

MSDC 25

Representations received from the Main Modifications Consultation on the District Plan: Commentary on Main Issues Raised

Overview

- 1 Mid Sussex has received 1,260 responses to the District Plan. The major issues raised by the responses can be summarised as follows:
 - **Ashdown Forest/ Habitats Regulation Assessment**, with main responses received from Natural England, Wealden District Council and others.
 - **Policy DP6 – Contiguous developments of less than 10 units**, with main responses received from Parish Councils and residents. (163 responses)
 - **Responses to the proposed strategic allocation at Land North of Clayton Mills, Hassocks**, with main responses from Hassocks Parish Council, Gleasons Strategic and residents (1,060 responses)
- 2 Mid Sussex District Council would like to take this opportunity to respond to the issues which have been raised, and to correct any factual errors made.

Ashdown Forest

A: Letter from Natural England

- 3 Natural England is satisfied with the conclusions of the Habitats Regulations Assessment (HRA) based on the information within the report. Mid Sussex Council notes the comments made about the clarity of the presentation of the findings and would agree the following:
 - Section 5 of the HRA examines the issue of atmospheric pollution impacts on Ashdown Forest Special Area of Conservation (SAC) and concludes that there will be no likely significant effect on the designated site. This conclusion is reached from information provided within the Mid Sussex District Council Air Quality Assessment (Arup Oct 17) that identifies that the contribution of the District Plan in combination with other plans and projects is negative on all roads except the A275.
 - The HRA and transport modelling indicates that all roads through the Forest, other than A275, can be screened out from further assessment as there is no increase in traffic at all from the District Plan
 - The HRA report identifies that the process contribution to the A275 from the plan in combination with other plans and projects will also not have a likely significant effect but notes this is because the contribution is minor and not expected to have an effect. The contribution to the A275 can be screened out as it is insignificant in its own terms and less than 1% of the critical level/load (1% being the level under which the contribution is considered significant).

- As there is no likely significant effect then air quality impacts do not need to be considered further with regard to the Habitats Regulations.

B: Response to the letter from Wealden District Council 13 November 2017

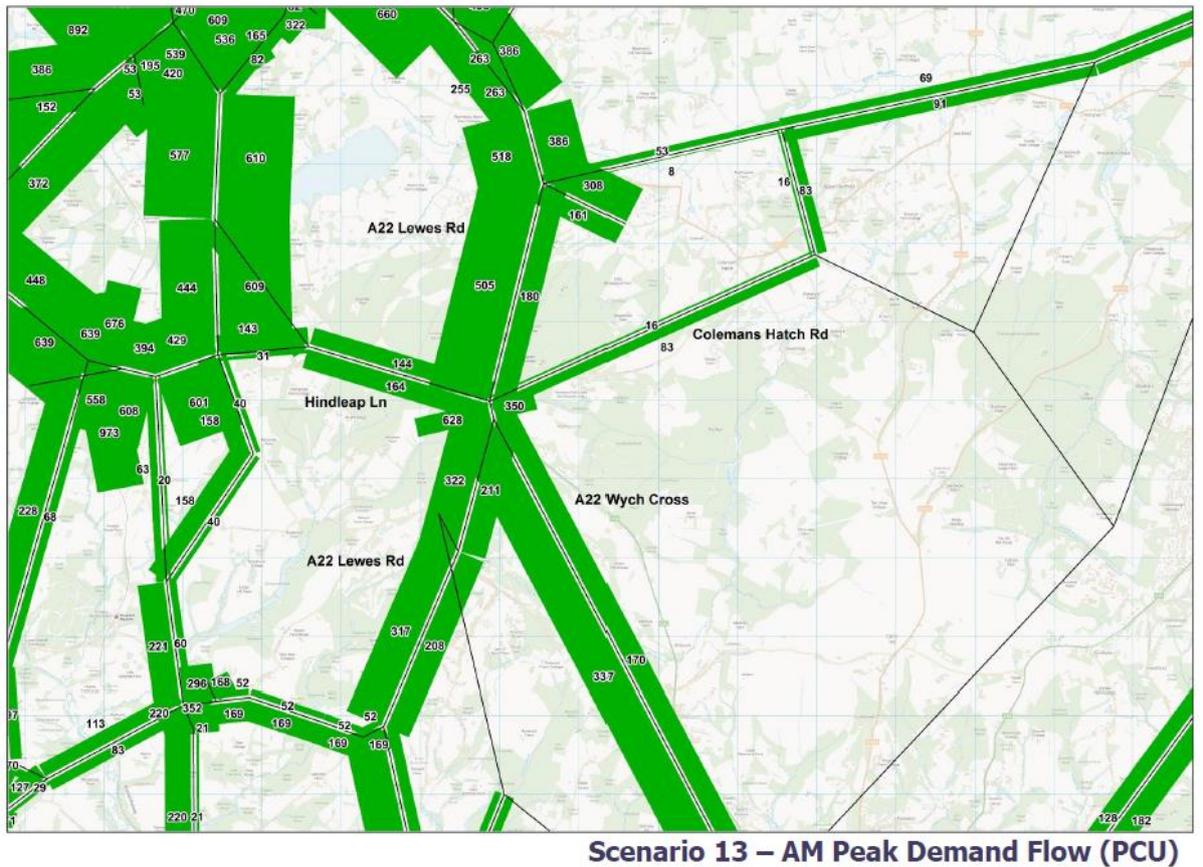
- 4 It is noted that Wealden raise a number of issues in their formal representation, Mid Sussex District Council's response to these is provided below.
- 5 At the outset, the Council would make a fundamental point. The purpose of a Habitats assessment is to identify whether or not the plan or project being proposed is likely to have a significant impact on the designated site. That impact must be considered alongside other impacts (i.e. it must be assessed in combination), to determine the real impact of the proposal. To have significant impacts the Plan must contribute to the possible impact in some material regard alone or in combination. The transport modelling as set out in MSDC18, Table 2 page 17 identifies that, at a level of provision of 876 dwellings per annum, the Plan results in an overall reduction in traffic movements through the Forest relative to the reference case. This is equivalent to 280 vehicle movements a day on roads through the Ashdown Forest.
- 6 Within the overall context of reduction, the modelling work has identified a specific increase in traffic on the A275 relative to the reference case. This has been the subject of further air quality assessment, which has indicated that the effect of this increase is insignificant. The air quality assessment is published as BP8c in the Examination Library.
- 7 The Transport modelling has been undertaken using the West Sussex Highways Model. This fully validated model takes account of growth in surrounding areas.
- 8 As confirmed by its letter of 13 November 2017 in response to the Plan Consultation Natural England is satisfied with the conclusions of the Habitats Regulations Assessment.
- 9 Detailed responses to points raised by Wealden

(i) Paragraphs 1.1 to 1.6 [The definition of the Mid Sussex development case and reference case]	<p>This is set out in MSDC 18 and 18a in detail. This work has been updated in MSDC 24 to take account of the further allocation at Hassocks.</p> <p>The Reference case includes existing extant consents (which are almost all commenced or commencement is very imminent) background growth, committed growth in surrounding authorities and TEMPRO assumed growth beyond these areas.</p> <p>The Development case includes the allocations in the District Plan and Neighbourhood Plan that are not consented.</p> <p>This is considered the correct definition of the development case now associated with the Mid Sussex Local Plan.</p>
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	<p>The air quality modelling relates to the impact of the plan and indicates an improvement in combination (i.e. relative to a do nothing or reference case). See the Arup (2017) air quality report, BP8c, page 30.</p>
<p>(ii) Paragraphs 1.7 and section 2.0. Questions around the validity of the decreases in traffic flow on the A22 and A26 and their conformity with work undertaken by Wealden District Council and other authorities</p>	<p>The Mid Sussex assessment is based on the West Sussex County Council Highways model, which is a fully integrated and validated transport model. A fuller explanation of the modelling approach is provided at EP41 in the Examination Library, as updated by MSDC24.</p> <p>The change in flows is fully resolved in terms of the respective links. (See example Figure 1 diagram). In the morning peak the dominant flow is from the north and traffic diverts onto the A275, and in the evenings the flow is reversed.</p>
<p>(iii) The Meaning of in Combination Assessment and relationship to Wealden and Lewes model (paragraph 1.7)</p>	<p>The assessment is of the effect of the Mid Sussex District Plan over and above the commitments, background or expected growth in surrounding authorities. This growth in surrounding authorities is included in the reference case. The results do confirm that the growth in reference case traffic is potentially significant, but these are independent of the Mid Sussex plan. It is not practical to split out the individual contribution of surrounding authorities in the reference case. The case for the Mid Sussex plan is based on a reduction in overall traffic on Forest roads relative to the do nothing or reference case. The small increase in traffic on the A275 as a result of the Mid Sussex District Plan has been assessed through air quality assessment and found to be insignificant. This result also needs to be considered with the overall conclusion that the Mid Sussex Plan leads to an overall reduction in Nitrogen deposition, as outlined on page 30 of the Arup air quality assessment. Ref. BP8c in the Examination Library.</p>
<p>(iv) Challenges as to whether an in combination assessment has been undertaken. (paragraphs 1.8 and 1.9)</p>	<p>Mid Sussex has undertaken an in combination appropriate assessment based on the results of in combination highways modelling. As noted above the contribution of the Mid Sussex plan is to reduce overall traffic through the Forest relative to the reference case. The results are reported in the Plan HRA and in the supporting air quality assessment.</p>
<p>(v) Consideration of Likely Significant Effect (Section 3.0)/ reliance on the 1%</p>	<p>The Council has undertaken an 'Appropriate Assessment' insofar as one is required. This reflects assumptions made in the original HRA work in 2014. However, it is suggested that had the work been undertaken more recently with the benefit of the existing evidence, then the need for Appropriate Assessment would probably be negated at the screening stage.</p> <p>The impact on the A275 is considered insignificant in line with the Defra/EA test on significance as set out in</p>

	<p>section 3.4.3 of the Arup 2017 Air Quality Report, ref BP8c. This needs to be considered in the context of the reduction in overall Nitrogen Deposition identified on page 30 of the Arup air quality report.</p>
<p>(vi) The role of Appropriate Assessment and the extent of reasoning (Section 4.0)</p>	<p>The assessment includes evidence about the plan's impacts on the integrity of protected sites, a statement as to whether any residual effects constitute an adverse impact on the integrity of European sites. The Council has also consulted with Natural England, which has provided written confirmation of its acceptance of the approach followed. Natural England also suggested that based on the full evidence it would have been possible to screen out the need for Appropriate Assessment.</p>
<p>(vii) Further information to note (Section 5.0)</p>	<p>The analysis took full account of the 2015 Wealden map as indicated by Footnote 5 on Page 26 of the Mid Sussex HRA. The use of the earlier map is for illustrations in the report only, and is a reflection of the availability of GIS shape files/data in a publication format. The use of these maps for illustration has no bearing on the conclusions reached.</p> <p>The Habitats Regulations 2017 consolidate all the various amendments made to the Habitats Regulations 2010. The Regulations also introduce a small number of minor amendments designed to take account of changes to other related legislation, (such as amendments to Town and Country Planning legislation, to rectify previous omissions, such as including River Tweed Commission in Scotland as a Relevant Authority, or improve the clarity of drafting). None of the changes due to be made have implications for the Mid Sussex HRA.</p>
<p>(viii) Conclusions (section 6.0)</p>	<p>The assessment has been made in combination. The effect of the Mid Sussex Plan is to reduce nitrogen deposition relative to a do nothing/reference case.</p> <p>The reduction of trips on the A22 and A26 is fully resolved in terms of the transport model.</p> <p>We not believe that there any further evidence that is relevant and proportionate to the assessment.</p>

Figure 1: Example Output from the Highways Model



C: DP6: Responses to Policy DP6 – Contiguous development

Contiguous Developments of Less than 10 units

- 10 Consultation responses focus on the acceptability of countryside development, the potential breaching of settlement boundaries and the potential for further developments in the AONB. Responses also suggest that the policy risks development encircling established settlements. It is suggested that it could also lead to potentially unacceptable developments, by making all land adjacent to the current established built-up boundary potentially available for development.
- 11 Concern is also expressed in relation to the operation of the policy with policy DP29 whereby affordable provision is limited on this size of development. It is also suggested that the policy does not give protection to settlements in the AONB from development.
- 12 In response Mid Sussex would note that modifications to DP6 in relation to contiguous development strengthen the safeguards in this policy, relative to the submission policy, and that proposals will be judged against the Development Plan taken as a whole. Development proposals will be considered against the full range of policies. The Plan includes policy to protect countryside (Policy DP10) and the High Weald Area of Outstanding Natural Beauty (Policy DP14) which remain unchanged. If the Inspector has any residual concerns for development in the AONB it is

suggested that he add reference within DP6 for the need for proposals to conform with other areas of Plan policy.

D: The Clayton Mills Allocation at Hassocks

13 The representations received consider:

- the appropriateness of the strategic allocation at Clayton Mills in principle, in particular with regard to alternative options for strengthening the five year housing land supply as contained in background paper MSDC22.
- the process and robustness of the proposal to allocate the site for residential development having regard to the emergence of this site as an option in July 2017.
- the merits of the strategic allocation having regard to the likely housing supply that will be achieved from the site in the next five years, including having regard to the proposal to allocate land in this area for 140 dwellings within the emerging draft Hassocks Neighbourhood Plan.
- The benefits that are asserted to be achieved from this allocation set against those that would be realised by the Submission Version Neighbourhood Plan.
- The suggested harm that would arise from the strategic allocation in relation to both suggested landscape and visual harm, and traffic impact.

14 Mid Sussex Council suggest that none of the representations made raise substantive planning or planning process issues of sufficient weight to suggest that the proposed allocation should not be made.

15 Mid Sussex Council do not agree that there are acceptable alternative options for strengthening the 5 year land supply in advance of the Site Allocations DPD. In particular:

- There are no alternative strategic sites that can be allocated at the current time to strengthen the 5-year land supply position, taking account of the need to be able to demonstrate deliverability.
- The existing windfall ceiling within DP6 of 10 units is already strongly opposed by other respondents and any increase would result in increased concern. This would also be a significant modification to a policy and may require further consultation. Delivering up to 500 units through manipulation of windfall development in this way cannot be demonstrated to be deliverable, consistent with the Framework, or acceptable.
- The alternative allocation suggested by the emerging draft Hassocks Neighbourhood Plan was not promoted by the landowner during the Council's recent "Call for Sites" exercise (October 2017) and cannot be identified as deliverable. It comprises recreational facilities and open space, which is managed on behalf of the recent Barratt housing development at Mackie Avenue. The

Council would suggest that this alternative has very limited merit.

- 16 The proposed allocation has been subject to the necessary assessments for Plan making, including of transport issues. No objections have been made in the County Council's (as Highways Authority) response to the modifications. In addition, a Habitats Regulations Assessment has demonstrated that the site would not have an adverse impact on the integrity of the Special Area of Conservation in the Ashdown Forest.
- 17 The response on behalf of Wates developments has suggested the existing sites at appeal or call in, might, if granted planning permission by the Secretary of State, provide an alternative means of strengthening the 5-year supply position. However, it is suggested that reliance cannot be placed on these proposals as alternatives at the current time. This is because:
- The call in proposals (some of which have already been assessed as part of the Plan HRA) would add less than 0.1 years to the 5-year land supply position, if granted by the Secretary of State.
 - The appeal proposals require consideration in terms of their effect of the Ashdown Forest SAC in line with the Wealden judgement. These assessments are outside the District Plan HRA and further HRA work to consider these proposals is likely to take some time.
- 18 Within the Responses to the proposed allocation at Hassocks, a number of specific assertions are made which are addressed below:
- 19 ***“Would impose a disproportionate share of District housing need on Hassocks”***
- The Strategic Site Selection Paper (EP23a) shows the impact that a strategic site (500+ units) would have on the settlements within Mid Sussex.
 - This shows that an additional 500 homes in Hassocks would increase the village by 15%. This is the lowest percentage increase of all Category 2 settlements.
- 20 ***“The proposed strategic site plus existing commitments and Hassocks Neighbourhood Plan sites would produce in the region of 1,000 dwellings”***
- Existing commitments (as at 1st April 2017) plus the Clayton Mills site would equal 882 dwellings.
 - Once factoring in the sites at appeal, this may increase to over 1,000. However, this is in the context over a 17-year plan period in which the District as a whole is delivering at least 16,390 dwellings.
- 21 ***“The SA supporting the Neighbourhood Plan sets out the housing need of 280-290 is the preferred approach”***
- The Council questions the reliability of the Neighbourhood Plan Sustainability Appraisal (SA) which is untested and relies on an unsubstantiated and judgemental ‘tipping point’ argument (i.e. negatives outweigh the benefits). A similar but more substantiated argument was rejected by the Inspector in relation

to the submitted District Plan, therefore the previously published Hassocks Neighbourhood Plan SA should be read in this context.

- The Hassocks SA was written at the point the District were proposing 800dpa. This has now increased to 876/1,090dpa – the housing need in Hassocks has therefore increased proportionately.
- The Hassocks SA did not test the potential for a larger scheme north of Clayton Mills so therefore does not conclude that the site (in context with the housing need within the Parish and the District) is unsustainable.

22 ***“The proposed allocation would be contrary to Strategic Objective 2 of the Mid Sussex District Plan which seeks to ensure development reflects the distinctive character of district towns and villages”***

- Hassocks original core has already been enveloped by a series of housing estates of successive eras, including some low-density bungalow estates. This chronology of 20th and 21st century housing styles contributes to the distinct character of Hassocks.
- Policy DP9b requires buffers and open space to mitigate against impact on protected landscape/townscape, including the National Park, plus the District Plan’s Design policy (DP24) ensures developments are ‘in-keeping’ with the existing built form.
- The Proposed Allocation is in line with the Spatial Strategy for the District which seeks to allocate growth the settlement hierarchy as set out in Policy DP6 – Hassocks is the largest and most sustainable Category 2 Settlement.

23 ***“Hassocks Parish Council consider that Option 1 (of MSDC22) to increase the ‘windfall policy’ ceiling in DP6 from 10 to 20-25 units was dismissed without adequate consideration by MSDC”***

- MSDC 22 explains the justification for not progressing with this approach. Namely:
 - It is not compliant with the NPPF, as there would be no way of demonstrating “realistic prospect of delivery”;
 - There is no evidence base to demonstrate justification for a ‘25’ unit threshold;
 - The Council cannot demonstrate that there are a sufficient number of sites which could deliver “up to 25” that are contiguous with the Built-up Area boundary and in accordance with the settlement hierarchy and other policy which increase supply by 500 units;
 - There is no evidence to suggest that an increase to 25 would increase housebuilding to such a level that it would improve the 5 year supply (for example, an additional 20 sites of 25 units (about 1 proposal per village regardless of existing village size) would be required to match the 500 proposed for allocation at Clayton Mills;
 - It would encourage developers to bypass the plan-led system (i.e. they would not promote sites to Neighbourhood Plans or Site Allocations DPD).
- Some 163 responses to the main modification consultation object to the existing DP6 proposal based on 10 dwellings, confirming the likely strong objection particularly from most of the other Parish Councils to this proposal.

- Option 2 (allocate Land north of Clayton Mills) provides more certainty and is NPPF compliant. Allocating sites within the Plan is the only reliable and robust way of demonstrating housing supply and increasing certainty in the short-term (i.e. the five year supply calculation).
- The developer submission indicates the intention to deliver 216 units in the first 5 years, although in line with its cautious practice the Council has assumed 150 units in its 5- year land supply assessment.

24 *“Hassocks Parish Council consider the supporting documents [re: transport] are high level and provide no evidence to back up the assertions relating to highway issues. The Transport Report has not been made publicly available”*

- MSDC have produced a proportionate level of evidence to support an allocation in the District Plan.
- The County Council’s response to the consultation indicates its support for the scheme and notes that the level of transport assessment is appropriate at this stage.
- It is agreed that more detailed evidence is required at a planning application stage, and this work is ongoing
- Hassocks Parish Council have been supplied with the Gleeson’s initial transport assessment, which forms the first part of the transport assessment. Further, more detailed work is being carried out, that would be appropriate to support any future planning application on the site.

25 *“Hassocks Parish Council considers that the traffic generated will have an adverse effect on Ockley Lane”*

- This is not demonstrated by the traffic analysis
- The County has not raised this issue
- The advice given by the highways’ consultant does not demonstrate this.

26 *“The proposed allocation would reduce the countryside gap between Hassocks and Burgess Hill by at least 25%....”*

- The site allocation includes a defensible boundary to the north in order to protect the settlements from coalescence.
- The proposed development results in an approximate 20% reduction in distance from the site boundary to settlement (Burgess Hill) edge. However, in line with proposed policy a buffer will be provided within the site boundary (i.e. development will not occur right to the site allocation boundary).
- The Countryside gap would remain significant and the development supports the creation of defensible and permanent boundary. There is no increased sense of coalescence or perception of coalescence.
- The treatment of the gap seems to suggest in some way that it has equivalent status to Green Belt, which it is not. It is a gap that was identified in the 2004 Mid Sussex Local Plan and predates the National Planning Policy Framework.

27 *“Hassocks Parish Council believe this has High landscape value”*

- This applies to much of the District. The majority of the District has been assessed as having Medium/High Landscape Value in the ‘Capacity’ Study

(EP47),

28 “MSDC 22 states that only 150 dwellings will contribute towards the 5ys. The Neighbourhood Plan proposed 140 and therefore HPC questions the necessity for the proposed strategic allocation”

- There is no certainty that 140 units in the Hassocks Neighbourhood Plan would have been deliverable. The Neighbourhood Plan is a draft plan which appears inconsistent with the emerging District Plan, notably with the housing requirements in Policy DP6.
- The 140 proposal is not being actively promoted to the District Council, it was not submitted in the recent (October 2017) ‘Call for Sites’
- The Hassocks Neighbourhood Plan has not been to examination or referendum; the allocation of the 140 may not have been supported at these two stages and therefore delivery (as at today) is not certain.
- Whilst DP9b will deliver a minimum of 150 in the 5ys period currently subject to monitoring (2017-2021) (noting the developer estimates 216 dwellings), it will also continue to deliver in future 5yr periods, therefore having the effect of keeping the supply ‘topped up’ in the short and medium term.
- If the site was not allocated in the District Plan, it is probable the promoters would
 - Submit a planning application
 - Submit the site for consideration through the Site Allocations DPD. The assessment of this site through the Site Allocations process would have to take into account the favourable appraisal within the District Plan SA and conclusions of other evidence-based assessments,

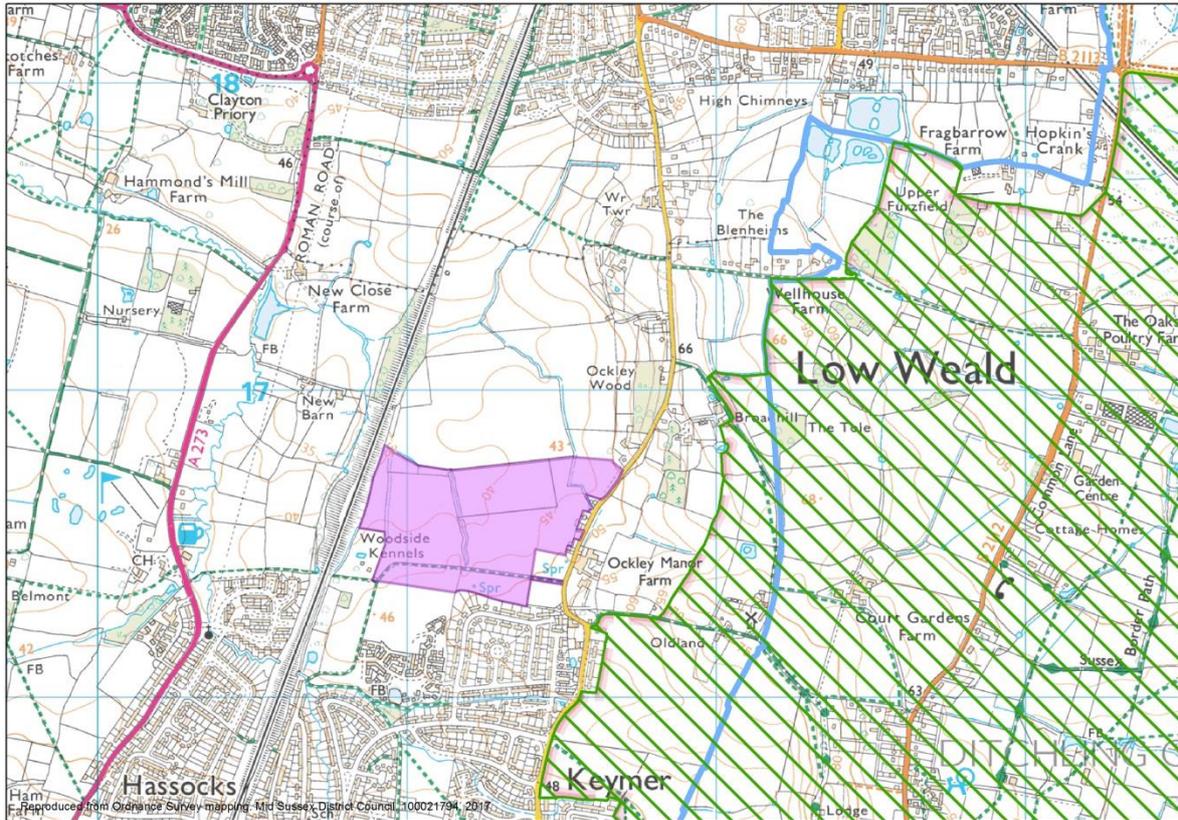
29 “Hassocks Parish Council consider the benefits indicated above [comprehensive scheme, school, relationship to existing development, mitigate listed building] could be achieved on the smaller Hassocks Neighbourhood Plan (HNP) site”

- The emerging draft HNP does not include or identify land for a new primary school and it is unlikely one would be delivered alongside the development proposed in the HNP. Evidence for the District Plan showed that strategic sites of 500+ are likely to generate the demand and funding to justify a new school.
- In line with Policy the Council will expect the masterplan to incorporate sufficient protection to the setting of the listed building to ensure there is no significant impact.

30 “Site is not remote from the South Downs National and development will have landscape/visual impacts on the Park”.

- The site is more distant from the National Park boundary than other existing built up areas of Hassocks and Burgess Hill. (see Figure 2 below)
- The site sits on lower ground than the National Park.
- Views from higher ground within the Park are already of a patchwork of towns and countryside; any development of this site would be ‘read’ in the context of existing built form.
- In their representation to the Main Modifications consultation, the South Downs National Park Authority do not consider there to be any significant direct landscape/visual impacts. The SDNPA suggest further mitigation measures to be incorporated as part of the masterplan for the site, to ensure there is no significant impact.

Figure 2: Proposed Clayton Mills allocation in context



(Proposed allocation in Magenta, undeveloped area to the south of the allocation is existing open space, National Park area shown with green hatching, district boundary in light blue, settlement to the north is the southern edge of Burgess Hill)