

To Pauline Butcher
Programme Officer for MSDC Plan
c/o 260 Collingwood Road
Sutton
Surrey
SM1 2NX

1 Old School Court
Lewes Road
Lindfield
Haywards Heath
West Sussex
RH16 2LD

17 June 2017

Dear Pauline Butcher,

I enclose my submission for Mr Bore's consideration please in relation to Agenda Item 4(The effect of housing on the Ashdown Forest SAC) for the hearings scheduled for 25/26 July 2017.

I have kept my submission to two pages on this agenda item in accordance with the two page rule. My previous paper dated 29 May 2017 concerning Agenda Items 1 to 3 was also kept to two pages but I could not comment on Agenda Item 4 at that time as MSDC had not tabled MSDC 18 at that stage.

If Mr Bore decides that the attached submission breaches his two page rule as all of my comments on the four Agenda Items should have been kept to two pages in total, then I will deal with the comments in the enclosed paper orally at the Hearing on Agenda Item 4 if that is acceptable to Mr Bore.

Many thanks for your help as always.

Yours sincerely



NEIL KERSLAKE

COMMENTS/ANALYSIS ON AGENDA ITEM 4 FOR HEARINGS ON 25/26 JULY 2017 RELATING TO THE MID SUSSEX DISTRICT PLAN

1. I do not believe that MSDC 18 is sufficiently robust to conclude that at a 876 dpa housing limitation for the time being (and presumably up to 2024/25) it would represent a sound District Plan.

2. Following Mr Justice Jay's decision of 20 March 2017, there is now no agreed methodology for determining how to calculate traffic levels, consequent on development in a District Plan, and how they affect the HRA necessary to determine those traffic effects on the Ashdown Forest SAC. Thus, even the figures and assumptions in the basic Reference case of a traffic model (which MSDC modified in the light of the Wealdon decision - paras 50 and 51 of MSDC 18 refer) which are then compared with the modelling of assumptions/estimates relating to the discretionary/uncommitted homes and the resulting traffic growth/ traffic changes, are simply MSDC's views on this methodology and are not an agreed/ accepted methodology post Mr Justice Jay's decision.

3. To illustrate the problem with HRA methodologies, we now have (a) the Wealdon method where only housing within about 7km is included in the traffic analysis (about a third of their total District Plan figure) with the majority of their housing plan figures excluded; (b) the Lewes method in which the whole of their Core Strategy is included in their traffic analysis (i.e. all of their housing over the full plan period whether or not precise sites have been identified for all of their housing); and (c) the MSDC method where in its traffic analysis housing is restricted to its OAN and restricted to known sites for that housing, with sites yet to be identified for higher housing numbers having been excluded. Thus we have three completely different methods for the calculation of AADT's resulting from each traffic analysis.

4. Having spoken to Marion Ashdown of Natural England, who was Natural England's expert witness at the Wealdon High Court action and referred to by name in Mr Justice Jay's written decision, as well as speaking to senior planners in other Districts, I have formed the following views:-

(i) Natural England's advice to all Districts is that all of their housing numbers (i.e. their total housing requirement) should be included in any traffic modelling used to determine the incremental AADT's consequent upon their total plan housing numbers. In addition, Natural England take the view, rightly in my view, that whilst any housing towards the end of a Plan period may not have been allocated to sites, the District should be able to judge where it would be located in their District in terms of its broad location. Carrying out one or two scenario exercises on different housing numbers, until they are determined finally at Examination, is also normally accepted best practice anyway. In the case of MSDC, they have restricted their modelling of AADT's to their OAN of 876 dpa on the basis that they know from SHLAA where that lower housing number would be sited in the District in relation to the Ashdown Forest SAC but are not certain where housing for a higher total plan requirement would be sited. This is simply not an acceptable arrangement for calculating the probable incremental AADT's on the total plan requirement and the effect of these AADT's on the SAC. If my earlier paper is accepted, (dated 29 May 2017 and related to Agenda Item 1 for the Hearings on 25/26 July), proposing that the unmet need for Crawley should be reduced from 150 dpa to 108 dpa or 93 dpa, then MSDC should be modelling the incremental traffic for a mean figure of an additional 100 dpa unmet need on top of their OAN. In practice, MSDC will have few choices about where extra housing over and above their OAN will be sited in broad terms: the probability is that 100 x 17 years = 1700 extra homes over and above the OAN will have to be sited in the Crabett Park area and East Grinstead area (say 1200 homes at Crabett Park and 500 homes at East

Grinstead). Both of these probable areas for siting additional housing in the District will clearly impact on the roads on the SAC (especially the A22) and produce incremental AADT's in excess of the limitation of using the OAN based figures in MSDC 18 (where only the A275 is affected in terms of additional AADT's).

(ii) The calculation of incremental AADT's is only a rough/approximate guide in terms of determining whether total plan housing numbers will contribute less than an additional 1% process contribution of pollutants to the SAC. In terms of providing more certainty on the impact on the SAC from the total plan housing requirement, a more reliable method would be to employ air quality consultants to carry out a full air quality assessment of the impact of the total plan housing to see if the 1% target limit is breached.

(iii) Whether one relies on the approximation effect of incremental AADT's or undertakes the proper air quality assessment in para (ii) immediately above, the fact remains that both methods must now be based on the 'in combination' effects of other Districts who have declared their AADT's in respect of the SAC. And, in Mr Justice Jay's written findings it is clear that AADT's were declared for both Wealdon and Lewes at that time and these should be added to MSDC's AADT's now.

(iv) Furthermore, we know that Wealdon's detailed monitoring of the Ashdown Forest SAC over time, and their new housing numbers which will produce higher AADT's, are currently being peer reviewed before publication in July/August 2017. And, Lewes is conducting a full air quality assessment for Examination of its site allocation plan and presumably will be publishing this proper Stage 1 HRA analysis in August/September 2017. In this situation it would, in my view, be unwise to form a view on MSDC housing requirements before MSDC carries out its own air quality assessment and this would permit more time to allow MSDC's effects on the SAC to be considered 'in combination' with the resulting new figures from Wealdon and Lewes. This logic suggests deferral/suspension of MSDC's final Plan housing numbers for 3 to 4 months beyond end July 2017. It would also ensure a more robust assessment of MSDC's effects on the SAC in setting MSDC's housing numbers and reduce any possible/probable legal challenge to MSDC's housing figures if they were to be finalised before Wealdon's and Lewes's effects on the SAC are published.

(v) So far as other districts surrounding the Ashdown Forest are concerned, such as Crawley, Reigate and Banstead, Tandridge, Sevenoaks, Tunbridge Wells, Tonbridge, Rother, Brighton and perhaps Horsham are concerned, it is not clear whether, even if their housing plans have been adopted, that they too should be now be carrying out a Stage 1 an AADT assessment/air quality assessment. But what is clear is that they will all have to carry out Stage 1 assessments at their 5 year plan reviews, or before if any have an 'early review' order from their Examination Inspector.

(vii) And finally, in respect of para 55 of MSDC where they claim a net overall reduction in traffic on the roads on the SAC of between 206 and 280 AADT's is not only misleading in terms of having a negative effect on the SAC but it is a wrong conclusion. The fact that on the A275 there is a positive increase in AADT's of 247 will, in itself, require consideration of this increased traffic on its impacts on the SAC and it cannot be treated as being offset or mitigated in relation to reductions in traffic on other roads on the SAC; and, Natural England confirmed this view during our telephone conversation.

NEIL KERSLAKE
18 June 2017