

## Constraints and Capacity – Summary Paper

Submitted to the Mid Sussex Examination, 27 January 2017.

1. This paper is produced to provide an introductory summary of some of the strategic constraints to growth faced by Mid Sussex drawing on the wider submitted evidence base. While it remains important that this evidence base is considered in full, this paper is designed to support an easier understanding of the District's overall situation for the Inspector and participants. Main points that arise from the analysis are set out below. The analysis is also supported by a series of Annexes to this note on specific constraints. This paper also complements the site by site analysis in MSDC5a.

- **Mid Sussex is a largely rural District, of which approximately 90% is open countryside. It is this feature that makes Mid Sussex an attractive place and helps define its unique and special character.**
- **Due to only a finite amount of brownfield land, it is inevitable that development to meet housing need would need to take place on greenfield sites which result in the loss of open countryside. This loss cannot be reversed and in some cases, mitigation would not adequately compensate for its loss. Existing proposals, including those at Pease Pottage and Burgess Hill, already involve a significant loss of valued and attractive open countryside, although the Council believes that it has struck the right planning balance between significant housing need and significant loss of open countryside including AONB. It remains unconvinced that any loss beyond current proposals could be considered a sound planning judgement at the current time, taking into account other recently adopted plans.**
- **Approximately 60% of the District is covered by highly protected national designations – the High Weald AONB in the north of the District and the South Downs National Park to the south. The District lies adjacent to the Ashdown Forest SPA/SAC, a European designated site.**
- **Around a quarter of the District has been assessed as having high quality and high value countryside in the most recent Landscape Capacity assessment (LUC, 2014). This area is judged as having 'Low' landscape capacity for development.**
- **There are significant infrastructure constraints, in terms of water supply and waste water; and particularly at East Grinstead, with the highways network. There are existing infrastructure deficits, which would be exacerbated by increased development levels.**
- **The LUC capacity work concluded that only 4% of the District was not covered by a primary or secondary constraint, or had not already been built on. This figure also does not take into account the constraints that cannot be mapped (i.e. sustainability, distance to services, etc.).**
- **The District Council, at 800dpa, can meet its own starting point Objectively Assessed Need for housing. Further development above 800dpa is likely to be largely contributing towards the unmet need of neighbouring authorities. The District Council recognises the extent of this need, however the constraints of the District limit the amount it can soundly contribute. The Council believes that it has taken a consistent and sound approach relative to other similar authorities including those within the North West Sussex and Coastal West Sussex HMAs.**

- **As confirmed by MSDC5, up to 60 additional sites not currently considered deliverable/developable would be required to meet housing provision above the 800dpa figure suggested in the submitted District Plan (up to 900dpa). These additional sites have been ruled out by the District Council in undertaking the planning balance exercise, the negative impacts of the constraints are not outweighed by the positive impacts that could be generated by increasing housing supply.**

## **Introduction**

2. The District Council has commissioned a series of studies to assess the environmental/ infrastructure constraints within the District. This includes the “Capacity of Mid Sussex to Accommodate Development” study (EP47, June 2014) as well as the others studies related to environmental, transport, infrastructure, viability, air quality etc. and are included within the Examination Library on the Council’s website. These studies should be considered in full. This summary study draws together a wide range of evidence on many of the environmental and infrastructure constraints to development within the District, including:
  - The High Weald Area of Outstanding Natural Beauty (AONB);
  - The South Downs National Park;
  - The Ashdown Forest SPA/SAC (including Suitable Alternative Natural Greenspace Capacity);
  - Landscape Capacity;
  - Biodiversity – Ancient Woodland, Sites of Nature Conservation Importance (SNCI), Sites of Special Scientific Interest (SSSI);
  - Water – Supply and Waste; and
  - Transport
3. These, alongside other ‘mappable’ constraints, are shown in Figure 4.1 of the LUC study (Appendix 1).
4. The LUC study distinguishes the weight to be given to each constraint for decision making purposes. It identified a number of ‘primary’ constraints and ‘secondary’ constraints. Primary constraints are those with international or national importance (such as Areas of Outstanding Natural Beauty and National Parks) and are given high levels of protection in the National Planning Policy Framework (NPPF). Secondary constraints have lower levels of protection in national policy, may be designated at a local level, or are buffer zones for primary constraints in order to ensure protection. Whilst not afforded as much weight or protection as Primary constraints, and mitigation is more feasible, they are still important when considered in combination with other constraints within proximity. The extent to which they affect capacity on specific sites is also variable. These are mapped in Figure 4.2 of the study. (Appendix 1 to this paper).
5. This summary paper focuses on the key constraints that are most relevant to the District. It is these constraints in particular that have been afforded the most weight (to varying degrees) in site selection criteria within the District Plan Sustainability Appraisal (BP5), Strategic Site Selection Paper (EP23) and Strategic Housing Land Availability Assessment (SHLAA) (EP27).

## Environmental Constraints – Headline Figures

	% of District Area
Urban Area	9.67
High Weald AONB	48.95
South Downs National Park <sup>1</sup>	11.07
Ashdown Forest SPA/SAC 7km Zone of Influence	28.85
Low Landscape Capacity	22.14
Ancient Woodland	15.81
SNCI	3.32
SSSI	1.90
<b>Total Primary Constraints</b>	<b>63.58</b>
<b>Total Secondary Constraints</b> (excluding area within a Primary constraint)	<b>28.50</b>
<b>Total Constrained Area</b> (Primary plus Secondary constraints)	<b>92.08</b>

6. The constraints covered in summary detail in the Annexes attached to this paper include:

- A: The High Weald Area of Outstanding Natural Beauty (AONB);
- B: The South Downs National Park;
- C: The Ashdown Forest SPA/SAC;
- D: The Landscape Capacity;
- E : Biodiversity – Ancient Woodland, Sites of Nature Conservation Importance; (SNCI), Sites of Special Scientific Interest (SSSI);
- F: Water Supply, Wastewater and Water Quality; and
- G: Transport.

The overall conclusions of the Council's analysis are as follows:

7. Mid Sussex is significantly constrained by high-level nationally protected landscapes. Outside of these designated areas, the District is largely open countryside. Most future development needs will now need to be met through development in open countryside, which is in itself is protected by the NPPF. It is important to recognise the intrinsic character and beauty of open countryside, as stated in the NPPF, in addition to areas which are specifically designated for their special qualities.
8. Whilst the LUC study and this paper focusses on designated protected land, there are a number of constraints that cannot be mapped. These include areas that are deemed unsustainable for reasons beyond their designation. Figure 4.3 of the LUC study (Appendix 1) maps the extent of the Primary and Secondary constraints within the District, colour-graded by the number of constraints present. Figure 5.3 (Appendix 1) takes this one step further, by identifying areas of the District that are least constrained as well as being in sustainable locations (due to their proximity to services). This

<sup>1</sup> The South Downs National Park is not within the District Plan plan area, however does impact on the amount of development that could be accommodated at settlements on the border (in particular south of both Hurstpierpoint and Hassocks).

demonstrates that a comprehensive approach to determining the capacity of Mid Sussex has taken place, based on the impact on constraints and sustainability.

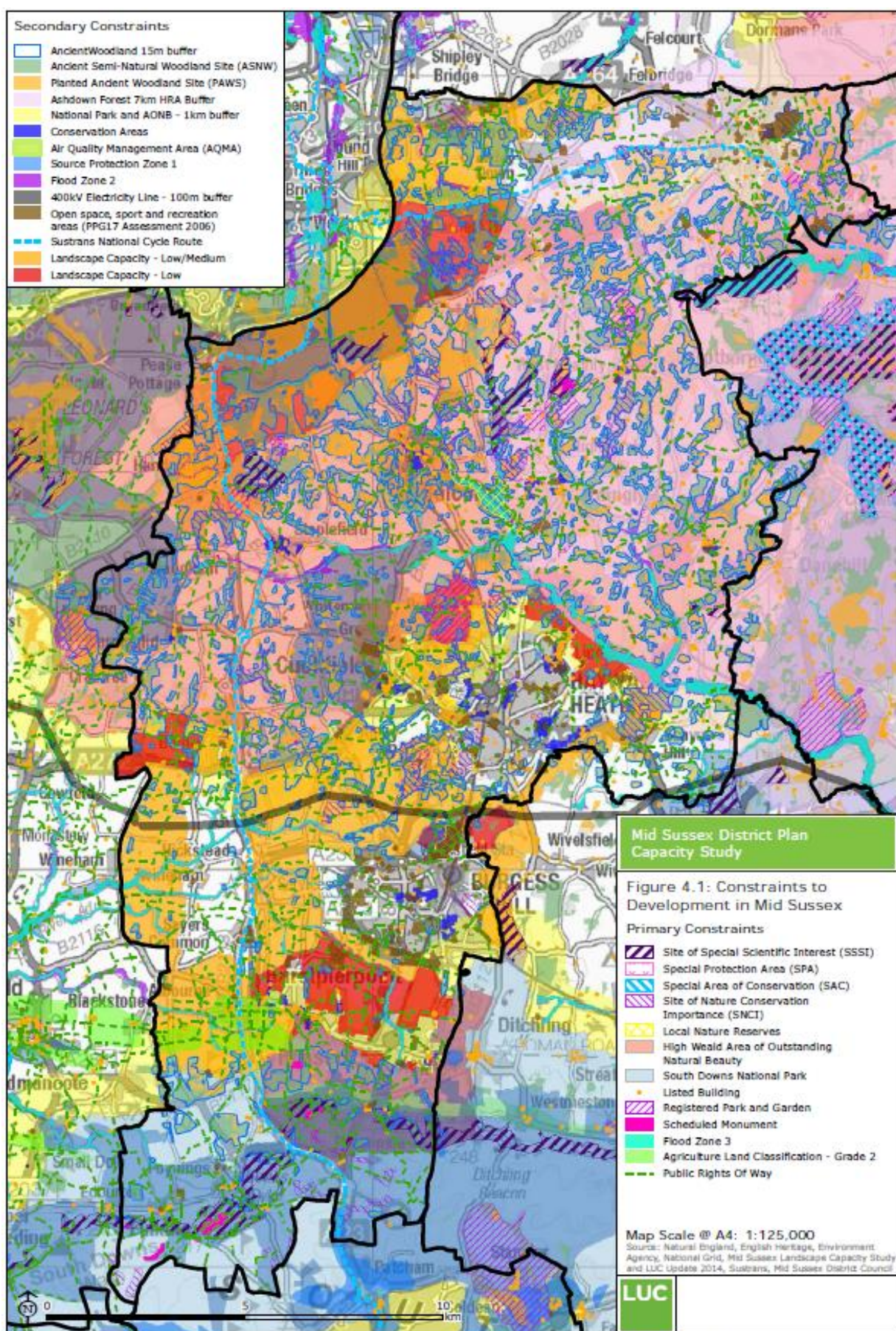
9. The LUC Capacity of Mid Sussex to Accommodate Development study (EP47) concludes:

- There are only small pockets of the District that are not already developed and have no significant environmental or infrastructure constraint. (para 6.8)
- Some of the areas that are 'unconstrained' may be constrained in other ways, i.e. are not affected by a 'mappable' constraint. (para 6.8)
- Primary constraints cover 63% of the District. These are areas of high environmental sensitivity and strong policy safeguards to protect them. (para 6.9)
- Further to this, another 29% of the District is covered by at least one Secondary constraint. (para 6.10)
- Including urban areas, 92% of the District is covered by one form of 'mappable' constraint or another. After accounting for urban areas, this leaves only 4% of the District without a primary or secondary constraint. (para 6.10)
- Whilst areas covered by Secondary constraints are not ruled out for development, some are afforded protection under national policy, they often represent areas where significant environmental impacts could occur, and where mitigation measures are likely to be required to avoid or reduce the significance of impacts. The extent to which these mitigations allow viable development is variable. (para 6.11)
- Many areas are covered by more than one Secondary constraint (e.g. are within an ancient woodland buffer zone and low landscape capacity). The more Primary or Secondary constraints, the more challenging and costly mitigation would be to reduce the impact. Around 77% of the District is covered by a primary constraint and/or at least 2 secondary constraints. (para 6.12)
- There are high levels of car ownership (predominantly due to the largely rural nature of the District) and much of the road network comprises narrow, winding rural roads. There are congestion issues in the main towns and at major junctions, East Grinstead in particular. (para 6.14).
- The area is classified as water stressed, with insufficient water available to meet demand forecast. Further expansion of wastewater treatment works would need to be planned to accommodate levels above baseline (e.g. the Government's household projections) and this would need to be subject to Environment Agency approval. Whilst there may be physical treatment capacity, this may not be within environmental permits or the provisions of the Water Framework Directive. (para 6.17). This will limit the amount of development that can be accommodated within the Burgess Hill area above levels already planned for in the Submission District Plan.

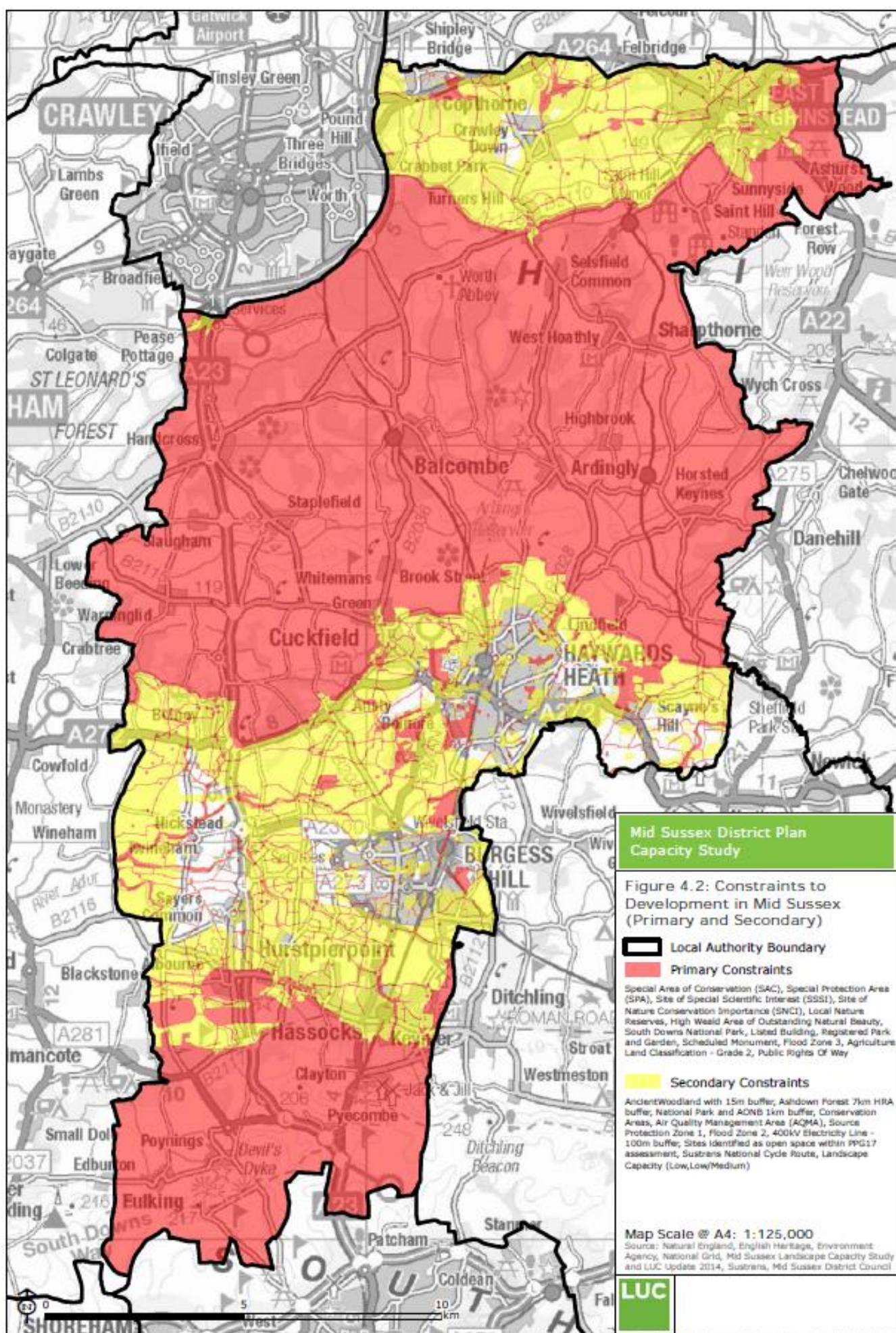
10. Development to meet 800dpa already challenges many of these constraints, given the above factors, especially when combined with the deliverability/developability of individual sites. This assessment is at a broad, District-wide level – whilst there may be examples of sites that could be developed that are subject to constraints discussed in this paper (given mitigation and individual site circumstances), there are similarly a number of sites in relatively unconstrained areas that have their own site-specific challenges. The SHLAA reflects these on a site by site basis, and the consequences of meeting 800dpa and higher levels is set out in MSDC 5, which should be read in conjunction with this paper.

**Appendix 1 – Capacity Maps (Source: LUC “Capacity of Mid Sussex to Accommodate Development” report – EP47)**

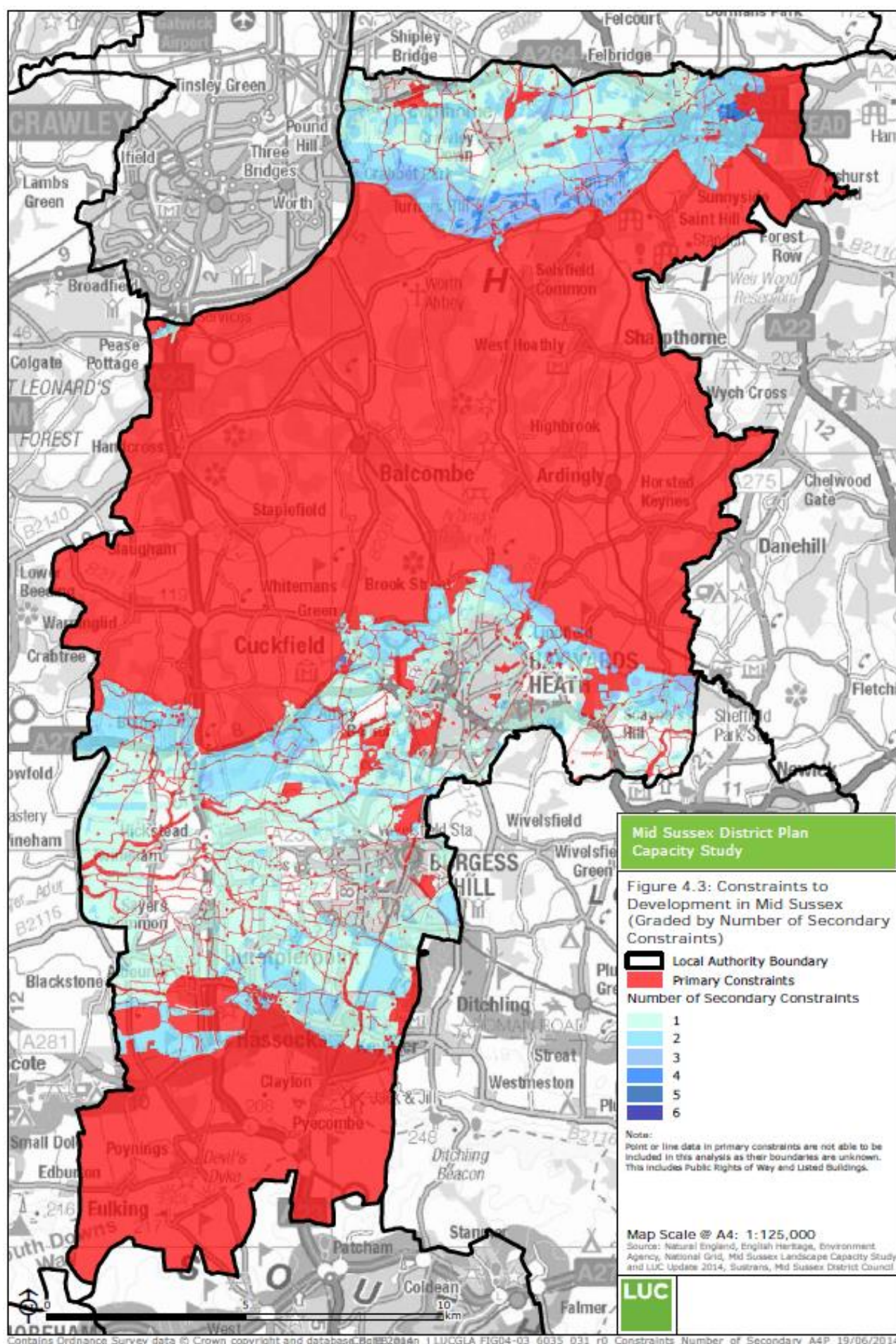




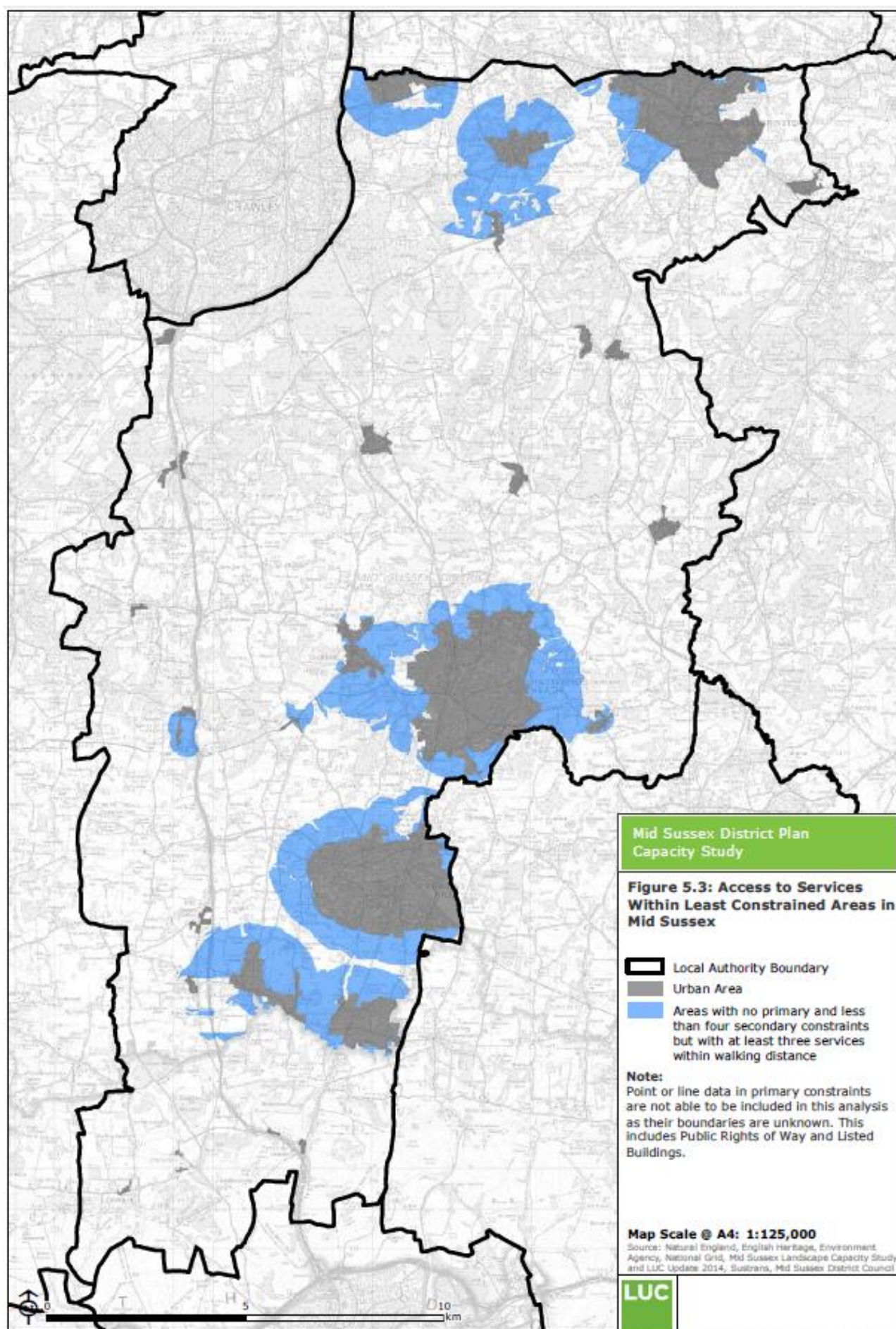








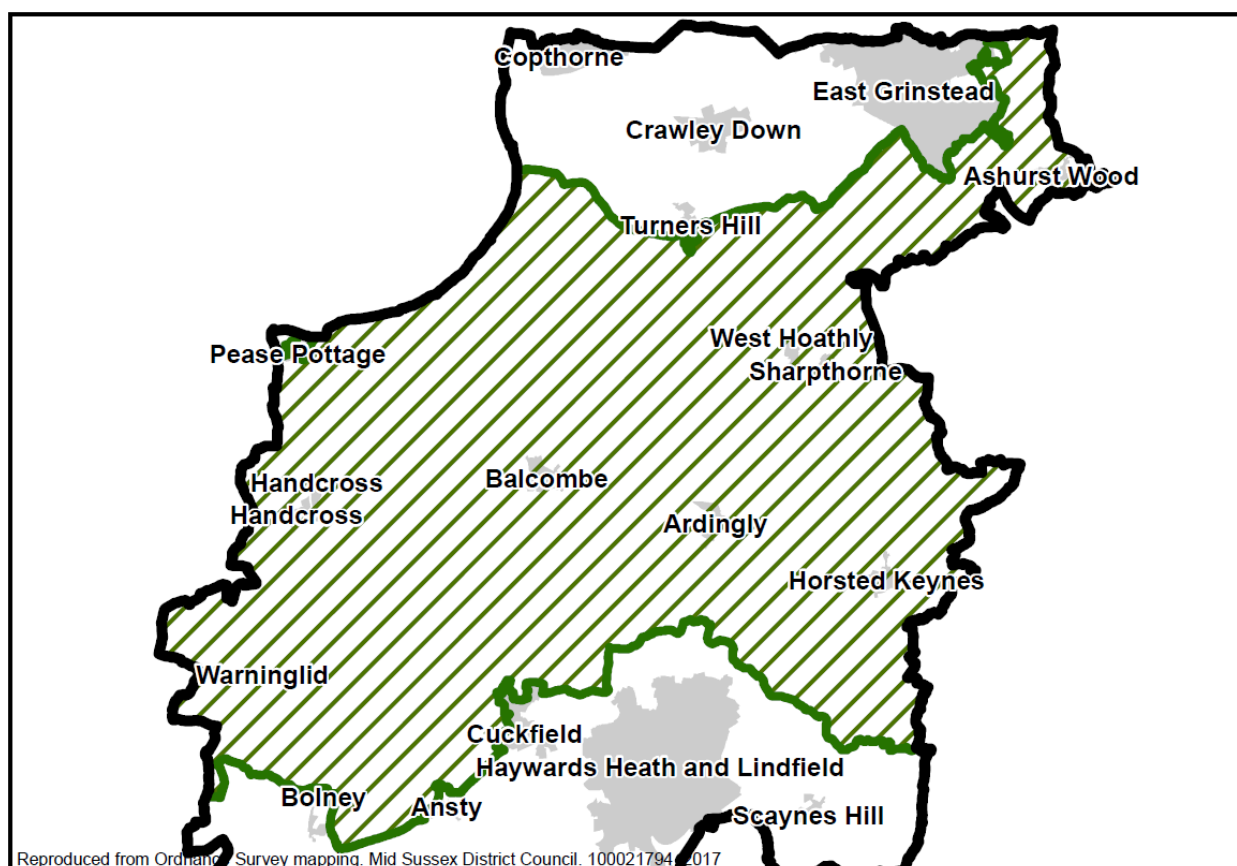




**Annexes**



## Annex A: High Weald Area of Outstanding Natural Beauty (AONB)



### Context

11. The High Weald Area of Outstanding Natural Beauty covers an area of 163.5km<sup>2</sup> within the boundary of Mid Sussex district, covering approximately 49% of the district. It includes the settlements of Ardingly, Ashurst Wood, Balcombe, Handcross, Horsted Keynes, Sharpthorne and West Hoathly. It also runs directly against the border of Bolney, Cuckfield, East Grinstead, Pease Pottage and Turners Hill.
12. Of the constraints identified within Mid Sussex, the High Weald AONB is afforded the highest level of protection. Whilst development within this area is not precluded, it is likely to be only suitable for smaller-scale development to meet local needs.
13. The NPPF states:
 

*“Great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” (para 115).*
14. Paragraph 116 of the NPPF also states that
 

*“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

  - *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

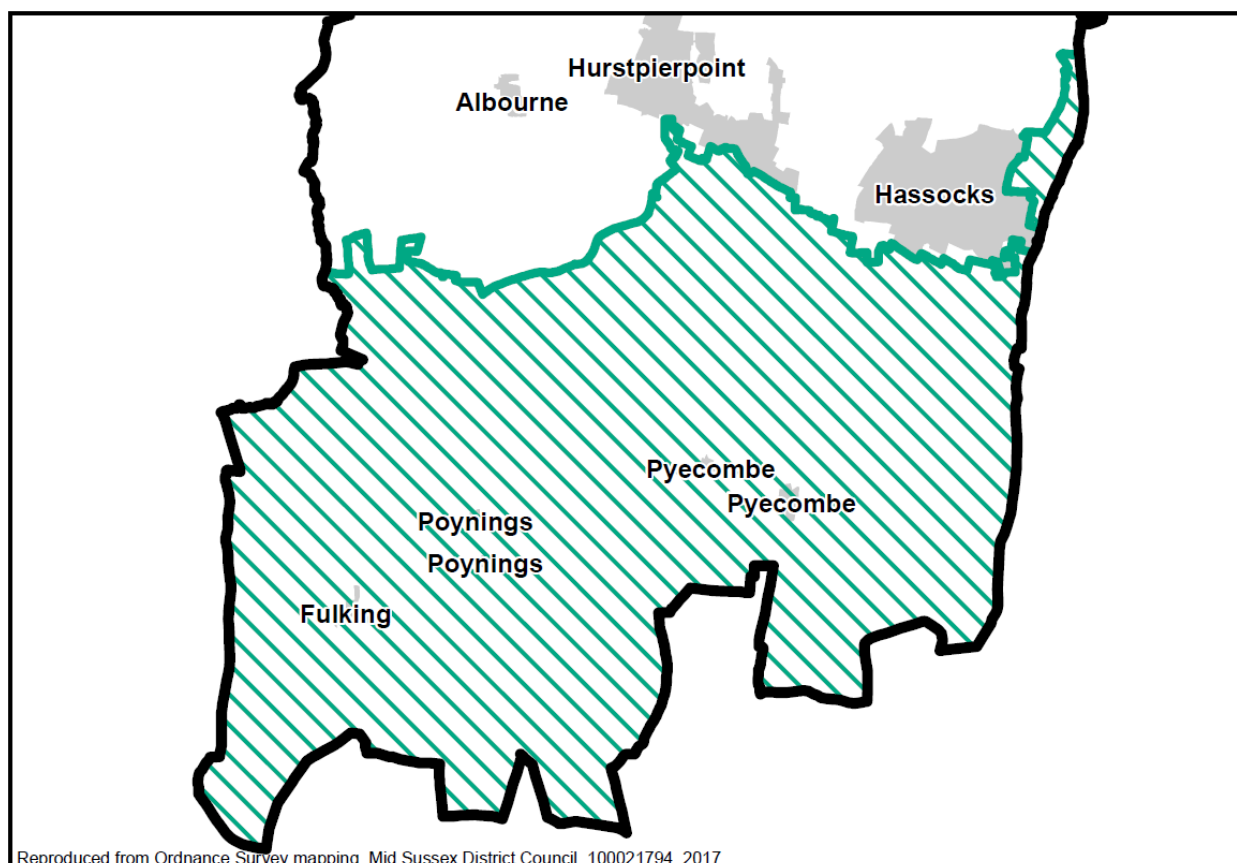
15. The District Council has included an allocation of 600 units at Pease Pottage on the edge of the AONB adjoining Crawley borough. In this case, there were deemed to be exceptional circumstances (bearing in mind the tests outlined within the NPPF in paragraph 116), particularly the need for the Council to be able to demonstrate a 5 year land supply even based on its proposed plan provision 800dpa, the deliverability of the site within the short-term and the level of medium term unmet housing need at Crawley. This has been confirmed through planning consent. It should be noted decision was not however taken lightly and reflected the challenges of establishing a 5 year supply within the submitted plan, particularly as other developers reduced their delivery trajectories at a late stage.

### Constraints to Development

High Weald AONB		
Housing Requirement	Additional Sites Required	Additional Units Required
<b>850</b>	8	201
<b>900</b>	12	329
<b>950</b>	19	812
<b>1000+</b>	26	1,266

16. Analysis within MSDC5, based on the likely '2 tick' undeliverable/undevelopable sites that would be required to meet various provision levels, shows that at least an additional 8 sites totalling 201 units would be required within the AONB to meet a raised provision level of 850dpa, particularly in the short to medium term. This is because AONB sites often tend to have fewer other constraints such as transport which take time to resolve. This is in addition to the sites already committed within the AONB through planning permissions and Neighbourhood Plan allocations, inclusive of 600 units now consented at Pease Pottage. It should be noted that many areas within the AONB are also assessed as having low landscape capacity meaning that the scope for mitigation within the AONB is limited, as discussed further in this paper.

## Annex B: South Downs National Park



### Context

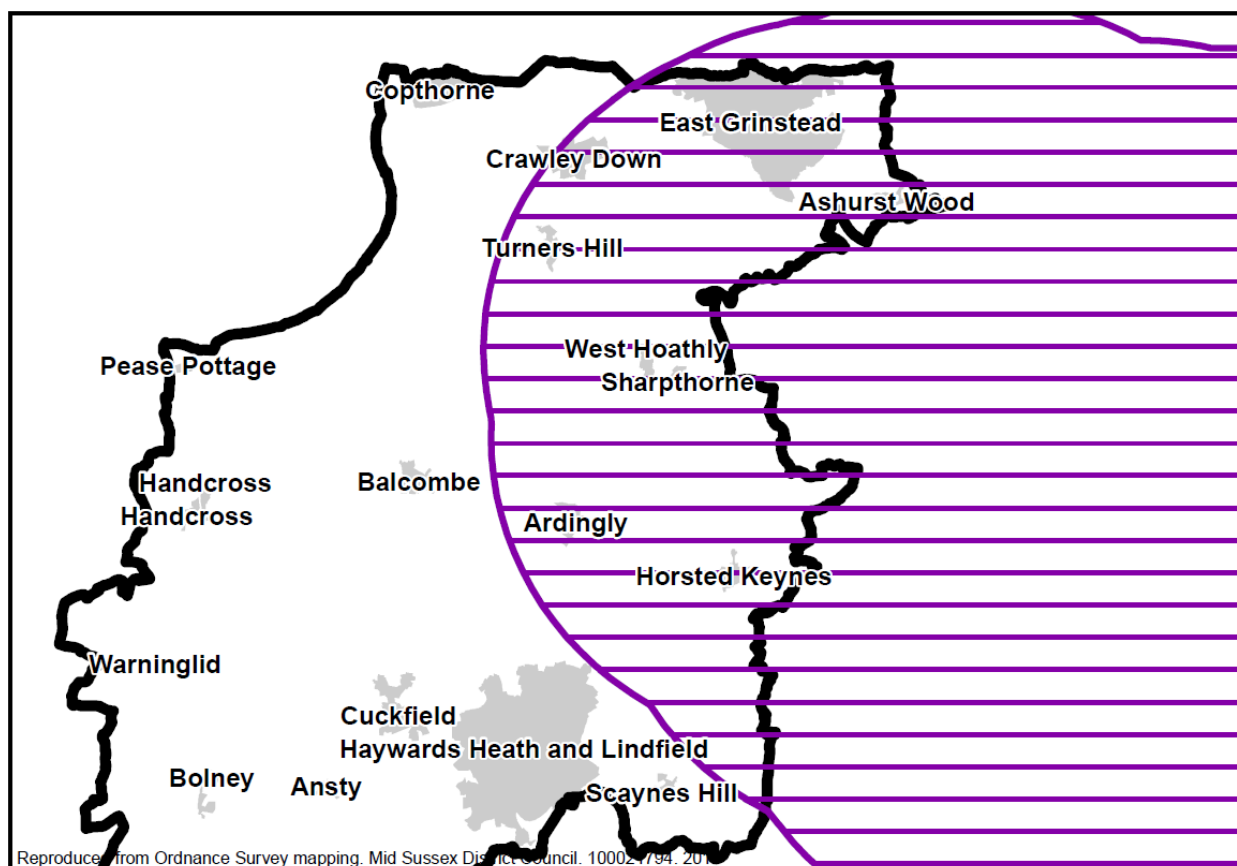
17. The South Downs National Park covers an area of 37km<sup>2</sup> within the boundary of Mid Sussex district (covering approximately 11% of the district). The NPPF affords National Parks with the highest level of protection.
18. Designation of a National Park imposes a statutory duty on local authorities to meet National Park purposes which are:
  - i) To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and*
  - ii) Promote opportunities for the understanding and enjoyment of the Park's special qualities by the public. In meeting these purposes there is also a duty to seek to foster the economic and social well-being of the communities within the National Park.*
19. The area of Mid Sussex that is within the National Park is not within the District Plan plan area boundary. The South Downs National Park Authority are the planning authority for this area and are progressing their own local plan. There are implications for the District Plan – Policy DP16 ensures that development does not affect the character and setting of the National Park.
20. Within Mid Sussex, the downland parishes of Fulking, Poynings and Pyecombe are wholly within the South Downs National Park, and are therefore not within the District Plan area. The parishes of Newtimber, Albourne, Hurstpierpoint and Sayers Common and Hassocks are partly within the National Park boundary, although their built-up areas are not.



## Constraints to Development

21. The designation of the National Park and the protection afforded to it limits the amount of growth that could be potentially accommodated by the parishes wholly within the Park, as well as severely limiting the acceptability of extensions to the villages of Hurstpierpoint and Hassocks on their southern boundaries which run contiguous to the National Park boundary. Any site allocations in these areas would need be made by the South Downs National Park Authority and will contribute towards their Objectively Assessed Need, identified within their own Local Plan (which is currently being produced).

## Annex C: Ashdown Forest SPA/SAC



### Context

22. Whilst not within Mid Sussex itself, Ashdown Forest lies adjacent to the north-east boundary of Mid Sussex and within Wealden District. Ashdown Forest is classified as a Special Protection Area (SPA) and designated as a Special Area of Conservation (SAC), both European designations for their nature conservation importance.
23. The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan. The District Plan HRA (BP7, October 2015) identified likely significant effects on the Ashdown Forest SPA and SAC as a result of recreational disturbance and atmospheric pollution respectively. Policy DP15 in the District Plan addresses the effects on Ashdown Forest.

### Recreational disturbance

24. Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest. Within a 7km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of development in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). The District Plan HRA concludes that mitigation measures for recreational disturbance are capable of being delivered and implementation of this mitigation would mean that a likely significant effect can be avoided. Further information on the background to recreational disturbance can be found in the Ashdown Forest Topic Paper (TP2, August 2016).

### Atmospheric pollution

25. The impact pathway for atmospheric pollution, mainly nitrogen deposition, arises from increased traffic emissions as a consequence of new development. Following advice from Natural England, guidance in the Design Manual for Roads and Bridges (DMRB) was used to determine if the proposals in the District Plan (including areas outside the 7km zone) would be likely to contribute significant additional pollution deposition. The findings of the Mid Sussex Transport Study Stage 3 Report (EP41) mean that there would not just be a low effect on the road network through Ashdown Forest, but that there would be no perceptible effect. The District Plan HRA concludes that significant effects on the Ashdown Forest SAC are unlikely and no further measures are necessary. The Ashdown Forest Topic Paper (TP2, August 2016) provides further explanation on the assessment of atmospheric pollution.

### **Constraints to Development**

<b>Ashdown Forest 7km Zone of Influence</b>		
<b>Housing Requirement</b>	<b>Additional Sites Required</b>	<b>Additional Units Required</b>
<b>850</b>	8	434
<b>900</b>	24	746
<b>950</b>	32	950
<b>1000+</b>	37	1,352

26. The strategic SANG at East Grinstead currently has capacity for a further 778 dwellings, however this is likely to be absorbed by development required to meet 800dpa. Any increases to housing provision levels will likely mean that a new strategic SANG is required and this will potentially delay the granting of planning permissions whilst a new SANG site is found and enhanced as necessary, thus affecting the rate of housing delivery.
27. Any changes to the housing provision levels already required in the District Plan are likely to need an updated HRA to assess the changes and any implications for the Ashdown Forest SPA and SAC. This will determine if the change in housing provision levels will adversely affect the integrity of the Ashdown Forest SPA and SAC, and if any additional measures are required.

### Recreational disturbance

28. Policy DP15 sets out the mitigation measures required to counteract the effects of potential increasing recreational pressure on the Ashdown Forest SPA arising from new residential development. Whilst this does not rule out development within the 7km zone of influence, there are additional considerations and financial pressures on developers to bring forward sites within this area.

### *Strategic SANG*

29. The District Council has a strategic SANG at East Court & Ashplats Wood in East Grinstead. The East Court & Ashplats Wood SANG Strategy took effect from the 1<sup>st</sup> January 2015 (EP17 and EP18).
30. The East Court & Ashplats Wood SANG has a finite capacity (1,507 dwellings) and as at the 10<sup>th</sup> January 2017, 778 dwellings have already been taken into account leaving the remaining capacity as 729 dwellings. (Note that some sites have more than one planning permission where only one will be implemented and so there may be more capacity).



Monitoring year	Dates	Number of applications	Number of dwellings permitted
Planning applications since the implementation of the SANG Strategy			
2016 - 2017	01/04/2016 - 10/01/2017	34	154
2015 - 2016	01/04/2015 - 31/03/2016	46	217
2014 - 2015	01/01/2014 - 31/03/2015	1	12
Planning applications with a SAMM-only contribution			
2013 - 2014	22/08/2013 - 31/12/2014	50	395
<b>Total</b>		<b>131</b>	<b>778</b>

31. An extensive site search was undertaken by the District Council to identify a strategic SANG and considerable resources and time were involved in delivering the site. Despite a number of alternatives being pursued at the time, it became clear that in reality there were not many suitable sites from which a SANG could be established. This was due to a variety of reasons, for example, land ownership, site management, implementation costs, time to set up, and location.
32. The location of another strategic SANG would need to be carefully considered and there are likely to be difficulties with land availability in the zone of influence since several opportunities have been exhausted in the previous site search.
33. If another strategic SANG is found, depending on the amount of initial works required to set up the site and the proposed ongoing management works, there may be implications for viability if the SANG tariff is high. It is anticipated that SANG contributions will eventually form part of the Community Infrastructure Levy (CIL) charge, however, CIL-exempt development will also need to contribute towards SANG mitigation. A delay to CIL or a CIL review may be necessary to take into account the costs of an additional strategic SANG site.

#### *Bespoke SANG*

34. Rather than contributing to the strategic SANG at East Court & Ashplats Wood, it is open to a developer to provide a bespoke SANG to mitigate the effects of that specific development. A HRA will need to be undertaken by the District Council to assess if the bespoke SANG will provide appropriate mitigation along with a contribution towards SAMM.
35. In order for a bespoke SANG to be appropriate, a number of criteria have to be met. For example, sufficient land will need to be available to create a 3km circular walk and a range of habitats. The site would need to be suitable to be converted or enhanced to SANG standard, as well as the land being held in perpetuity for SANG purposes; this is taken to mean a minimum of 100 years. Funding to manage and maintain the bespoke mitigation will also have to be secured.

#### *SAMM*

36. The District Council is currently implementing an interim SAMM Strategy (EP19, August 2013) whilst a Joint SAMM Strategy is being finalised with the other affected local authorities. It is considered that any changes to housing provision levels could be accommodated by the Joint

SAMM Strategy, however, this would need to be discussed with the Joint SAMM Strategy partnership of local authorities. For example, the level of housing needs to be taken into account in the Joint SAMM Strategy assumptions and project details as the Joint SAMM Strategy needs to be appropriate for the level of expected housing across the partnership of local authorities. The Joint SAMM Strategy cash flow and predicted funding may be affected if another strategic SANG site is needed as there could be a delay in the delivery of housing.

### *Bespoke mitigation*

37. The District Plan Policy DP15 allows for the provision of bespoke mitigation which will need to be discussed and agreed by the District Council as the competent authority following advice from Natural England. Bespoke mitigation measures will need to be in place before occupation of development and must be managed and maintained in perpetuity. A HRA will need to be undertaken by the District Council to assess the effectiveness of bespoke mitigation. As this mitigation is bespoke, it is not yet certain what the effects may be from an increase in housing provision levels.

### Atmospheric pollution

38. It is considered that any changes to housing provision levels could mean that further transport modelling is necessary to determine if the increase in housing provision would adversely affect the Ashdown Forest SAC. It is more difficult to mitigate the effects of atmospheric pollution so an increase in housing provision levels may affect housing delivery across the District; this would need to be assessed through an updated HRA.

### Legal Challenges

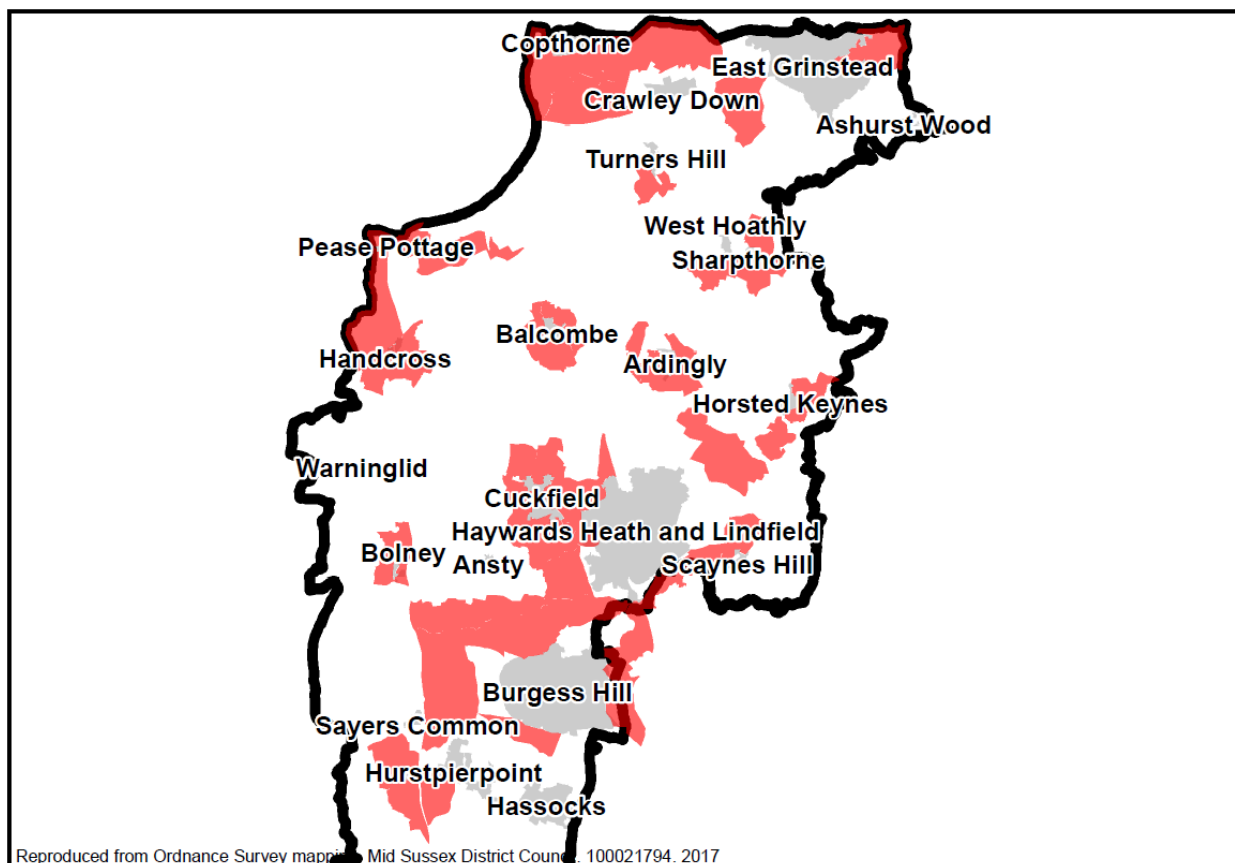
39. There is a legal challenge by Wealden District Council to the Lewes District Council Local Plan Part 1 (known as the Joint Core Strategy) due to be heard in early 2017. This is important to the Mid Sussex Plan as there are similarities between the two districts approach. Lewes and Mid Sussex have also sought to follow the guidance from Government and Natural England. Mid Sussex also has a representation from Wealden District Council. The current legal challenge is centred on the assessment of air quality impacts, namely nitrogen deposition. Mid Sussex understands that there are two grounds of challenge:

- First, that in preparing the Joint Core Strategy, the Habitats Regulations were incorrectly applied. Wealden District Council claim that the air quality impacts of the Joint Core Strategy should have been considered in combination with the air quality impacts of the Wealden Core Strategy and that the DMRB guidance does not comply with the Habitats Regulations.
- Second, that the Inspector for the Joint Core Strategy failed to take into account the Wealden District Council representation.

### Conclusion

40. In conclusion, Mid Sussex District Council considers that any changes to housing provision levels would need to be assessed under the Habitats Regulations to determine if there would be an adverse effect on the integrity of the Ashdown Forest SPA and SAC. Consideration should be given to the Ashdown Forest designations when considering any increases to the housing provision levels required through the Mid Sussex District Plan.

## Annex D: Landscape Capacity



### Context

41. Due to the finite amount of brownfield/previously developed land in the District, it is inevitable that significant areas of existing open countryside will be required to meet any level of housing provision. The fact that the Council has not been able to demonstrate a 5 year land supply has created a tendency among the developer community to assume that all open countryside is now 'fair game' for housing development as part of the developers "free for all" in contrast to longstanding planning policy and practice. As is obvious, the Council seeks to achieve a more managed and planned approach to the loss of open countryside in line with National Policy. Already, it is acknowledged that at 800dpa, there will be significant further incursion into the countryside, particularly at Burgess Hill (3,500 units) but also through the many neighbourhood plan allocations and sites already committed/completed, but this planned approach at least reduces the overall impact of this loss. Much of the countryside within Mid Sussex is of a high landscape value and character and contributes significantly to the rurality and attractiveness of the District.
42. Outside of the designated protected landscapes of the AONB and South Downs National Park, landscape character is still a constraint to development. Mid Sussex is largely rural in nature, with high quality distinctive and valuable landscapes. Countryside (defined as land outside built-up areas) is afforded protection within the District Plan (policy DP10) in recognition of its intrinsic character and beauty, in line with paragraph 17 of the NPPF.
43. The LUC Capacity Study reviewed and enhanced previous landscape assessment work undertaken in 2007. The assessment identified 80 distinct character areas covering almost the entire District (particularly areas outside of designated landscapes) and outlined each areas key characteristics and landscape sensitivities. This led to conclusions as to the general capacity of each landscape character area on a sliding scale from Low Capacity -> High

Capacity for development (based on judgements on landscape value and landscape sensitivity).

44. Approximately 22% of the District is within an area assessed as having Low landscape capacity. As defined in the LUC study, a Low rating indicates that development is likely to have a significant and adverse effect on the character of the landscape area as a whole and thus unsuitable for strategic scale development. Areas with Low/Medium capacity are also assessed to be unsuitable for strategic scale development.
45. Whilst impact on landscape may be mitigated in some cases, the loss of countryside can never be replaced or reversed. It is inevitable that greenfield sites in the countryside will be required in order to meet the needs of housing, however there are significant negative impacts on the countryside, particularly areas with low landscape capacity, that are an important consideration in reaching a sound planning balance.

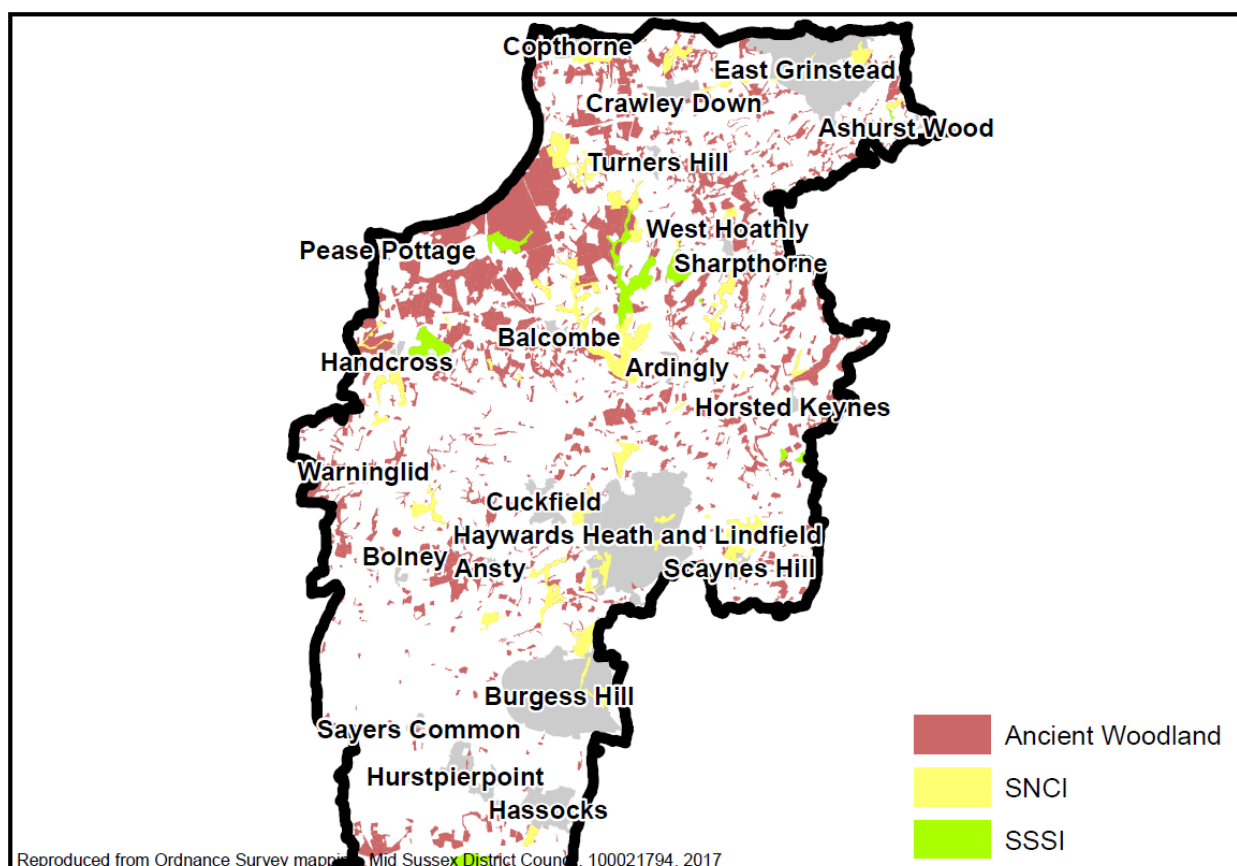
### Constraints to Development

Low Landscape Capacity		
Housing Requirement	Additional Sites Required	Additional Units Required
<b>850</b>	10	274
<b>900</b>	14	398
<b>950</b>	16	673
<b>1000+</b>	20	797

46. Analysis within MSDC5, based on the likely '2 tick' undeliverable/undevelopable sites that would be required to meet various provision levels, shows that at least an additional 10 sites totalling 274 units would be required within the AONB to meet a raised provision level of 850dpa. This is in addition to the sites already committed within areas of open countryside through planning permissions and Neighbourhood Plan allocations.



## Annex E : Biodiversity – Ancient Woodland, Sites of Nature Conservation Importance (SNCI), Sites of Special Scientific Interest (SSSI)



### Context

47. Mid Sussex contains 13 Sites of Special Scientific Interest (SSSI), 50 Site of Nature Conservation Importance (SNCI) and is the tenth most wooded District in the South-East, of which two-thirds are classified as 'Ancient'.
48. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity. It states that planning permission should be refused if harm resulting from development cannot be avoided or adequately mitigated, if it would harm a SSSI or SNCI, or would lead to a loss in ancient woodland.
49. All of the SSSIs within Mid Sussex are either within the National Park or High Weald AONB. The Biodiversity 2020 agreement states that, by 2020, 50% of SSSIs should be in 'favourable' condition. Currently 51.26% of SSSIs within Mid Sussex are classified as being in 'favourable' condition, so this target is currently being met.
50. There are a number of SNCIs within close proximity to the main settlements of Burgess Hill and Haywards Heath. The biodiversity policy within the District Plan will help ensure that development does not impact on SNCIs.
51. Just over 15% of the District is covered by Ancient Woodland. This is spread across the District but predominantly in the High Weald AONB and the area between Burgess Hill and Haywards Heath. Best practice set out in Standing Advice for Ancient Woodland (issued by Natural England) is followed and translated into District Plan policy. To meet the District's own needs development proposals are now often required in proximity to ancient woodland, but policy

seeks to mitigate some of this impact by incorporating a 15m buffer from Ancient Woodland in order to ensure it has some protection from the impacts of development.

### Constraints to Development

Ancient Woodland		
Housing Requirement	Additional Sites Required	Additional Units Required
<b>850</b>	4	122
<b>900</b>	7	168
<b>950</b>	15	366
<b>1000+</b>	19	474

52. Whilst it is extremely unlikely that development will occur within areas designated at SNCI or SSSI, impacts on these designations will need to be taken into account to ensure they are protected.
53. Ancient woodland does not immediately preclude development from occurring, as it can be incorporated into some sites and impacts of development mitigated using buffer zones. However, there are examples of sites within the SHLAA that are largely entirely covered by woodland (including ancient woodland) meaning the developable area is considerably reduced. There are also examples of sites that would be inaccessible or undevelopable without losing ancient woodland. An additional 122 units would be required which would have a direct impact on ancient woodland, in order reach a housing provision of 850dpa (according to the exercise undertaken within MSDC 5).

## F: Water Supply, Wastewater and Water Quality

### Context

#### Water Supply

54. Mid Sussex, alongside other authorities in the South East, is within an area of high water stress – there is a finite amount of water and limited options for increasing supply. This was recognised within the South East Plan. The South East Water “Water Resources Management Plan” (WRMP, 2014) confirms that there is insufficient water to meet demand across its supply area, and presents demand management and water supply options that could meet the shortfall.
55. The WRMP is based on forecasting population and household growth across the supply area. At the time the WRMP was approved, this was based on the District Plan (Submission 2013, now withdrawn) and the 2011 interim ONS sub-national population projections and CLG household projections. At that time, the findings and measures within the WRMP were based on a proposed housing requirement of 530-650dpa within Mid Sussex – this has now increased to 800dpa. Therefore, housing provision within the District Plan is already above a level where water supply was deemed insufficient.

#### Wastewater and Water Quality

56. The LUC study states that, where watercourses that receive waste water discharges from treatment works are recorded as having bad or poor status (under the Water Framework Directive), this may be linked to issues with waste water treatment capacity (para 2.114).
57. There are 23 wastewater treatments works (WwTW) serving the District. The vast majority are small in scale and can deal with only localised demand (particularly within the villages). A total of 5 are ‘major’, dealing with town and wider catchments. These are:

Wastewater Treatment Works	Settlements Served
<b>Goddards Green</b>	Burgess Hill and southern part of the District including Hassocks, Hurstpierpoint, Sayers Common and Bolney
<b>Luxfords Lane</b>	East Grinstead (south), Sunnyside, Ashurst Wood
<b>Eden Vale</b>	East Grinstead (north and east)
<b>Felbridge</b>	Felbridge, East Grinstead (west)
<b>Scaynes Hill</b>	Haywards Heath

(Source: Table 2.3 of the LUC Capacity Study)

58. The WwTW with the largest operating capacity and catchment area is at Goddards Green, on the outskirts of Burgess Hill. Issues have been identified with the quality of effluent from treatment works within the South East River Basin District, including Goddards Green. The River Adur, which receives discharges from the Goddards Green works was at ‘Poor’ status, with phosphate levels at ‘Bad’ status (in Water Framework Directive terms). The Water Framework Directive sets a ‘Good’ status target, which is enforced by the Environment Agency.
59. The Gatwick Sub-Regional Water Cycle Study (WCS, EP46) found that some WwTWs would not have sufficient capacity to accommodate the increased flows of water associated with development levels proposed at that time – the WCS was based on the South East Plan requirement, for Mid Sussex this was 855dpa. Since this time, additional headroom at Goddards Green has been planned and delivered, predominantly on the basis that the Northern Arc development would impact this works.

## Constraints to Development

60. Water supply and wastewater treatment forecasting and associated development has been based on projections for 530-650dpa. An increase in housing provision to 800dpa in the latest (submission) version of the District Plan is already proposing development above the levels forecast and planned for within the Water Resource Management Plan and River Basin Management Plan. Capacity at treatment works is limited and at/nearing capacity at many works. Goddards Green has received infrastructure upgrades and a change in environmental permits in order to enable the development levels proposed at Burgess Hill to be accommodated.
61. However there could be constraints to further development within the area that drains to Goddards Green. Whilst it is may be technically and viably possible to increase the size of the works to increase capacity, this has to be matched by the quality of effluent ensuring that Water Framework Directive targets are reached. Therefore, upgrades to the works are dependent on obtaining the relevant discharge consent from the Environment Agency. Due to the current water quality status surrounding Goddards Green, this cannot be certain.
62. This will not only impact on the level of development proposed at Burgess Hill, but also those at Albourne, Bolney, Hassocks, Hurstpierpoint and Sayers Common. If not providing its own works (which would itself be subject to environmental consent), the proposal by Mayfield Market Towns would also severely impact the capacity of Goddards Green.
63. MSDC 5 assesses the likely sites that would be required to reach increased housing provision above 800dpa. Based on the analysis within MSDC 5, the implications at Goddards Green are as follows:

<b>Goddards Green WwTW Catchment</b>		
<b>Housing Requirement</b>	<b>Additional Sites Required</b>	<b>Additional Units Required</b>
<b>850</b>	10	712
<b>900</b>	13	862
<b>950</b>	16	1,109
<b>1000+</b>	23	1,532

64. This would put pressure on delivery of solutions to capacity (both in infrastructure and environmental terms) at Goddards Green WwTW in excess of its current planned capacity, and the environmental permits currently in place.



## G: Transport

### Context

65. The highway network in Mid Sussex is reflective of its rural nature. The strategic road network is limited to the A/M23 running north-south to the west of the district. Away from the SRN, the network is broadly characterised by a number of key A-classification roads with the A273 running north to south, linking Haywards Heath with Burgess Hill and Hassocks; the A272 running broadly centrally east to west linking Haywards Heath with the A23; and the A264, amalgamating with the A22 and running east to west linking East Grinstead and Copthorne with the M23. There are numerous B-classification roads and lower serving to link the remaining network with several of these providing key linkages between the district's towns and villages.

### Constraints to Development

66. Road congestion during peak periods affects many parts of the highway network throughout the district due to high volumes of commuter and freight passing through Mid Sussex. This is exacerbated by a relatively limited public transport network in the rural area and cars and HGVs re-routing onto unsuitable residential and rural roads to avoid congestion but in turn causing issues of highway safety and localised congestion problems. As such, congestion is not just limited to the district's three towns, but also with district numerous villages, particularly those on key B-road routes, such as at Hassocks and Hurstpierpoint (B2116).
67. The Council has worked closely with stakeholders to produce an evidence base that robustly assesses the likely impacts of the development proposed in the District Plan on the strategic and local transport network; and identify feasible and deliverable measures to remedy locations where a severe impact is identified as a result of this development. This has been undertaken through the Mid Sussex Transport Study (Stage 3) (MSTS3) (EP41). It has proved very challenging to satisfy both Highways England and the County that necessary mitigations are feasible and can be delivered, although agreement to 800 dpa has been recently secured (see Transport SOCG).
68. MSTS3 concludes that providing the proposed remedial schemes are introduced, the development strategy provided by the District Plan would not worsen the performance of the highway transport network, relative to the Reference Development Case; and would not have an adverse impact upon traffic flows in the Ashdown Forest. However, it must be noted that this is the situation in comparison a Reference Case at a proposed development level of 800 homes per year; that the Study has made allowance that a significant proportion of new development required to meet 800 homes per year is already committed either through planning permissions or allocations through made Neighbourhood Plans (i.e. included in the Reference Case); and that the Study contains numerous primary and secondary remedial interventions that were identified in MSTS3 and previous iterations of the MSTS as a prerequisite.
69. The primary and secondary remedial interventions, and further required interventions are unsurprisingly concentrated around the strategic locations at Burgess Hill and Haywards Heath. Any significant increase in housing levels are likely to require a similar response in terms of highway improvements. This is likely to be particularly prominent at East Grinstead which currently suffers from acute congestion and highway safety concerns at peak and off-peak times. It is known from highway evidence work to support abandoned proposals for strategic development of 2,500 homes at East Grinstead, that a comprehensive solution to bypass the town is unviable and very difficult to achieve with questions remaining to project deliverability outside of viability. It is known that there is some capacity from lesser highway solutions, but these are currently unresolved.

70. Traffic issues at East Grinstead are being tested in more detail through an ongoing appeal for a development known as Hill Place Farm. In this case, independent surveys were commissioned by a local resident, commonly referred to as the 'Jubb Report' which may suggest that traffic conditions (congestion and queuing) have significantly worsened in recent years relative to earlier work commissioned by the County Council, albeit the methods of survey used by the County and Jubb work were different. The Jubb Report evidence appears to have influenced the East Grinstead Neighbourhood Plan Examiner. The decision on the recovered appeal for Hill Place Farm is expected shortly and may have some bearing on the understanding of traffic conditions at East Grinstead. For this reasons the evidence for this appeal case is included in the Examination Library, as RD25.
71. Whilst a significant amount of work is underway at Burgess Hill to address the highways impact of development over the plan period in a wholesale manner, this is not an insignificant challenge and further development over the plan period is likely to add further complexity to a challenging situation and if further sites are developed, there are concerns that a solution to east/ west linkages across the town will need to be found. Haywards Heath is experiencing significant development from older Local Plan allocations, development coming forward from Neighbourhood Plan allocations and from development granted planning permission to address districtwide housing land supply shortfalls.

Transport Constraints		
Housing Requirement	Additional Sites Required	Additional Units Required
850	10	596
900	17	700
950	27	1,360
1000+	35	1,643

72. Analysis within MSDC5, based on the likely '2 tick' undeliverable/undevelopable sites that would be required to meet various provision levels, shows that an additional 10 sites totalling 596 units would be required that have significant site-specific or area-based transport constraints, to meet a raised provision level of 850dpa. There is also a challenge for these smaller schemes to viably deliver mitigation in the context of a congested overall network.