submitted documentation about the size of these settlements in terms of dwellings, or a listing of the services and facilities available (See below on the Site Assessment Methodology).

1.3 *The Spatial Strategy* (SS) should provide the overall frame for considering which sites fit best with the Council's strategic objectives and national priorities. However, as set out in our response to Matter 5, the SS itself lacks a clear, justified, or effective rationale and fails to respond in a balanced way to the social, economic and environmental objectives, such that it does not provide an adequate basis for sound site selection.

1.4 *The Sustainability Appraisal* (SA). Whilst the SA itself explains it has not been used to select the strategic sites (it seeks to identify the likely significant effects of implementing the Plan - see SA section 3), in our Regulation 19 submission we demonstrated that the SA is flawed, and unjustifiably assesses a 'best' distribution option intended to justify the selection of sites.

1.5 *The Site Selection Methodology* (SSM). This uses different criteria to those in the SA and does not relate clearly to all the strategic objectives identified in the Plan. At para 19 we read that significant sites would be subject to greater scrutiny, but at para 22 we learn that they receive a 'pass' straight to

Stage 2(b). Stage 2a, in fact, is key because it excludes sites which will not contribute to a sustainable pattern of development - although there is no description of what that means in practice. Para 36 refers to a ranking exercise, although in their hearing statement (5.7) the Council confirmed that this was not carried out. Para 42 lists 'showstopper' criteria but fails to include any relating to, for example, infrastructure and transport.

1.6 *The Site Selection Conclusions Paper* (SSCP). This replays the SSM methodology, but the information it provides on the reasons for inclusion and omission is too weak and insubstantial to justify the decisions made, particularly with regard to significant sites (and see further paragraph 4.6 below).

1.7 *The Settlement Sustainability Review*. This would appear to provide the necessary level of detail to support site selection. However, this is dated May 2015, and was prepared to support preparation of the 2018 Plan. Moreover, it is not referenced in the draft Plan and was not submitted, and there is no evidence in it that supports the selection/allocation of significant housing land at Sayers Common.

1.8 In summary, the documents submitted and cited by the Council as evidence for the site selection process are inconsistent within themselves and not aligned with each other. They do not provide enough evidence to support the objectivity of site selection, and do not provide a properly justified rationale, or demonstrate an effective site selection process.

Section 2 Site Selection Process

2.1 The process followed in selecting sites is illustrated by means of a graphic in the SSM. This shows that after selection, the sites are passed through the SA to 'further evidence testing'. Whilst it might be expected that some sites would fall out of the selection process as a result of their scores when assessed through the SA, this does not appear to have happened. This is also of concern given the lack of assessment of the significant sites in the SSM (see above).

2.2 We have already noted that no ranking exercise was undertaken, although it should have taken place before the SA stage was reached. The reason why ranking was not required was because 'an officer's professional judgement was used informally' - In other words, an undocumented, unregulated process by unidentified officer(s), with no published checking/moderation.

Section 3 Constraints and Mitigations

3.1 The failure to identify and manage constraints and mitigations objectively and appropriately is a major deficiency in the plan and one of the principal reasons why it is not effective, positively planned and sound.

3.2 At a strategic level the Plan applies constraints too rigidly, limiting development in the AONB and two of the three larger towns. The result is a distribution of development which would cause significant damage to the environment by using greenfield sites; would require major investment to achieve sustainability within the large sites which even then could not be assured; and would also generate additional cost at sites near major roads rather than sustainable transport hubs.

3.3 In the site selection process, the identification of constraints relating to individual sites was too rigid, and inadequate opportunity was allowed for mitigations to be considered. Specifically, the criterion 'relationship to settlements', used in Stage 2a, is described in Para 23 of the SSM. No workable definition/explanation of the measures included here is provided (what does 'proximity' mean in practice? 50m? 500m?), with the result that this can be applied inconsistently, as a matter of unexplained judgement by whoever is the assessor. Moreover, at this point, sites which fail are excluded from any further consideration - not allowing, for example, a process of moderation with review by another assessor, or representations from the site promoter.

3.4 The approach taken to mitigation in part 2b of the process (SSM paras 38-40) is unclear and inconsistent. In particular, it appears mitigation may or may not be taken into account, depending on: the level of information provided by promoters (which will likely vary between sites); but some matters (such as ancient woodland buffers) may be taken into account by the Council on its own volition, on the basis of a high-level assessment as to whether impacts could, in theory, be mitigated (again what is therefore considered is likely to vary between sites); and yet if no mitigation information is provided by promoters, it will be assumed there is none to be accounted for. Para 40 then states promoters will be given the chance to comment further on mitigation after the initial assessment - by which time, presumably, their scheme may already have been rejected, on constraints grounds.

3.5 Significant sites, however, are treated too permissively. They bypass stage 2a on the grounds that they can be self-sufficient. In fact they are not mentioned again in the SSM, and the additional, more rigorous process of assessment is a questionnaire that appears to be for the site promoter to complete (SSM Appendix 2). This concentrates on aspects of delivery, with two small sections on site assessment and infrastructure - nothing, however, on how sustainability is to be achieved.

Section 4 Rationale for Significant Site Selection

4.1 The strategic case for the selection of these sites is of course the self imposed constraints on development elsewhere in the district, and the rigid approach to the review of smaller sites, which is not applied to the largest ones.

4.2 At the next level, the reasons given are that

- There are areas in the district which have the potential for higher growth
- Larger sites are able to generate their own sustainability
- Larger sites could improve sustainability in existing settlements

Taking these in turn:

Potential for higher growth

4.3 Settlements where there is growth potential are set out in a table on Page 33 of the Plan, together with a summary of four key principles. These do not, in fact, reflect the rationale for the choices which have been made. If protection of the High Weald AONB was the constraint, we would see more development proposed for Haywards Heath and East Grinstead. Similarly, if effective use of land was properly applied, we would see more development adjacent to or in settlements, where higher levels of density would be possible and appropriate. The Council has chosen to use a definition which

effectively limits this to brownfield land (Plan p35), which is an unnecessary and overly restrictive constraint. Two of the principles deal with sustainability. Car journeys are commonly used as a proxy for this: if amenities and facilities are in place in the community, they will make fewer journeys out of it. Sustainability is difficult to create where it does not exist: strategically, whatever the benefits to be offered in the development (see DPSCGEN), wherever possible sites should have been chosen close to sustainable transport hubs and away from the major road arteries.

4.4 There is no evidence of the process used to determine the categories of growth referred to in the table, and there is limited, if any, evidence to show that the Settlement Sustainability Review informed the process to justify effective site selection. And, as we set above (Section 3), the SSM promises greater scrutiny of large sites but in practice delivers less.

Sustainability

4.5 When considering 'significant' sites, the fundamental flaw in the Council's approach is to be found at Para 22 of the SSM. This claims that "sites of significant scale can act as 'stand-alone' settlements supported by on-site infrastructure and services which would enable them to be self-sufficient and deliver sustainable places." While it is true that no upper limit is set (the minimum is 1,000), at 2,000 dwellings and situated in a rural area, the Sayers Common allocation DPSC3 is simply too small both in population and in terms of financial viability (developer funded benefits) to have the amenities and facilities which would apply significant downward pressure on outward travel (the same point applies taking DPSC3 cumulatively with DPSC4-7). Policy DPSC GEN lists a collection of ingredients which in the view of the preamble will enable people to meet most of their daily needs. The key elements of this are commercial and community uses, a transport hub and educational facilities. The difficulty with this is that the sites would have to have a critical mass to make affordable, and justify, amenities of a size that would displace car use. The commercial opportunities would need to offer employment and retail relevant to a large proportion of the community; the transport hub would need to give easy access to sustainable travel, rather than a collection of ebikes; and any schools would need to meet the needs of the community without acting as a magnet for students who live some distance away. The Sayers Common allocation site DPSC3 as a significant site in isolation, or taken together with DPSC4-7, would not have sufficient critical mass to achieve such amenities and facilities, but would instead create more car dependent development, at an inappropriately large scale, in an unsustainable location. We explore this in more detail in our submission on Matter 7.

4.6 Improve sustainability in existing settlements

It is possible that the problem of critical mass can be addressed by locations adjacent to larger settlements, provided that there is a careful appraisal of what the old and new can offer and how they may complement each other. A justified and effective approach to large site selection would therefore not only consider access to sustainable travel hubs as opposed to the major road network; it would also ensure that, from the perspective of existing settlements, what was proposed was i) genuinely needed ii) not duplicated iii) deliverable. However, there is no evidence that this has been done. Settlements have not been ranked and assessed to determine which settlements would benefit most from such improvement, or what that improvement would be; and there is a lack of clarity around facilities and amenities which are required to support sustainability on the sites, and how those relate to the settlements nearby.

4.7 This emerges clearly from the treatment of significant sites in the Site Selections Conclusions Paper 2024 p8ff. The sites are not scored and ranked: there is simply a table which compares characteristics which are a mix of criteria in the SSM and developers' proposals. For example, the site DPSC3 is proposed for allocation based on the tabulated factors on p11-15 and three paragraphs: a list of developer's commitments (3.20); a statement of what is unavailable in the adjacent community - primary school, GP surgery and village centre - which is factually incorrect (3.21), and four sentences on the environment which is also inaccurate (3.22). No, or no adequate, account is taken of accessibility, national and local policy priorities, or proximity to a full range of amenities and facilities.

Section 5: A Sound Plan

5.1 As we argued in our submission for Matter 5, the first step in making the Plan sound is to revise and clarify the Spatial Strategy so that it actively supports the social, economic and environmental objectives and provides a better fit with current and future national policy and guidance. Whether or not that is done, the documents which together form the framework for site selection should be revised and properly used, to effectively assess and justify selection. The process of site selection as described in the SSM also requires revision and clarification, so that it is more permissive in general, while matching diligence of assessment to the size of the site under consideration. As it is, the largest sites are subject to the least objective scrutiny. To be sound, the selection process needs to effectively identify and test constraints and proposed mitigations which would likely result in site selection outcomes that would reduce risk and improve viability and ultimately, delivery.