

MSDC 6a: Mid Sussex District Council's response to the Developer Forum and Linden Homes examples of SHLAA 'inconsistencies'.

1 February 2017

1. This note provides a short response to the example SHLAA sites submitted by the development forum and Linden Homes. The Council's aim is to address the claimed inaccuracies, particularly in relation to the more detailed information that is available to the Council.

Forum Sites

2. Comments on the Forum's sites are at Appendix 1 in tabular form.
3. The Council remains unclear as to whether the Forum is suggesting that any claimed inaccuracies alter the availability of the site particularly in terms of availability and scope for delivery within the next 5 years.
4. The Council also notes the analysis of sites that it received from Savills in relation to the application at Pease Pottage in July 2016, as attached at Appendix 3. Savills are currently agents for the Pease Pottage site and the West of Burgess Hill site and chair the developers forum. The Council feels that it should be entitled to rely on the information submitted by an applicant as reliable evidence which has been formed to the best of Savills best knowledge, particularly some of the judgements made in the analysis are clearly Savills own. Notably at paragraph 3.18, the Savills analysis is as follows:

3.18. At Burgess Hill, a total of 5 non-AONB sites over 150 units in size have been identified in the SHLAA process:

- *Land to the north/east of Burgess Hill (155 units)*
- *Land rear of 88 Folders Lane (242 units)*
- *Land south of Janes Lane, Land south of Folders Lane and east of Keymer Road, Burgess Hill (245 units)*
- *Victoria Business Park (1,015 units)*

*3.19. However, MSDC has identified in each case that these are not deliverable or developable at any of the assessed phases (1-5 years, 6-10 years and 11+ years). **Closer review of Burgess Hill reinforces why there is a lack of potential available and deliverable large sites around the town:***

i. As indicated in Figure 5 above, most of the northern boundary of Burgess Hill is encompassed by the proposed mixed-use allocation DP9; from the Goddards Green area close to the A2300, eastwards around to Freek's Lane / Lowlands Farm;

ii. Continuing in a clockwise direction around the town, to the east of DP9 is a Local Nature Reserve (Bedelands Farm), after which is an extensive tract of land around the east of Burgess Hill that is within the Wealden district.

iii. The only substantive area of unconstrained MSDC land adjacent to Burgess Hill is then to the south east of the town, and is encompassed within the DP8 allocation area as indicated above;

iv. To the south and west of Burgess Hill, there is no contracted developer interest and land is under ownerships, including MSDC ownership along the western edge of Burgess Hill. We note also that the periphery of the built-up area is largely encompassed by Open Space and 'Local Gap' designations; carried forward from the previous Local Plan.

3.20. MSDC has previously considered the potential for a major allocation of land to the west of Burgess Hill, between the A273 and Cuckfield Road (Figure 6 below, SHLAA reference 740). However, this area has been identified as not currently developable. This is due to a number of environmental, technical and ownership constraints which are not capable of being resolved during the current plan period.

5. The Council assumes that these conclusions from Savills stand as submitted and that no *volte-face* in terms of Savills position on site availability is being attempted.
6. The Council maintains that its own assessment of West of Burgess Hill is correct in terms of the scope for site allocation. From its experience of the Northern Arc, it judges that substantive additional strategic work is required before this site can be allocated, including significant further work on transport. Unfortunately the issues are not just about dualling the A2300.
7. The Council is working with developers on a number of other sites to resolve if constraints can be overcome.
8. Hitherto the Council has judged that unless there is a reasonable chance of constraints being overcome, it is not suitable for allocation. This judgement also reflects that many of the constraints have been around for a number of years and that have not proved capable of easy resolution. These judgements have not been made lightly. Work particularly on unlocking some of larger sites has been continuing, particularly where promoters actively respond to potential constraints.

Linden Homes – Hill Place Farm

9. The Council's comments on the claimed points of difference between the SHLAA and the Appeal case are appended at Appendix 2 in tabular form.
10. Both the SHLAA conclusion and the Council's reason for refusal maintained at appeal were landscape objections. Therefore the SHLAA and the LPA position at the Inquiry were the same.
11. Substantive evidence on transport constraints were submitted as evidence by a rule 6 party, following independent studies by Jubb. The Council believes it was correct in

this case to identify this in the SHLAA as a potential constraint to the suitability of the site.

12. The decision is now with the Secretary of State and is expected in late April 2017.

Appendix 1: Comments on the Developers' Forum SHLAA examples

Land west of Truggers – 181

Forum identified error	Forum comment	MSDC response
1. Factually incorrect in relation to availability	Site is available for immediate development. This was submitted as part of the call for sites in 2014 and has been actively promoted since.	Site was submitted to the call for sites in June 2014. However, MSDC received letter (in July 2014) requesting a formal withdrawal of the from consideration in the SHLAA. MSDC responded saying ‘the council it needs to identify all potential housing sites from a variety of sources...and therefore site will remain in the assessment’. The assessment noted its unavailability. In November 2016, the site agent, stated the site was available, this had not been stated in any previous correspondence.
2. Inconsistent approach to site assessment	AONB location rendered it as unsuitable. 748 (HK) 127 (Handcross) 215 (Pease Pottage) all in AONB but considered suitable. Site not assessed in landscape study. Large scale extension is inaccurate. The site is in a wooded setting immediately adjoining the existing settlement with very limited landscape and visual impacts	Site 748 is in AONB, it is a previously development site and in this case it was considered that a small amount of development within the grounds would likely to be acceptable. Site 127 is in AONB, this site was considered to have some landscape capacity for development based on evidence available. Site 218 (rather than 215 is the Golf House site) is a previously developed site within the AONB, which now has a resolution to grant planning permission. The site was not assessed further by LUC as it was not available at that time. A 6 hectare site is a large scale extension into the AONB. The Council does not agree with the Forum judgement that this site will have very limited landscape and visual impact. The MSDC conclusions have been informed by the Landscape Capacity Study (EP48i), within Pease Pottage – Handcross High Weald character area, has low landscape capacity for development. No evidence has been submitted to demonstrate that this assessment is incorrect.

Victoria Business Park – 245

Forum identified error	Forum comment	MSDC response
1. Rejected on the basis of constraints	Contamination, archaeology and heritage listed as constraints to development but no consideration of how to mitigate	Overall the site is considered suitable. Therefore the site has not been rejected on the basis of these constraints.
2. Inconsistent approach to site assessment	Residential applications have already been approved within the site	There are no commitments within this site area. Not aware of any recent applications for land within the site.
	Site is allocated with the Burgess Hill Neighbourhood Plan	The site is not within the area allocated in the Burgess Hill Neighbourhood Plan for a mixed residential and community neighbourhood. (policy S1).

Western Arc, Burgess Hill – 740

Forum identified error	Forum comment	MSDC response
1. Factually incorrect	Representations made to MSDC in July 2015 and Jan 2016, SHLAA amended but site area was not updated to reflect new evidence.	<p>MSDC first put together this site on the basis of a number of individual submissions to the SHLAA promoting sites within that area. If a strategic location to the west of Burgess Hill were to be explored is seemed appropriate that the whole area should be explored. This is why the site area for 740 has not been amended.</p> <p>These submissions provided very limited information regarding the deliverability of the sites, included some broad statements about the suitability of the site and a site plan. It was also stated at this time that master planning work will be undertaken during 2016.</p> <p>The Council received a 'visioning document' for the site as part of the submission to the District Plan in November 2016, during the District Plan Examination. This demonstrates that this scheme is still being developed and there is nothing within the latest submission that demonstrates that the identified constraints can be overcome.</p>
2. Rejected on the basis of constraints	Road and sewerage capacity cited as constraint to development, but no consideration given to whether they can be mitigated	<p>There are known road and sewerage capacity constraints within the Burgess Hill area. No evidence has been submitted to the Council that demonstrates that these issues can be addressed. There is a need to take into account the additional growth that is already planned at Burgess Hill, of over 4,000 homes over the plan period.</p> <p>The Council received a 'visioning document' for the site as part of the submission to the District Plan in November 2016, during the District Plan Examination. This demonstrates that this scheme is still being developed and there is nothing within the latest submission that demonstrates that these issues can be addressed in a satisfactory matter.</p>
3. Rejected due to claimed lack of evidence of delivery	Site rejected due to emerging allocation 'Northern Arc', this should not constrain SHLAA assessment of the sites suitability for development	The SHLAA looks at development potential during the plan period. It is reasonable to draw the conclusion that this site isn't suitable for development during the Plan period taking into account the level of growth planned for the town during the next 15 years.

Land at Winch Well – 213

Forum identified error	Forum comment	MSDC response
1. Inconsistent approach to site assessment	Site is 500m from village centre, but considered poorly located. Site 686 is 900m from village centre considered developable. PP granted for site 272 and 'The Pheasantry' which are further from the village.	Distance from services is not the only reason why a site is considered suitable or not suitable for development. In fact, the distance to services is not referred to in the published SHLAA assessment of site 686. There are other reasons why site 686 is considered suitable and site 213 is not.
2.	Development considered to 'jump' strong defensible boundary, yet planning permission has already been granted for sights that breached this boundary	MSDC can revisit this conclusion when the SHLAA has its next annual review which will take into account any changes to the character of the area that may have occurred.

Gleblands Field – 749

Forum identified error	Forum comment	MSDC response
1. Rejected on the basis of constraints	Site disregarded due to incursion into the countryside, yet other site 617 is considered accepted with similar inclusion.	Site 617 is much better related to the main street of the village, than site 749. Site 749 is much further north, adjacent to the AONB and very rural.
2. Inconsistent approach to site assessment	Site access is questioned but no consideration to whether suitable access can be achieved through upgrading of lanes. This is not a showstopper.	The land that the site is located is very narrow and rural. Difficult to see how this could be addressed. No evidence has been provided to demonstrate that access can be achieved.

Appendix 2: Savills Evidence (on behalf of Thakenham) to support the Pease Pottage application

Included within RD1/RD2 in the Examination Library

Planning Statement: Addendum

Land East of Brighton Road, Pease Pottage



Planning Statement Addendum

Land East of Brighton Road, Pease Pottage



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1. Introduction

Background

- 1.1. In November 2015, a planning application was made to Mid Sussex District Council (MSDC) by Thakeham Homes Ltd and Mr G W Bridges ('the Applicant') with the following description of development:

'The phased development of residential units (including affordable housing) (Use Class C3), care facility (Use Class C2), community building (Use Class D1), café (Use Class A3), retail (Use Class A1), up to 1 form entry primary school (Use Class D1), hard/soft landscaping including a noise bund/ fence, infrastructure provision, creation of accesses and car parking. Application includes demolition of 2 dwelling houses, ancillary agricultural buildings, removal of waste facility and stopping up existing vehicular access (post construction). Outline permission is sought, with matters of access only for approval.'

- 1.2. The application is registered under application number DM/15/4711, and remains under consideration by MSDC in its capacity as Local Planning Authority (LPA). In parallel a Full Planning application by the same Applicant (reference DM/15/4706) is under consideration, relating to a first fully detailed phase comprising 156 dwellings, care facility, shop, cafe, and community building.

- 1.3. The application site is identified in the emerging MSDC District Plan, under policy DP9A, encompassing approximately 600 new homes, a new primary school, and a hospice including a community cafe. The proposed wording to this policy¹ identifies that:

- the site is located within the High Weald Area of Outstanding Natural Beauty (AONB), but *'quality is particularly poor on the western side of the site adjacent to the motorway and the service station, and there would be potential for development to enhance the visual quality of this area'*;
- Crawley Borough *'has a need to provide for about 5,000 additional homes during the period until 2030 which are not capable of being built within the town'*, prompting the need to consider urban extensions;
- in locational terms, *'the site's proximity and accessibility to Crawley (there are good bus links) provides a sustainable opportunity to meet some of the town's unmet needs'*.
- given ongoing work with West Sussex County Council (WSSCC) and Highways England (HE) to ensure that access can be satisfactorily gained to the site without exacerbating current traffic conditions at Junction 11 of the M23. It is thought likely at this stage that there are viable mitigation measures that could be put in place such as the improved signalisation of the roundabout.

- 1.4. It is anticipated that MSDC will formally submit the draft plan to the Secretary of State in late Summer 2016, followed by Examination in Public in Autumn 2016 and adoption early 2017.

¹ See: <http://www.midsussex.gov.uk/media/77279/dpfascheduleofmodsnov15.pdf> , page 29

Key consultation matters arising

- 1.5. During the consultation process on the Outline application a number of environmental and technical matters have arisen, and the Applicant has proactively engaged with consultees in order to reach mutually acceptable solutions. These have included (for example) making amendments to proposed ponds in order to avoid Gatwick Airport safeguarding concerns in relation to bird strikes; and engagement with HE and WSCC with regards to the assessment and mitigation of traffic impacts.
- 1.6. Separately from these site-specific considerations, a major matter arising has been the interpretation of the National Planning Policy Framework (NPPF), as relevant to development within AONBs. Specifically, consultees including Crawley Borough Council, Natural England and the High Weald AONB unit have referred to NPPF paragraphs 115-116, which read as follows, as a key consideration:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. 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.*

Statement of purpose

- 1.7. The purpose of this Planning Statement Addendum is to provide a detailed and justified evaluation of the Application against paragraph 116 of the NPPF. It contains three principal sections, structured around the three bullet points of paragraph 116, which in essence relate to:
- the **need** for the development (Section 2);
 - possible **alternatives** to the development (Section 3);
 - consideration of the **impacts** of the development (section 4).
- 1.8. This Statement demonstrates that the Application is fundamentally justified under all three, being necessary to fulfil housing needs; the only deliverable means of doing so; and capable of being implemented without significant adverse effects. The Application also delivers various other benefits including open space, environmental enhancements, provision of hospice care, and education, which further demonstrate the exceptional circumstances that justify the proposal.

2. Need for the development

2.1. The first bullet point under NPPF paragraph 116 refers to assessing:

'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'

2.2. In response this section considers the following four matters:

- i. the need for development in terms of housing land supply;
- ii. other national considerations;
- iii. the benefit to the local economy of granting permission.

(i) Housing land supply

2.3. Mid Sussex District Council is currently unable to demonstrate a 5 year housing land supply; this is a matter that is consistently established through a number of recent appeal decisions, including:

- APP/D3830/W/15/3140867 and APP/D3830/W/15/3134454 (Barn Cottage, Ansty), 1 July 2016;
- APP/D3830/W/16/3144084 (64 & 66 Janes Lane, Burgess Hill), 23 June 2016;
- APP/D3830/W/15/3038217 and APP/D3830/W/15/3129329 (Broad Street, Cuckfield), 31 May 2016.

2.4. It has been accepted by MSDC that sufficient housing land supply cannot be demonstrated, and in Paragraph 41 to the Appeal Decision on the Cuckfield case, the Inspector states that:

The Council accepts it is unable to demonstrate a five-year supply of housing land. The Council does not have an agreed housing target that has been assessed through local plan examination, although the emerging DP identifies a housing requirement for 11,050 homes up until 2031. I also note that, since 2006, the Council has been unable to meet the previous South East Plan annual target of 855 dwellings and that a 20% buffer would also need to be applied to any future supply.

2.5. Included with this report at Appendix 1 is a detailed assessment of housing land supply in Mid Sussex identifying the extent of the shortfall based on a range of scenarios. This identifies a severe shortfall of available housing sites in Mid Sussex, resulting in an absence of five year housing land supply (5YHLS) by a considerable margin.

2.6. Both Savills and the Council are in agreement that there is a history of persistent under delivery and therefore a 20% buffer is appropriate, in line with the requirements of the NPPF. Housing delivery has not met the requirement for eight of the past 10 years. Based on a reasonable non implementation rate (of 10%) and utilising the well recognised 'Sedgefield' method, it is considered that the best case scenario for the 5YHLS of Mid Sussex is in the order of **3.65 years**. This is a best case scenario as Savills has not scrutinised the delivery expectations of Mid Sussex DC in this assessment and therefore relied upon the Council's own forecasting. However, should there be difficulty in delivering all forecasted units or the Council's assumptions challenged, the 5YLS figure would fall below 3.65 years.

Consideration of unmet need from Crawley

- 2.7. The emerging MSDP includes a significant element of delivery towards unmet housing need at Crawley. According to the draft wording of MSDP policy DP9A (November 2015):

*'It has been established through the Crawley Local Plan examination that the borough has a need to provide for about 5,000 additional homes during the period until 2030 which are not capable of being built within the town. Crawley Borough Council is required to work closely with its neighbouring authorities, particularly those which form the Northern West Sussex Housing Market Area (Horsham and Mid Sussex), in exploring opportunities and resolving infrastructure and environmental constraints in order to meet this need in sustainable locations. This includes continued assessment of potential urban extensions to Crawley.'*²

- 2.8. Correspondingly, Policy H1 of the adopted Crawley Borough Local Plan 2015-2030 (adopted December 2015) states:

*'There will be a remaining unmet housing need, of approximately 5,000 dwellings, arising from Crawley over the Plan period. The council will continue to work closely with its neighbouring authorities, particularly those which form the Northern West Sussex Housing Market Area, in exploring opportunities and resolving infrastructure and environmental constraints in order to meet this need in sustainable locations. This will include continued assessment of potential urban extensions to Crawley.'*³

- 2.9. In the emerging MSDP, of the 800 dwellings required per annum, circa 150 (18.75%) of the overall target relates to Crawley's unmet need. Therefore in determining where within Mid Sussex housing should be delivered, and specifically the Pease Pottage application, it is relevant to take into account geographical proximity to Crawley.

- 2.10. The NPPF contains no specific guidance as to how or where unmet needs arising from one authority area should be planned for by others; its only reference to unmet need is under paragraph 182 noting that Local Plans should be 'positively prepared' and include unmet requirements from neighbouring authorities 'where it is reasonable to do so and consistent with achieving sustainable development'. Similarly the National Planning Practice Guidance (NPPG)⁴ refers to doing so in a way 'consistent with policies in the National Planning Policy Framework as a whole'. A key principle of the NPPF is to promote compact patterns of development⁵ and thus reduce the need to travel⁶ in the interest of reducing movements by private motor vehicle and the associated atmospheric emissions, whilst promoting sustainable modes of transport and quality of life.

- 2.11. If providing for the needs of Crawley in any location outside of Crawley, it will be necessary to ensure that it is well related to and well connected to Crawley in order to achieve sustainable patterns of movement and strike a balance between the social (need for people to have houses near to where they want to

² See: http://www.midsussex.gov.uk/media/4087/dp_fa_scheduleofmodsnov2015.pdf , page 26

³ See: <http://www.crawley.gov.uk/pw/web/PUB271853> , page 75

⁴ Ref: 12-002-20140306 <http://planningguidance.communities.gov.uk/blog/guidance/local-plans/local-plans-key-issues/>

⁵ Including paragraph 17 (penultimate bullet point) and paragraph 30,

⁶ Including NPPF paragraphs 30, 32, 34,

live/where their home is, where they work, etc) and environmental (reducing the need to travel by encouraging sustainable modes of transport, etc).

- 2.12. Pease Pottage is well located in relation to Crawley, a principal sub-regional centre, and to Tilgate Forest which is a major recreational destination. Pease Pottage village itself also includes services including pub, convenience shop and other facilities at the service station together with bus routes to Crawley, Brighton and other parts of Mid Sussex. As such the Application site is in a location where future occupants would only need to make short car journeys and therefore one where the need to travel could be minimised and sustainable modes maximised as required by paragraph 34 of the NPPF. This is also consistent with Objective 8 and Policy DP1 of the emerging MSDP which specifically aim to ensure that people have the opportunity to live and work in their community in order to reduce commuting.
- 2.13. Of relevance is a recent appeal decision in Warwickshire. A proposal for up to 84 dwellings in Bishops Itchington was allowed at Appeal (PINS ref. APP/J3720/W/15/3133319). Within this decision, at paragraphs 21-24 the Inspector makes clear that the future occupants would only need to make short car journeys alongside the availability of access to sustainable modes. Similarly at Pease Pottage, new public transport infrastructure, as well as the site's inherent characteristics in locational terms, would further reduce the need to travel. This is a relevant interpretation of NPPF paragraph 34, and demonstrates the importance of the location of development, 'in the round'. This also corresponds with emerging MSDP strategic objectives regarding reducing the need to travel.

Summary: housing land supply

- 2.14. In summary, there is a significant housing land supply shortfall and a significant need to bring forward major proposals in sustainable locations, particularly in locations at and around Crawley, adding significant weight to the need to approve the Application as an exception to NPPF paragraph 116.
- 2.15. Section 3 of this document considers the potential for identifying strategic-scale housing sites close to Crawley, and identifies that there are no suitable alternatives other than the Pease Pottage development.

(ii) Other national considerations

2.16. Amongst the various benefits that would arise from the proposed development at Pease Pottage, we consider that (beyond the delivery of housing, which as noted in the preceding section is critical) a further two are of national significance: highway improvements and provision of hospice care.

Highways

2.17. The planning application incorporates provision for significant highway improvement works to Junction 11 of the M23. These measures are set out in drawing W990-001 (rev N) and encompass:

- widening of the circulatory carriageway;
- widening of the Brighton Road exit from the gyratory;
- new signalling including the introduction of a signalised approach from the A264 and B2114;
- the introduction of anti-skid surfacing;
- various modifications to speed limits;
- safety improvements for non-motorised users.

2.18. The Application was accompanied by a comprehensive Transport Assessment undertaken within a wider Environmental Impact Assessment (EIA), which has predicted a permanent beneficial effect as a result of the improvements. In consultation on the application, Highways England has confirmed its acceptance of the proposed improvements following an extensive period of liaison over how these could be delivered. The M23 is part of the strategic national road network, and the improvements that would be delivered through the application are therefore, by definition, national in nature.

2.19. The proposed improvements to Junction 11 would complement the national strategy for the strategic road network, which is set out in the *National Infrastructure Delivery Plan 2016-2021* (NIDP) published by the Infrastructure and Projects Authority in March 2016⁷. At a strategic scale, this identifies that the SRN is 'vital to businesses and the successful functioning of the economy' (paragraph 3.2), and yet is an element of the nation's infrastructure that has declined over recent decades, to the detriment of connectivity and economic flows (paragraph 3.3). As such, according to paragraph 3.4:

'The government is committed to addressing these challenges by building a better network with smarter roads that use technology and modern road building techniques. In this way it can ensure the country has a road network that drives, instead of constrains, growth.'

2.20. Of more particular relevance to Pease Pottage is that the NIDP identifies the upgrading of the M23 at Junctions 8-10, as a key priority up to 2020-2021, in order to ensure better connectivity to Gatwick Airport. Improvements to the nearby Junction 11 at Pease Pottage are clearly complementary to that aim, and highlight that this area is a sustainable location for all types of new development including housing. The application therefore represents a unique opportunity to improve the Strategic Road Network (SRN).

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/520086/2904569_nidp_deliveryplan.pdf

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Care facility

- 2.21. In addition to the provision of market and affordable housing, this Application encompasses a 48-bed hospice care facility, with scope for subsequent future expansion, making direct provision towards identified national and local needs, based on the Crawley/ Mid Sussex catchment. This is to be carried out in partnership with St Catherine's hospice, whose existing site within Crawley is severely constrained and not capable of being effectively extended or adapted to meet statutory requirements.
- 2.22. The provision of substantial new hospice care facilities such as at Pease Pottage responds directly to a range of policy objectives and is a national consideration for a number of related reasons:
- i. Paragraph 50 of the NPPF requires local planning authorities to '*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*'. Specialist facilities such as hospices should be considered as integral to this aim.
 - ii. Hospices are considered an integral part of care for the elderly, as set out in the NHS's *End of Life Care Strategy* (NHS/ Department of Health, 2008)⁸;
 - iii. Provision of a large-scale purpose-built hospice facility is only possible on a strategic-scale development with a mixture of uses. In the case of the Pease Pottage application, the hospice will form part of a wider local centre including retail, cafe and community meeting rooms, around a formal village green area that will provide a central communal space for the community;
 - iv. there are no comparable proposals within Mid Sussex District that encompass such a major hospice facility as this, which are part of a deliverable development scheme within 3 years.
- 2.23. This national benefit can only be achieved through the delivery of the proposed development at Pease Pottage, contributing significantly to the case for releasing this AONB site for development.

Summary: national considerations

- 2.24. In summary, there are significant positive national considerations associated with this Application which add weight to the need for it to be granted as an exception to NPPF paragraph 116.

⁸ http://www.cpa.org.uk/cpa/End_of_Life_Care_Strategy.pdf

(ii) Benefit to the local economy of granting permission

2.26. The Environmental Statement which accompanied this application has examined the potential socio-economic effects of the development, in light of the socio-economic conditions of the area. Principal benefits identified in this process include:

- total expenditure (construction cost) of approximately **£131 million**;
- between 659-1,205 **person-years** of construction employment;
- the equivalent of approximately **66 full-time construction jobs** over a 7-year period;
- secondary beneficial effects relating to construction, through the expenditure of the construction workforce in local businesses;
- the opportunity to **use local suppliers** during the construction period;
- creation of a **demand for employment** for residents of the site;
- creation by residents on the site of a demand **for local services and facilities** which will itself require a workforce;
- direct support of approximately **22 jobs** through the hospice, local centre, cafe and community facility;
- around 15 Full Time Equivalent (FTE) teaching and support staff for the primary school with a further 3 FTE cleaning/ catering/supervisory staff, and 6 FTE staff associated with early years;
- in the region of **£13.1 million** gross additional household spending from the development;
- the proposed improvements to the M23 through **Junction 11** capacity enhancements.

2.27. The Application is also consistent with, and indeed actively advances, a number of economic objectives for the area as set out by the *Coast to Capital Local Enterprise Partnership* (LEP) in its Strategic Economic Plan (SEP⁹). This explains the important role of housing in economic growth by stating that:

'Housing has a significant role in driving the composition of our future workforce - there is an intrinsic link between housing supply and labour market composition. Growth of affordable and entry-level housing can help replenish the local labour market, attracting and helping to retain a younger workforce. Offering a choice and mix of higher-end properties can attract and retain an enterprising, high-skilled labour force. Having the right mix of housing in the right location benefits the economy through improved labour mobility and better work incentives.' (p.148)

⁹ http://www.coast2capital.org.uk/images/Coast_to_Capital_SEP_FINAL_for_March_v14_without_Annexes.pdf

- 2.28. Similarly the SEP recognises that where housing options are constrained, this has a detrimental effect on economic prospects in a region, stating that:

“a lack of market access for new entrants could constrain the replenishment of the labour pool, creating recruitment difficulties and skill shortages – an issue which has real implications for growth potential among businesses and the economy as a whole” (SEP, p.148)

- 2.29. The SEP goes on to further note that housing is in itself a ‘key driver for growth’, with the house building industry being ‘a significant contributor to the international flow of trade in construction materials...’, such that ‘long-term investment in house building can have beneficial effects on the supply side of the economy and can help raise growth rates’ (SEP, p.148). For such benefits to be achieved however, it is also important, for house building to be located appropriately with respect to the infrastructure and socio-economic geography of the area, avoiding long distance commuting, and promoting a higher quality of life whilst preventing unnecessary strain on infrastructure. The SEP states on p.151 that:

“Housing investment has the potential to support and influence outcomes across a number of priority themes in the Coast to Capital region– notably in relation to spatial growth, sustainable development, labour and skills supply, low carbon development and transport strategy. Failing to address the availability of the right types of housing, ownership mechanisms and cost will have a long lasting and negative effect on the Coast to Capital economy”.

- 2.30. Page 56 of the SEP describes the Gatwick Diamond, which centres on Crawley, as follows:

The Gatwick Diamond is the beating heart of the Coast to Capital economy. It has a number of important business locations and is home to 45,000 businesses, ranging from global bluechip companies to small and innovative enterprises. Generating £19.2 billion GDP (2011) the Gatwick Diamond is one of the strongest regional economies in the UK.

- 2.31. However, the SEP specifically highlights that in the Gatwick Diamond, one of the key barriers to growth is the ‘lack of housing for new and existing workers and families to rent or buy’¹⁰. As a consequence it goes on to state (p.56) that: ‘We are going to focus on enhancing and protecting those business areas, while also taking steps to ensure there is supply of housing for a growing workforce. Adequate transport infrastructure lies at the heart of what we are trying to achieve’.

- 2.32. The proposed development at Pease Pottage directly supports this aim by providing a large, well-balanced community centrally within the Coast to Capital area, at Crawley which is one of its key economic centres, and positioned close to the principal motorway and rail links.

- 2.33. Whilst the existing composting facility on the site will close, the business is to relocate to an existing site and hence there would not be a neutral economic effect in this respect.

¹⁰ SEP, page 56, 2nd paragraph, 3rd bullet point

Summary: economic benefits

- 2.34. Overall, the predicted benefits to the local economy of granting planning permission for the Application are significant, and should be afforded considerable weight in the decision-making process with reference to NPPF paragraph 116. It is notable, that the Housing & Planning Act (2016) incorporates a requirement to consider financial benefits in the determination of planning applications (S.155), which is to come into force in the near future.

3. Alternatives to the development

3.1. The second bullet point under NPPF paragraph 116 refers to assessing:

'the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way'.

3.2. In response this section considers the following three matters:

- i. the scope for the development to be achieved, outside of the AONB;
- ii. the cost of doing so;
- iii. the ability to fulfil needs in some other way.

3.3. A relevant aspect of the evidence base is the Mid Sussex District SHLAA. This is dated November 2015. The SHLAA identified plots capable of delivering circa 63,793 units (on sites over 50 units) within the District. Just under half of these units are within the AONB but only a small proportion of these are in or next to existing settlement boundaries. There are only 2,974 units on four sites adjacent to settlement boundaries and within the AONB, the site at Pease Pottage being one. This is the only such site adjacent to Crawley and hence is the most suitable AONB development site which is readily available.

3.4. In respect of alternative non AONB sites, there are 24 sites, with capacities above 150 dwellings, which are adjacent to existing settlement boundaries. These sites have a combined capacity of circa 21,136 units. Two of the sites are within the AONB and a further two of the sites are within existing settlement boundaries. Of the remaining 20, one of the sites is a proposed allocation in the MSDP, Northern Arc for 3,500 dwellings. This leaves 19 sites with a potential capacity of circa 14,348 units. However, of all of these, the SHLAA identifies none as being deliverable in the first five years of the MSDP Plan Period. In addition, only an additional 2 sites are deemed to be developable in the 6-10 year period, comprising a total of 521 units over both sites, a combined capacity insufficient to meet that of the site at Pease Pottage.

3.5. Analysis of the SHLAA indicates a large proportion of the sites assessed as being not deliverable or developable, and a number of which are within the countryside, not adjacent to existing settlement boundaries. There are no sites identified in the SHLAA analysis capable of matching the Pease Pottage site.

(i) Scope to implement the development outside of the AONB

- 3.6. In 2014, MSDC commissioned a study by LUC¹¹ to assess the capacity of the District to accommodate development, which has been used as an evidence base for the selection of strategic growth options under the MSDP. This study identified that the District is heavily constrained by environmental designations, with **92% coverage** by identified constraints (ecological, landscape, historic, air quality, flood risk, and others). More specifically, around **50% of the MSDC area** is in the High Weald AONB, with a further 10% in the South Downs National Park.
- 3.7. As such it is inevitable that many locations in Mid Sussex that are suitable for housing, are located in the AONB. This point was relevant to the appeal decisions for Handcross, West Sussex (APP/D3830/A/13/2198213) where the Inspector stated in paragraph 93 that: *“In terms of the criteria in para 116 of the NPPF, there is a clear need for residential development to overcome the shortfall in the housing land supply. Nearly half of the District [i.e. MSDC] falls within the AONB and there is no clear evidence that it is possible to fully satisfy the housing need on land outside this zone”*. A similar point is made in appeal decision APP/D3125/W/16/3143885 (West Oxfordshire)¹² where an Inspector concluded a lack of non-AONB sites or alternative means of meeting needs justified an exception being made.
- 3.8. MSDC has identified the Pease Pottage site as an allocation site in the MSDP as a direct response to the absence of deliverable alternatives outside of the AONB, where a comparable quantum of housing along with other community infrastructure such as a school, hospice, and local centre could be delivered.
- 3.9. This section provides an overview of the potential for the major ‘Category 1’ settlements of Mid Sussex to deliver a large scale allocation site (150 dwellings and above) as an alternative to Pease Pottage. This comprises Burgess Hill, Haywards Heath and East Grinstead; along with consideration of Crawley itself given the priority in delivering the unmet needs of that town as nearby as possible.

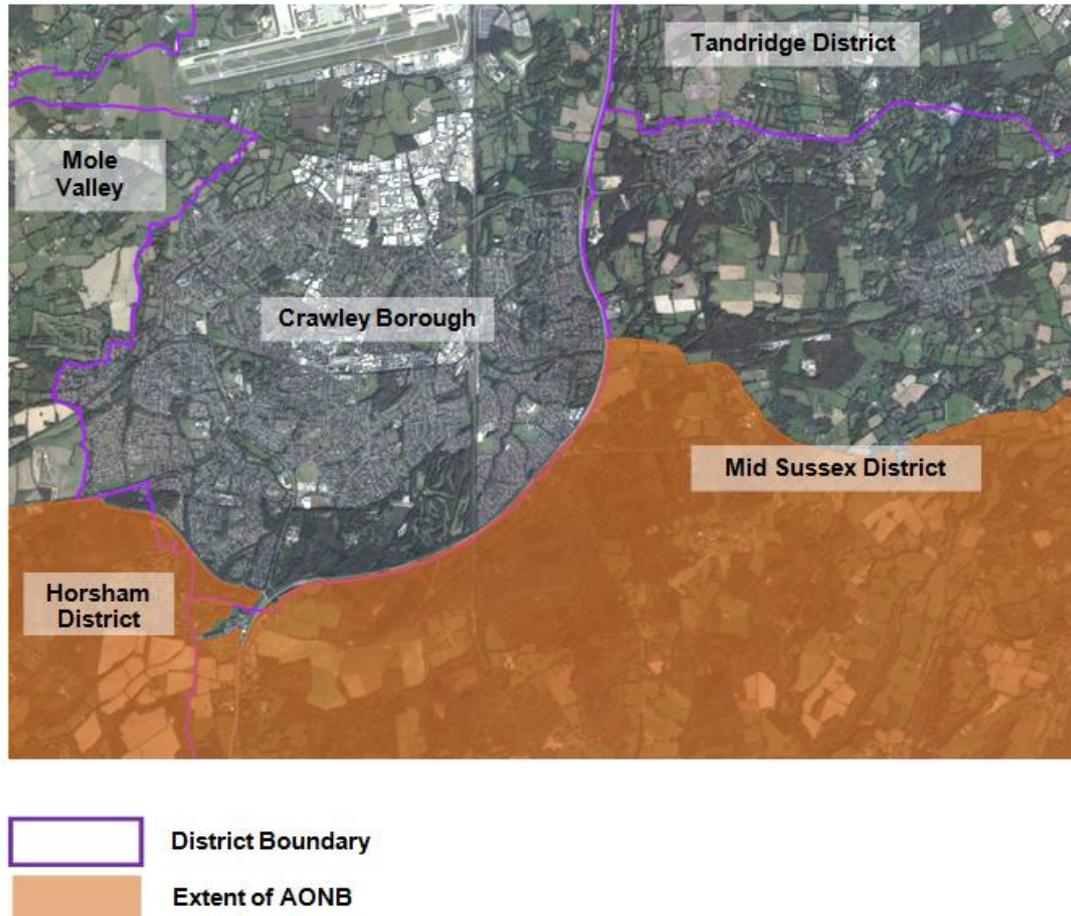
¹¹ http://www.midsussex.gov.uk/media/3463/6035_mid_sussex_capacity_study.pdf

¹² Land south of High Street, Milton-under-Wychwood, West Oxfordshire

Alternatives at Crawley

- 3.10. The boundary between Mid Sussex District and Crawley Borough is approximately 10km in length, and a general context map (showing district boundaries and the AONB) is included as Figure 1 below.

Figure 1: Context of AONB and district boundaries around Crawley

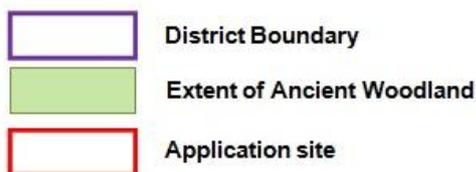
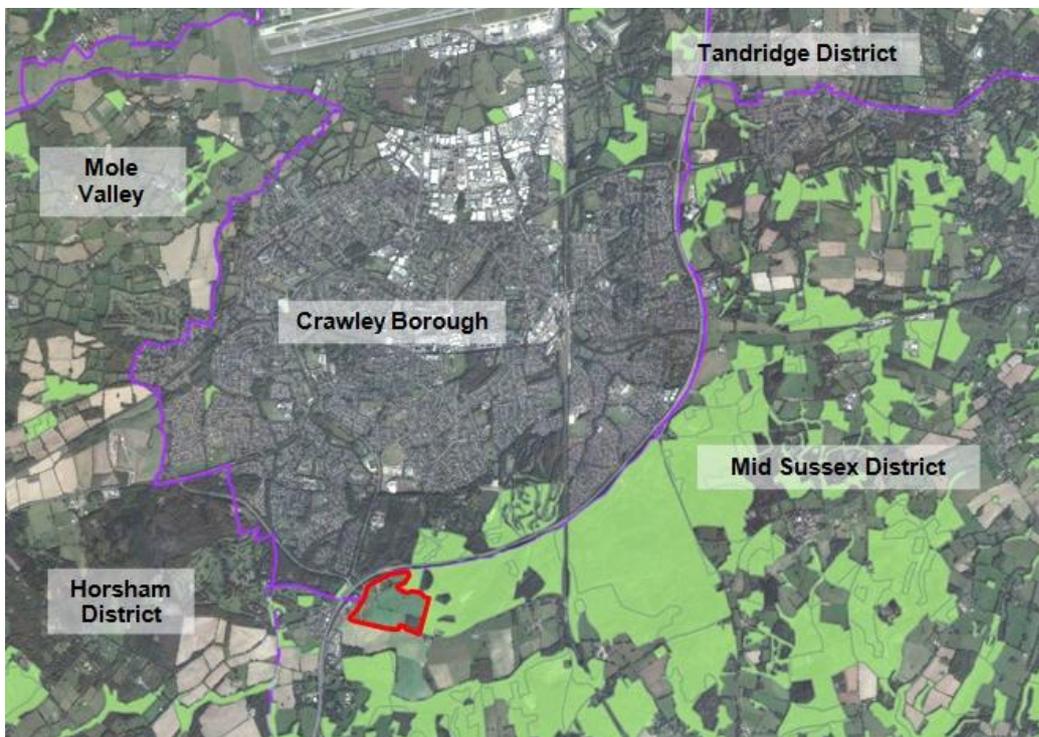


- 3.11. Apparent from this map is that land within Mid Sussex adjoining the Crawley boundary is **predominantly within the AONB**, which extends from Junction 11 (at Pease Pottage due south of Crawley) around to Turners Hill Road north east of the town.
- 3.12. Turning to the characteristics of the area around Crawley, the predominant land use within Mid Sussex is woodland, with the majority of this area being formally designated as 'Ancient Woodland', and the extent of this is shown in Figure 2 below. The Mid Sussex Capacity Study, June 2014¹³ (paragraph 2.28, 4th bullet) specifically identified that Mid Sussex is a heavily wooded district with two thirds of this being Ancient Woodland which *“needs to be protected or suitably incorporated into development while avoiding harm to the woodland”*.

¹³ http://www.midsussex.gov.uk/media/3463/6035_mid_sussex_capacity_study.pdf

3.13. Under NPPF paragraph 118 (5th bullet point), planning permission should be refused for development resulting in the loss or deterioration of ancient woodlands, *'unless the need for, and benefits of, the development in that location clearly outweigh the loss'*. Whilst a lower test than for AONB development, this represents a significant hurdle to the potential delivery of major residential development in Ancient Woodland areas; and additionally the Forestry Commission owns a substantial proportion of the designated areas, reducing the availability of land for development. Whilst a lesser designation than AONB, Ancient Woodland is nonetheless irreplaceable natural habitat and there are therefore likely be ecological constraints to developing in these areas, whereas the EIA for the Pease Pottage development confirms ecological impacts can be successfully mitigated.

Figure 2: Ancient woodland constraints around south east Crawley



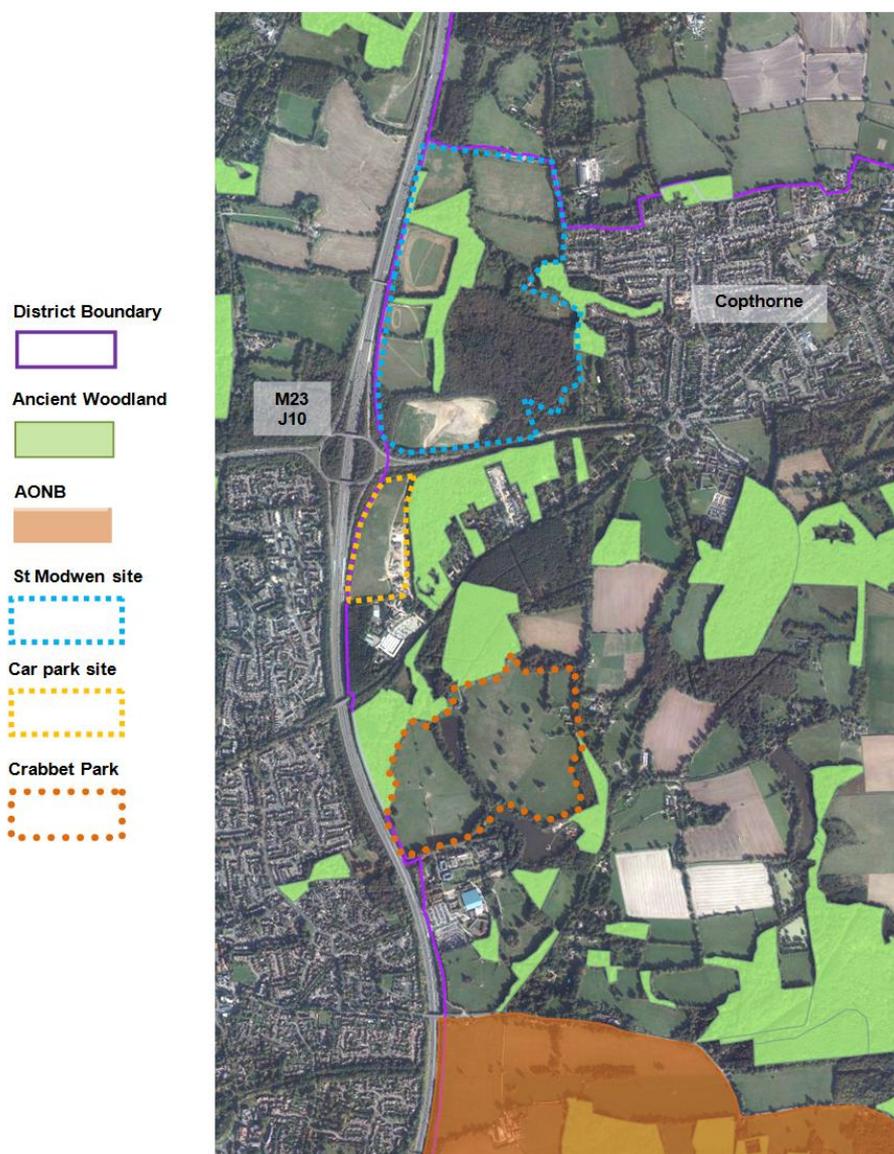
3.14. The only land adjacent to the Crawley boundary that is not under the AONB and/or Ancient Woodland designation is to the north east of the town, close to Junction 10 of the M23. However again, as is apparent from Figure 3, woodland is a significant land use and there are few large areas of accessible and developable land. We also note that around this part of Crawley:

- the largest developable, accessible area, west of Copthorne Way, already has permission for up

to 500 homes, school, surgery, and 15,500sqm employment (St Modwen Developments) As shown in Figure 4 this has been considered under the SHLAA (reference 38) and already contributes to the 5 year housing land supply.

- a large tranche of land adjacent to J10 of the M23 has the benefit of consent to be developed into a 1,500 space off-site airport car park¹⁴
- one of the largest open areas relates to Crabbet Park, which though not a statutorily Registered Park and Garden, is considered a local heritage asset¹⁵. This site has been considered in the SHLAA (reference 18(WO/11)) but identified as not developable, deliverable or achievable.

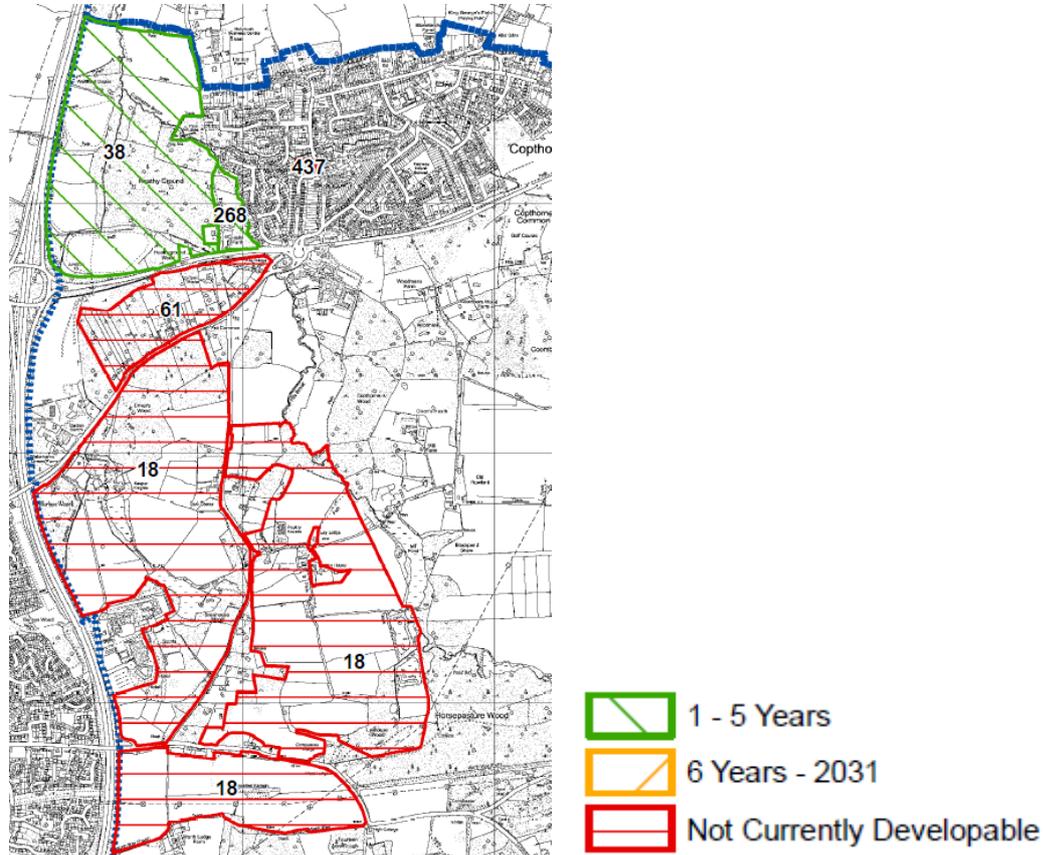
Figure 3: Constraints in non-AONB Mid Sussex District land close to M3 Junction 10



¹⁴ Application reference 12/01020/FUL

¹⁵ <http://www.crawley.gov.uk/pw/web/PUB194608>

Figure 4: Excerpt from map of sites assessed by MSDC in the SHLAA at Worth (NW of Crawley)¹⁶



3.15. Overall, it is clear that there are **no non-AONB sites** within Mid Sussex District, adjacent to Crawley, that are capable of delivering strategic housing growth to respond to the unmet needs of that town. Consequently, positive consideration should be given to the Pease Pottage site which, though positioned within the AONB, this has a number of tangible advantages, including:

- (1) that unlike most of the area it is not under the Ancient Woodland designation;
- (2) it is in a sustainable location (as discussed above) that is directly accessible to the M23 and to Crawley Town Centre;
- (3) it is of sufficient size to provide an urban extension with a mixture of uses, promoting a degree of self-containment;
- (4) the site is within a single ownership and thus deliverable; and also technically developable as demonstrated by the supporting documentation and consultee replies to the current application;

¹⁶ http://www.midsussex.gov.uk/media/3657/worth_all_assessedsites.pdf

(5) because the site is located to the south east of Crawley as opposed to the east or south west, it ensures that the coalescence of Crawley with other larger settlements (particularly Copthorne, Crawley Down and Horsham) is avoided whilst still ensuring local residents remain in the locality and in a sustainable location.

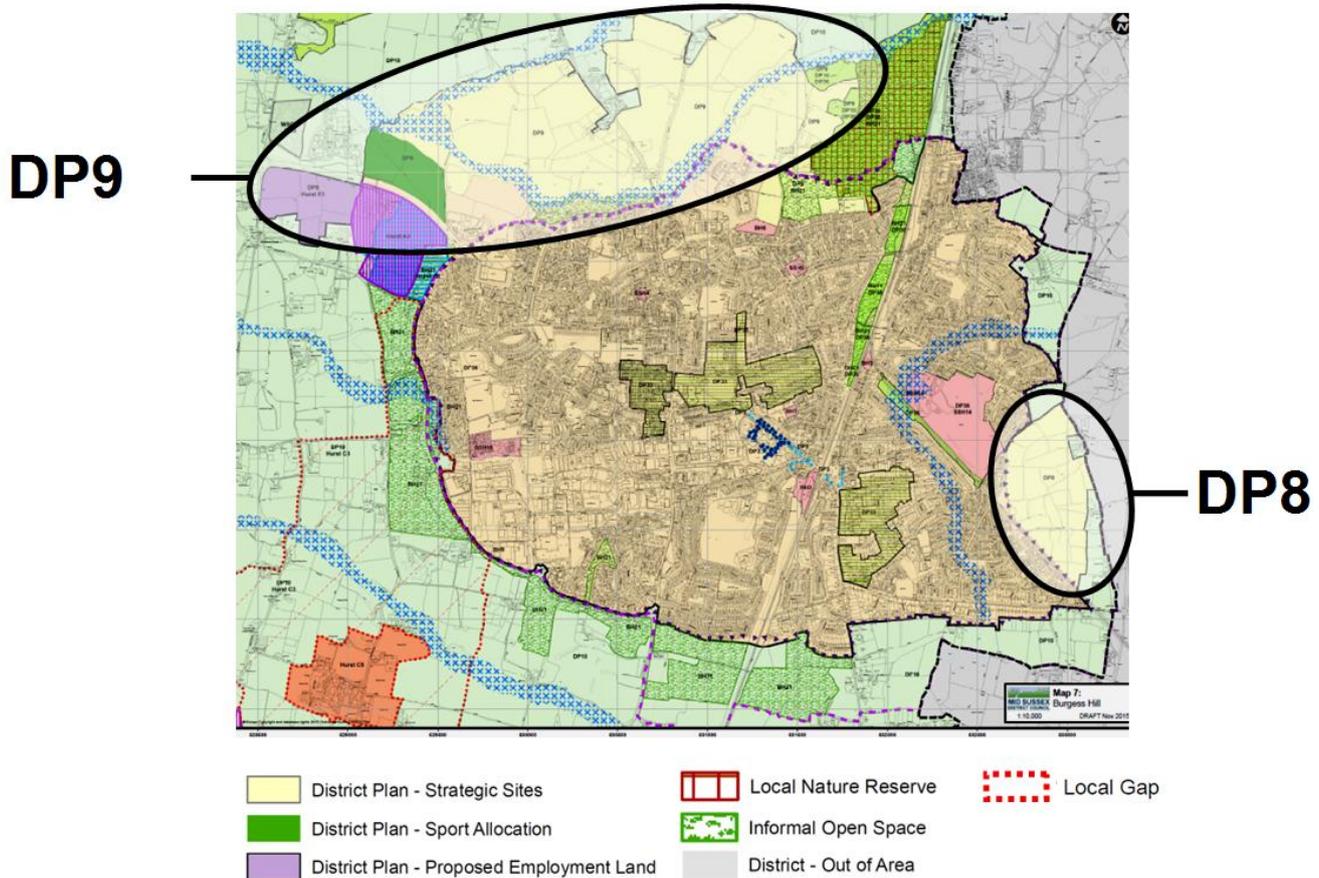
Alternatives at and around Burgess Hill

3.16. Burgess Hill has been identified in the draft MSDP¹⁷ as less constrained than Haywards Heath and East Grinstead and correspondingly, two strategic allocations of housing land are made at the town:

- **Policy DP8** (to the east of Burgess Hill at Kings Way) encompassing up to 480 homes, open space and a local hub; and,
- **Policy DP9** (to the north and north-west of Burgess Hill) encompassing approximately 3,500 homes, neighbourhood centres, education, health, employment, leisure and community uses.

3.17. The broad positions of these strategic allocations are identified in Figure 5 below.

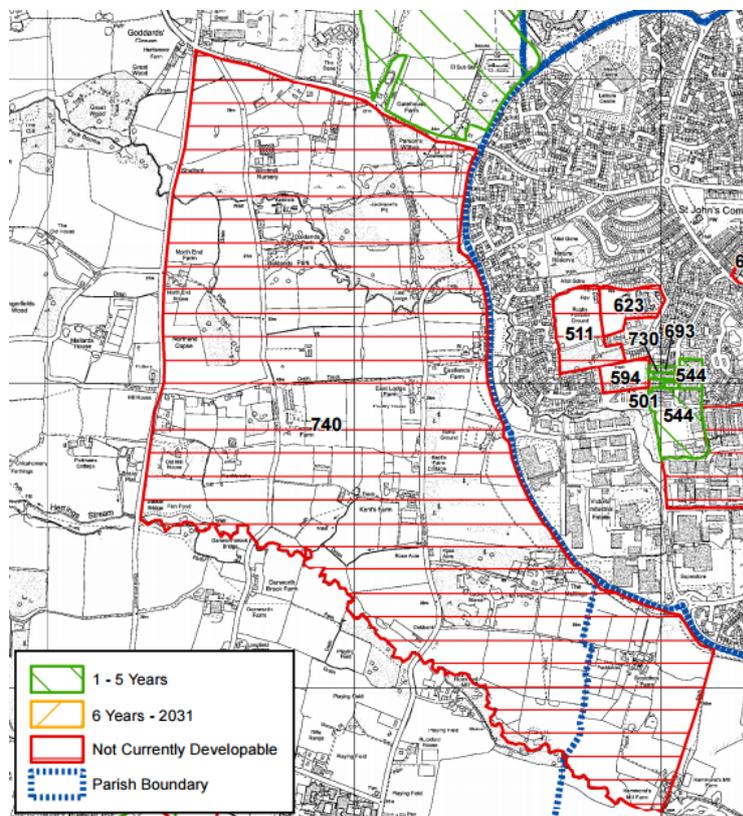
Figure 5: MSDP Strategic Allocations around Burgess Hill (draft Proposals Map 7, Nov 2015)



¹⁷ Paragraph 3.18, page 17 of the June 2015 draft

- 3.18. At Burgess Hill, a total of 5 non-AONB sites over 150 units in size have been identified in the SHLAA process:
- Land to the north/east of Burgess Hill (155 units)
 - Land rear of 88 Folders Lane (242 units)
 - Land south of Janes Lane, Land south of Folders Lane and east of Keymer Road, Burgess Hill (245 units)
 - Victoria Business Park (1,015 units)
- 3.19. However, MSDC has identified in each case that these are not deliverable or developable at any of the assessed phases (1-5 years, 6-10 years and 11+ years). Closer review of Burgess Hill reinforces why there is a lack of potential available and deliverable large sites around the town:
- i. As indicated in Figure 5 above, most of the northern boundary of Burgess Hill is encompassed by the proposed mixed-use allocation DP9; from the Goddards Green area close to the A2300, eastwards around to Freek's Lane / Lowlands Farm;
 - ii. Continuing in a clockwise direction around the town, to the east of DP9 is a Local Nature Reserve (Bedelands Farm), after which is an extensive tract of land around the east of Burgess Hill that is within the Wealden district.
 - iii. The only substantive area of unconstrained MSDC land adjacent to Burgess Hill is then to the south east of the town, and is encompassed within the DP8 allocation area as indicated above;
 - iv. To the south and west of Burgess Hill, there is no contracted developer interest and land is under ownerships, including MSDC ownership along the western edge of Burgess Hill. We note also that the periphery of the built-up area is largely encompassed by Open Space and 'Local Gap' designations; carried forward from the previous Local Plan.
- 3.20. MSDC has previously considered the potential for a major allocation of land to the west of Burgess Hill, between the A273 and Cuckfield Road (Figure 6 below, SHLAA reference 740). However, this area has been identified as not currently developable. This is due to a number of environmental, technical and ownership constraints which are not capable of being resolved during the current plan period.

Figure 6: Excerpt from map of sites assessed by MSDC in the SHLAA at Burgess Hill ¹⁸



3.21. In summary, there is no capacity at Burgess Hill to bring forward an additional large-scale non-AONB housing site as an alternative to Pease Pottage, within the 5 year period necessary to fulfil housing requirements. It is also pertinent that Burgess Hill is at a significant distance from Crawley and thus less appropriate as a location to deliver unmet needs at Crawley, than Pease Pottage itself.

¹⁸ http://www.midsussex.gov.uk/media/3703/burgesshill_assessedsites_x.pdf

Alternatives at and around Haywards Heath

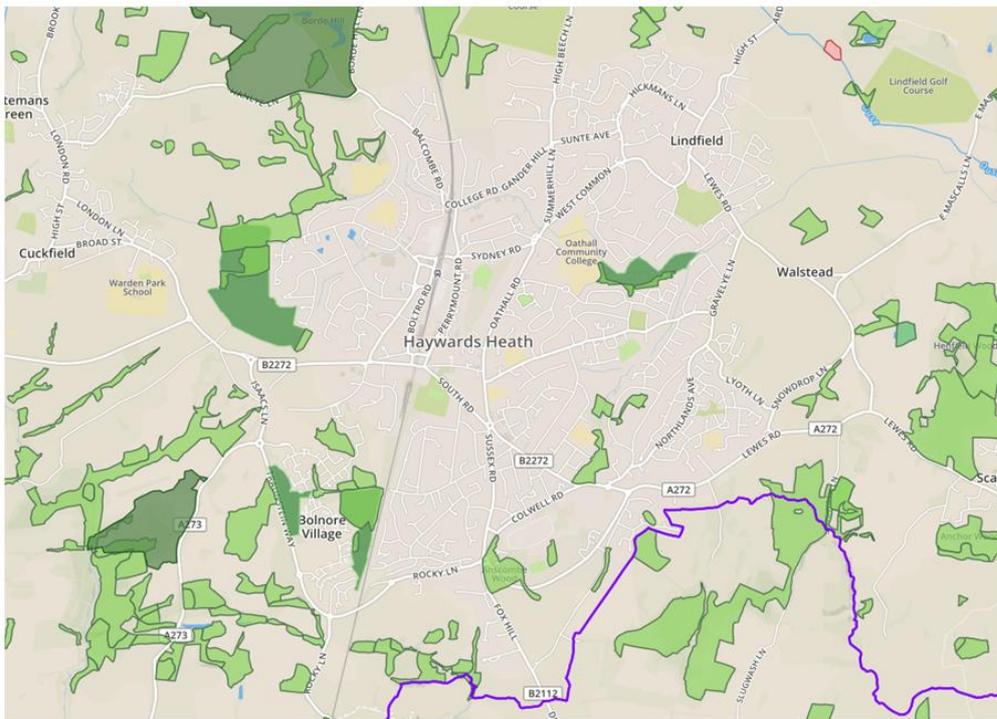
3.22. At Haywards Heath (with Lindfield), a total of 10 non-AONB sites over 150 units in size have been identified in the SHLAA process:

- Land at Gravelye Lane and Scamps Hill (158 units)
- East of High Beech Lane (326 units)
- Spring Lane, (350 units)
- Hurst Farm, Hurstwood Lane (357 units)
- Land North of Wickham Way and East of Birchen Lane (368 units)
- Land South of Scamps Hill (385 units)
- Land to the north of Scamps Hill (490 units)
- Haywards Heath Golf Course, High Beech Lane (511 units)
- Eastlands, Lewes Road, Scaynes Hill (735 units)
- Land north east of Lindfield (1225 units)

3.23. However, none of the above have been identified as deliverable within 1-5 years, with only the Hurst Farm site deliverable within years 6-10 / 11+ and Land at Gravelye Lane in years 11+

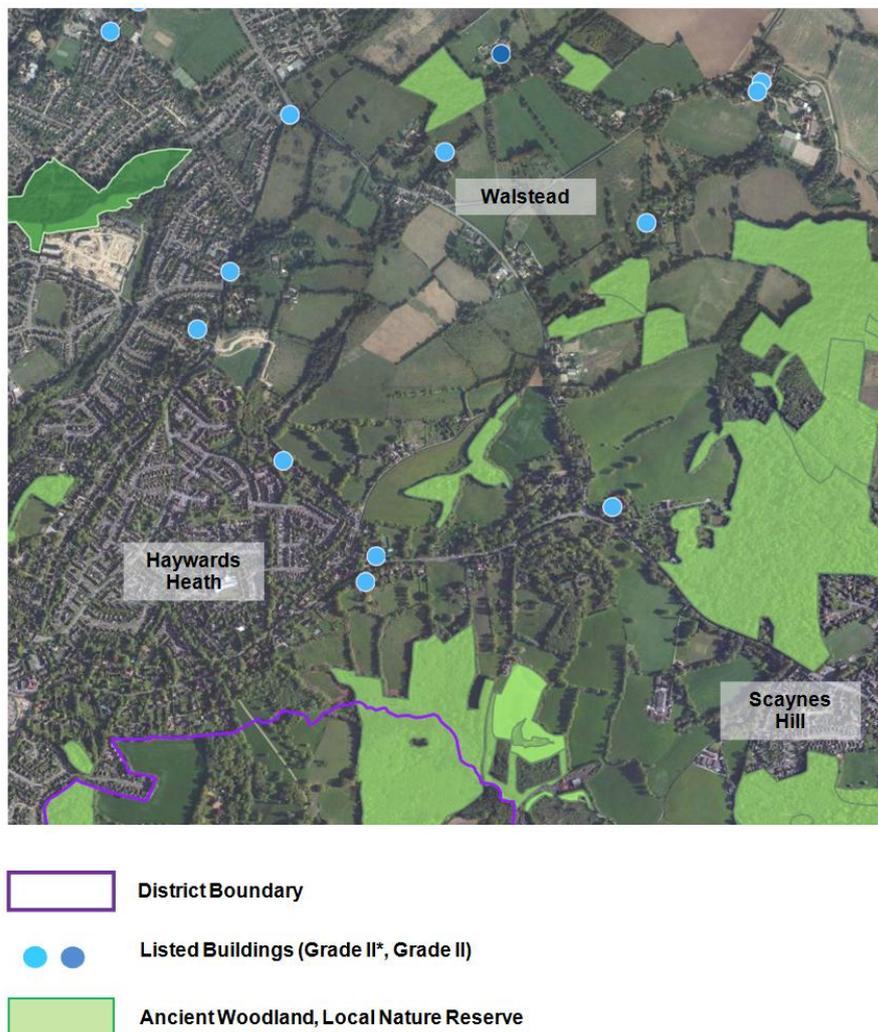
3.24. Although identified as a 'Category 1' settlement, the MSDP has for several reasons not identified strategic allocations of land at Haywards Heath, and closer review reinforces why there is a lack of large sites around the town potentially deliverable within a 5 year timeframe. The town is significantly more constrained in ecological and heritage terms than Burgess Hill, with much of the perimeter of the town either within or adjacent to formal designations, particularly Local Nature Reserves, Ancient Woodlands, and Registered Parks and Gardens. As indicated in Figure 7 these are scattered around the town, with a particular concentration to the west and south-west. Whilst a lower test applies to such designations than to AONB development, combined with complexities in land ownership they introduce a significant hurdle to the assembly and potential delivery of major residential development sites as alternatives to Pease Pottage.

Figure 7: Context of AONB and district boundaries around Haywards Heath



- 3.25. Within the LUC study, paragraph 2.28 (3rd bullet) specifically notes the number of ecological constraints around the town, ‘*whose special characteristics need to be protected and for which damage from development in these locations needs to be avoided.*’ Some areas to the southeast of Haywards Heath are less dominated by such constraints, however as can be seen from Figure 7 above, the district boundary falls nearby limiting the potential for MSDP allocations in this area.
- 3.26. There are areas east of Haywards Heath that are not encompassed by ecological designations, however (as indicated in Figure 8 below) this area is particularly affected by undulating topography, multiple ownerships, and a dense network of small fields, with a significant concentration of listed buildings. Strategic development in this area is thus not appropriate, and would contribute to the merging of settlements such as Walstead and Scaynes Hill.
- 3.27. This area, equally, lacks adequate highway infrastructure and it has been noted in the LUC study (table 2.3) that the Scaynes Hill Wastewater Treatment Works lacks adequate capacity to accommodate additional development.

Figure 8: Constraints to the east of Haywards Heath



3.28. As such, there is no capacity at Haywards Heath to bring forward an additional strategic non-AONB housing site as an alternative to Pease Pottage, within the 5 year period necessary to fulfil housing requirements. As with Burgess Hill, it is also pertinent that Haywards Heath is at a significant distance from Crawley and thus less appropriate as a location to deliver unmet needs at Crawley, as compared with the application site at Pease Pottage.

Alternatives at and around East Grinstead

3.29. Although a 'Category 1' settlement, East Grinstead is a significantly constrained location for strategic growth. As indicated in Figure 9 below, the southern and eastern edges of the town are enveloped by the AONB, whilst the northern edge of the town closely follows the boundary to Tandridge district. To the south and west of the town, there is significant coverage by Ancient Woodland.

Figure 9: Key constraints around East Grinstead

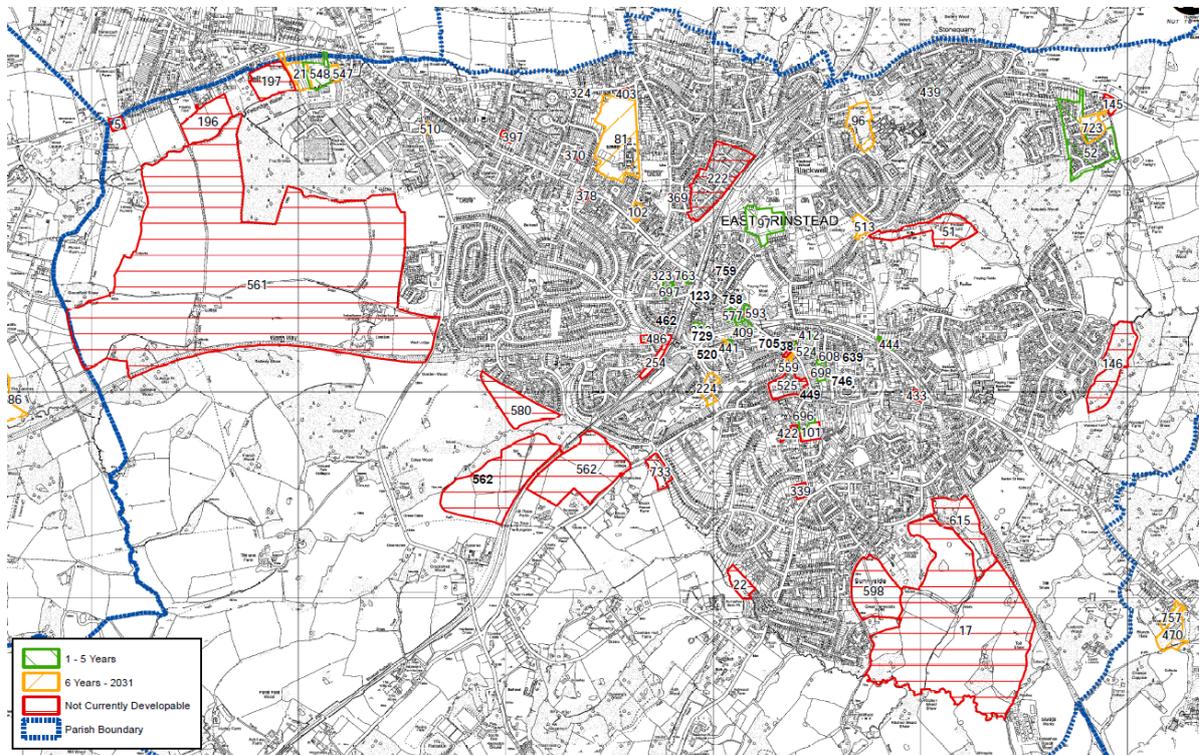


3.30. Therefore, insofar as there is potential for strategic development at East Grinstead, this would be limited to the less constrained areas around Imberhorne Farm, to the west of the town. This area has been assessed in the Council's SHLAA (2016 edition¹⁹), with an area of 120 hectares having been considered (site reference 561 (EG/A/30)). However, the Council's conclusion was that this site is not deliverable within the 1-5 year period, and not developable within the 6-10 or 11+ year period. A range of other sites towards the south west of East Grinstead have also been considered in the MSDC SHLAA, and excluded on the basis of unsuitability²⁰ or unavailability.²¹

¹⁹ http://www.midsussex.gov.uk/media/3692/eastgrinstead_shlaa_chapters_2016.pdf

²⁰ Including Site 562 (Hill Place Farm)

Figure 10: Excerpt from map of sites assessed by in the SHLAA at East Grinstead²²



- 3.31. At East Grinstead, overall a total of 5 non-AONB sites over 150 units in size have been identified in the SHLAA process:
- Charlwoods Industrial Estate (200 units)
 - Imberhorne Lower School, Windmill Lane (325 units)
 - Land at Hill Place Farm to the south west of East Grinstead, west and east of the Bluebell Railway Line (1,306 units)
 - Land to the west of East Grinstead (land at Imberhorne Farm), 3,080 units.
- 3.32. Of the above, only Imberhorne Lower School is considered to be developable, albeit not until the 11+ year period, whilst the others are not considered developable at any stage. As such, there is no potential at East Grinstead to bring forward an additional strategic non-AONB housing site as an alternative to Pease Pottage, within the 5 year period necessary to fulfil housing requirements.
- 3.33. There are a number of other relevant considerations for potential strategic growth at East Grinstead, including:

²¹ Including Site 580 (Land north of Hill Place Farm and south of Worth Way)

²² http://www.midsussex.gov.uk/media/3686/eastgrinsteadx_assessedsites.pdf

- that the entire town is positioned within the 7km buffer around the Ashdown Forest SPA/SAC²³, encompassing the area where residential development would, by definition, be considered to have an adverse effect unless appropriately mitigated;
- a lack of waste water treatment capacity, to accommodate planned housing development. This was reported in the LUC capacity study²⁴ and this affects the Luxford Lane Wastewater Treatment Works (WWTW) which serves the southern part of the town, as well as the Eden Vale WWTW which serves the north and east of the town (LUC study, table 2.3).
- there is an exceedence of NO₂ in terms of Air Quality Regulations at London Road in East Grinstead (LUC capacity study, paragraph 2.89);

3.34. In summary, there is no capacity at East Grinstead to bring forward an additional strategic non-AONB housing site as an alternative to Pease Pottage, within the 5 year period necessary to fulfil housing requirements.

Alternatives elsewhere in Mid Sussex

- 3.35. Across the remainder of the District, a further 24 non-AONB SHLAA sites of above 150 dwellings have been identified²⁵. However, of these only one is deliverable within the 5 year period, and this relates to the Northern Arc proposal which is already the subject of the DP9 allocation.
- 3.36. One further site (land south of Rocky Lane and west of Weald Rise, Ashurst Wood) has been identified as developable within the 6-10 and 11+ year period however this comprises only 164 dwellings²⁶. One further site has been identified as developable within the 11+ year period only, however this relates only to 158 dwellings²⁷.

Scope to implement the development outside of the AONB: Summary

- 3.37. Overall, it is clear that there is not a sufficient supply of non-AONB sites within MSDC that would be capable of being delivered as an alternative to the proposed application at Pease Pottage.

²³ <http://www.midsussex.gov.uk/media/3247/hra7kmdistrictmap.pdf>

²⁴ http://www.midsussex.gov.uk/media/3463/6035_mid_sussex_capacity_study.pdf

²⁵ See table in Appendix 1

²⁶ Land south of Rocky Lane & to the west of Weald Rise and Fox Hill Village, Ashurst Wood

²⁷ Land at Gravelye Lane and Scamps Hill, Lindfield

(ii) Cost of implementing the development outside of the AONB

- 3.38. From the foregoing analysis, it is apparent that there is minimal potential to bring forward alternative sites of 150+ dwellings elsewhere in the district, let alone a strategic-scale urban extension of the nature of Pease Pottage.
- 3.39. As such the costs of implementing development outside of the AONB would include:
- **Delays;** which would result if, for instance, reliance was placed on attempting to accelerate delivery of a diverse range of smaller non-AONB sites across the District, including those SHLAA sites listed in this document, compared with Pease Pottage which is capable of early delivery;
 - **Undermining of housing supply:** Development of the Pease Pottage site could, potentially, commence in 2017, with circa 50 dwellings completed by 2018. Thereafter, and combining both open market and affordable sales, up to 150 dwellings per year are achievable until 2023 when the development would be completed. This could add 10% to the five year housing land supply in the period 2016-21. The Hospice will be delivered from 2019;
 - **Failure to meet Crawley's unmet housing/ hospice need locally;** for instance if this were to be provided in southern areas of the District, promoting a less compact form of development. A series of smaller sites would also potentially not lead to the same level of affordable housing provision, and would fail to meet the needs for hospice care in the locality of Crawley;
 - **Uncertainty,** which would arise from attempting to restructure the settlement hierarchy and spatial approach in the emerging MSDP;
 - **A missed site-specific opportunity** to provide upgrades to M23 J11 and governmental aims to improve regional transport infrastructure;
 - **Additional infrastructure costs** as may be necessary in seeking to deliver alternative sites in a less accessible or well-served location (new wastewater treatment capacity being one example, as highlighted for East Grinstead and Haywards Heath).
- 3.40. Overall, there are significant and specific costs in not releasing the AONB development site at Pease Pottage, and conversely a range of benefits in doing so. As in the West Oxfordshire case cited earlier²⁸, these are all pertinent in considering the planning balance in terms of NPPF paragraph 116.

²⁸ Appeal Decision APP/B3125/W/16/3143885

(iii) The ability to fulfil housing needs in some other way

3.41. The preceding sections have already considered in considerable detail why the housing needs could not be accommodated elsewhere in the district outside of the AONB on sites considered in the SHLAA. Beyond this, other alternative approaches are limited and not likely to be deliverable, for instance:

- **Brownfield development:** Mid Sussex is characterised by only circa 9% built development, and the principal population centres ('Category 1' in MSDC's Settlement Hierarchy²⁹) are Burgess Hill, Haywards Heath, and East Grinstead with populations of circa 30,000, 27,000 and 26,000 respectively. As such, opportunities for significant new development within urban areas are limited and there is no prospect of (or need for) significant urban renewal to bring forward major residential developments as an alternative. In addition, the density and form of development in these locations would less likely lend itself to be a similar project to the proposal (i.e. lower density/ model village development, incorporating a Hospice).
- **Delivering in another authority area.** In certain circumstances it could be considered an alternative option to transfer an authority's housing requirement to another districts and thereby non-AONB locations. However, the prospect of this largely depends on whether an up to date Plan is in production, or not recently adopted. Plans in Horsham, Crawley, Reigate & Banstead and Brighton & Hove have recently been adopted. In other locations, there is already limited scope to meet the objectively assessed housing needs based on the present housing requirement (i.e. wider housing shortfalls). It is considered very unlikely that any adjacent Local Authority could meet any unmet housing need from Mid Sussex District.
- **Provision of a new settlement** There are no credible planning promotions at this time for a new settlement in Mid Sussex District. Land at 'Mayfields' in Horsham District had been promoted for circa 10,000 dwellings, however this site covered two Districts, and was dismissed by the Horsham District Planning Framework Inspector in 2015. It is not known that there are any other active promotions for a new settlement in the District.

3.42. Overall, we consider there is no alternative to the approach set out by MSDC, i.e. to allocate the Pease Pottage site in the emerging MSDP in accordance with a thorough consideration of site constraints, opportunities and deliverability.

²⁹ http://www.midsussex.gov.uk/media/3455/settlement_sustainability_review_final.pdf

4. Effects of the development

4.1. The third bullet point under NPPF paragraph 116 refers to assessing:

'any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated'

4.2. In response this section considers the following matters, in all cases taking into account the moderating impact of the mitigation, enhancement and control measures proposed in the Application:

- i. effects of the proposed development on landscape;
- ii. effects on recreational opportunities;
- iii. other environmental effects.

(i) Effects of the proposed development on landscape

4.3. The Environmental Statement which accompanied this application has examined the potential landscape effects of the development in a full Landscape and Visual Impact Assessment (LVIA). For a fully detailed account of this process, reference should be made to Chapter 9 of the Applicant's Environmental Statement (ES) (November 2015), supplemented by further visualisations (March 2016). However the landscape effects of the proposed development on the AONB are now summarised.

4.4. The application would replace approximately 32.15 ha of farmland, and 2.18 ha of land covered by a composting facility and farm complex, with a new neighbourhood set within an extensive area of open space. The design of the open spaces has been led by the character of the wider area, and will consist of over 19ha of meadows, native woodland, ponds and amenity grass. The open space design has also been specifically structured so as to integrate the new buildings with the wider area, allowing for significant strips of woodland around the site's western, northern and southern boundaries. Buildings have been located and designed so as to restrict their visibility, minimising their height and avoiding the most visually sensitive areas of the site. The current visual setting of the site is limited by dense woodland to the north and east and strong hedgerows on its western side. The southern edge, adjacent to Parish Lane also benefits from an area of dense woodland, as well as hedgerows that incorporate forest-scale oak trees. In allowing the recent appeal in West Oxfordshire³⁰, the Inspector decision affirmed similar factors in considering AONB impacts.

4.5. As a result of the existing landscape setting and the scheme's inherent landscape and visual mitigation measures, the Application will not have a significant adverse effect on the landscape or visual amenity of the wider AONB. Views of the new development will be from an extremely limited area, and include only glimpses of new buildings. In general, the scheme will reinforce the wooded character of the AONB and help replace the urban fringe character provided by the car boot sale, farm complex and composting facility with a high quality residential scheme set within a landscape structure that reflects and reinforces the wider landscape character.

³⁰ Appeal Decision APP/B3125/W/16/3143885

- 4.6. The LVIA also shows that the application would generally have beneficial effects on the site's landscape features, some of which would be significant. The management of the existing areas of woodland would be beneficial, as would the substantial volume of new tree and shrub planting, together with wild flower meadows and wetland species. The proposals would also positively effect water features as the existing woodland pond is retained and actively managed, and new permanent ponds are created as part of the SUDS. There would also be numerous rain gardens and swales created as part of the SUDS overall, providing opportunities for a varied selection of new marginal and aquatic plant species. The proposals would also be beneficial in replacing the existing farm complex and composting facility land uses, with areas of open space and high quality housing development.
- 4.7. With regards to visual amenity, the LVIA shows that the number of visual receptors and extent of area that have views towards the site is already extremely limited and the proposed development structure with integral open spaces and tree planting both within the site and adjacent to its edges, would help to visually integrate the site with the surrounding area. The proposals would therefore not result in any significant adverse visual effects.
- 4.8. Additional visualisations submitted with the application show that the views of the development from the south will change from a large open arable field to one that is more wooded in character, and in some places contains glimpses of the rooftops of proposed buildings. Until the proposed tree planting establishes, some of the closer views will have a more urban feel, with clear views of new housing, however this will significantly change as the new woodland establishes. It is important to recognise that the views from the south are not of the highest scenic quality compared to other parts of the AONB, containing urban fringe/ visual detractors such as highways, kerbs, street lighting, signage, pylons, overhead cables and large modern agricultural sheds. The site and the farmland to the south are also not typical of the highest quality landscapes within the AONB, consisting of large arable fields rather than the smaller, irregular medieval field patterns that are more typical of the High Weald. The introduction of new woodland to the views will instead help to integrate the new development with the character of the adjacent Tilgate Forest and reinstate the site's original historic wooded character.
- 4.9. Overall, the statement and accompanying visualisations confirm that the proposed development would not create significant harm to the AONB, and that there would be some beneficial effects.

(ii) Effects of the proposed development on recreational opportunities

- 4.10. The application at Pease Pottage provides significant recreation opportunities, both off site and on site. With regards to on-site provision, there is considerable potential for on-site recreation on the basis that circa 50% of the site is proposed as open spaces (either informal or formal) including the potential to utilise the school site for recreation.
- 4.11. More broadly, as part of the Section 106 and impact mitigation proposals, access into Tilgate Forest will be promoted and this has been supported by Natural England in its revised consultation response on the application (16 March 2016). This will provide a recreational benefit, and the development will contribute additional funding towards the management of the forest, provision of forestry commission wardens, management company, and more generally a sense of ownership by local people.
- 4.12. Collectively these improvements are significant in promoting understanding and appreciation of the AONB

Planning Statement Addendum

Land East of Brighton Road, Pease Pottage



and the Ancient Woodland and fostering sustainable recreation activities. Overall the development will attract positive environmental effects through the provision of new recreational space etc. to demonstrate the exceptional circumstances necessary to justify development in accordance with NPPF paragraph 116.

(iii) Other environmental effects of the proposed development

4.13. Other environmental effects of the development have also been closely considered in the Environmental Statement, and are summarised below.

- **Traffic & Transport:** The proposed development includes a series of on and offsite improvements to the local road network that will enhance connectivity including pedestrian and cycle links and public transport. Whilst some effects are predicted upon pedestrian and cyclist amenity adjacent to the site, these are not significant. In the vicinity of M23 J11, as a result of the proposed measures, the proposals will significantly increase road safety and reduce the risk of accidents.
- **Noise & Vibration.** No significant noise or vibration would be generated by the proposed development, and through a combination of acoustic bunding and fencing it will be ensured that noise will not result in significant effects upon residents of the proposed development.
- **Air Quality & Odour.** During construction, standard practice measures (e.g. stockpile damping, drop height limits) will be employed to ensure that no significant air quality effects arise. Upon occupation, the predicted change in air quality will be negligible.
- **Ecology.** The proposed development will not impact upon any designated ecological sites. The proposed landscape and ecological design will increase the quality and diversity of habitats within the site, benefiting a range of species. Overall, the proposals are predicted to have a beneficial effect in relation to wildlife.
- **Water Environment.** Suitable management of the construction phase through an Environmental Management Plan will ensure that no significant effects upon the water environment will occur. Upon occupation, through ongoing liaison with the Local Drainage Authority it will be ensured that sufficient capacity is provided within the local network in terms of both water supply and drainage.
- **Ground Conditions.** With the implementation of suitable mitigation measures, no effects associated with ground contamination are predicted. Based upon a detailed assessment of agricultural land it is concluded that the proposed development would not adversely impact upon agricultural activities.
- **Archaeology.** A programme of targeted archaeological investigation and recording is proposed in advance of the development proceeding. This will ensure that the development will not result in any significant archaeological effects.

4.14. Overall, after detailed specialist assessment, the environmental effects of this application have been shown to be acceptable, and indeed various positive effects would arise from the scheme's delivery.

4.15. **Overall the development will attract positive environmental effects to demonstrate the exceptional circumstances necessary to justify development in accordance with NPPF paragraph 116.**

5. Conclusion

- 5.1. The purpose of this Planning Statement Addendum is to provide a detailed and justified evaluation of the Application against paragraph 116 of the NPPF. It contains three principal sections, structured around the three bullet points of paragraph 116, which in essence relate to:
- the **need** for the development (Section 2);
 - possible **alternatives** to the development (Section 3);
 - consideration of the **impacts** of the development (section 4).
- 5.2. This Statement demonstrates that the Application is fundamentally justified under all three, being necessary to fulfil housing needs; the only deliverable means of doing so; and capable of being implemented without significant adverse effects.

Need

- 5.3. In respect of the Need for the development, this is based on:
- the severe and persistent absence of a five year housing land supply in the District (see separate technical note on this matter);
 - the location of the development proposal based on the acknowledged unmet needs of Crawley;
 - various national considerations, notably highways network enhancements to the M23, and the provision of hospice care;
 - wider economic benefits.
- 5.4. Overall, the predicted benefits to the local economy of granting planning permission for the Application are significant, and should be afforded considerable weight in the decision-making process with reference to NPPF paragraph 116. It is notable that the Housing & Planning Act (2016) incorporates a requirement to consider financial benefits in the determination of planning applications (S.155), which is to come into force in the near future.

Alternatives

- 5.5. Notwithstanding the fact that the site is proposed as a draft allocation in the emerging District Plan (MSDP) as tested by the emerging Mid Sussex District Council (MSDC) evidence base, as the Plan is still to be adopted, at this time, the site is still within the High Weald AONB. The relevant evidence base indicates that the District is highly constrained by environmental designations, circa 92% coverage. Over half of the MSDC area is within the AONB.
- 5.6. The Mid Sussex District SHLAA (November 2015) identified 24 non AONB sites with capacities above 150 dwellings and which are adjacent to existing settlement boundaries. These sites have a combined capacity of circa 21,136 units, however, excluding Northern Arc (which is a proposed MSDP allocation for 3,500 dwellings) none of these sites are identified within the SHLAA as being deliverable in the first five years of the MSDP Plan Period. In addition, only an additional 2 sites are deemed to be developable in the 6-10 year period, comprising a total of 521 units over both sites, a combined capacity insufficient to meet that of the site at Pease Pottage.
- 5.7. Analysis of the SHLAA indicates a large proportion of the sites assessed as being not deliverable or developable, and a number of which are within the countryside, not adjacent to existing settlement boundaries. There are no sites identified in the SHLAA analysis capable of matching the Pease Pottage site.
- 5.8. Notwithstanding the SHLAA analysis, this Planning Statement Addendum has reviewed potential development areas around four groups of locations where a similar scale of development could (theoretically) be accommodated:
- **Locations around Crawley, Burgess Hill, Haywards Heath and East Grinstead:** The analysis demonstrates that for a combination of land availability, scale and environmental constraints reasons, there are no available sites (which are deliverable) of a scale capable of accommodating 150+ dwellings, on land immediately adjacent to these four dominant settlements.
 - **Brownfield development:** Mid Sussex is characterised by only circa 9% built development, and the principal population centres are Burgess Hill, Haywards Heath, and East Grinstead with populations of circa 30,000, 27,000 and 26,000 respectively. This restricts development opportunities akin to the Pease Pottage proposal.
 - **Delivering in another authority area:** There are limited opportunities for any unmet need in Mid Sussex to be met by adjacent Authorities, many of whom are struggling to meet their own housing needs.
 - **Provision of a new settlement:** There are no credible planning promotions at this time for a new settlement in Mid Sussex District. Land at 'Mayfields' in Horsham District had been promoted for circa 10,000 dwellings, however, this was dismissed by the Horsham District Planning Framework Inspector in 2015.

Impacts

- 5.9. Overall the development will attract positive environmental effects to demonstrate the exceptional circumstances necessary to justify development in accordance with NPPF paragraph 116. This Addendum has had regard to landscape, recreational and other impacts, and demonstrates the positive net benefits arising from the proposal.

Appendix 1: Other non-AONB SHLAA sites 150 dwellings+

Site	Area	SHLAA ref	Units
Land at Gravelye Lane and Scamps Hill, Lindfield	Lindfield and Lindfield Rural	6	158
Land south of Rocky Lane & to the west of Weald Rise and Fox Hill Village, Haywards Heath	Ashurst Wood	496	164
Hangerwood Farm, Foxhole Lane, Bolney	Bolney	665	175
Land adjacent to the Haven Centre, Hophurst Lane, Crawley Down	Worth	275	175
Land west of Truggers, Handcross	Slaugham	181	189
Land at Wheatsheaf Lane, Cuckfield	Cuckfield	11	193
Land east of College Lane, Hurstpierpoint	Hurstpierpoint	19	193
Land north of the Kings Business Centre, Reeds Lane, Sayers Common	Hurstpierpoint	751	245
Land to the north of Copthorne Road, Copthorne	Worth	61	280
Land east of Borde Hill Lane, Haywards Heath	Ashurst Wood	556	298
Coombe Farm, London Road, Sayers Common	Hurstpierpoint	601	315
East of High Beech Lane, Haywards Heath	Lindfield and Lindfield Rural	76	326
Spring Lane, Lindfield	Lindfield and Lindfield Rural	77	350
Land South of Scamps Hill, Lindfield	Lindfield and Lindfield Rural	483	385
Land to the north of Scamps Hill, Lindfield	Lindfield and Lindfield Rural	237	490
Haywards Heath Golf Course, High Beech Lane,	Lindfield and Lindfield Rural	503	511
Land north of Cuckfield by-pass, Cuckfield	Cuckfield	240	630
Eastlands, Lewes Road, Scaynes Hill	Lindfield and Lindfield Rural	515	735
Land south of Cuckfield Village, Cuckfield	Cuckfield	65	753
Land north east of Lindfield	Lindfield and Lindfield Rural	498	1225
Broad location to the West of Burgess Hill	Hurstpierpoint	740	3395
Land to west of Turners Hill Road, Crawley Down	Worth	688	3492
Northern Arc, Burgess Hill	Ansty and Staplefield	493	3500
Crabbet Park, Old Hollow, Near Crawley	Worth	18	6020

Appendix 3: Comments on the Linden Homes SHLAA example

**SHLAA COMPARISON
HILL PLACE FARM, EAST GRINSTEAD**

	MSDC SHLAA	Section 78 Appeal (Oct/Nov 2016) Outline proposal 200 dwellings	MSDC comments
Site Reference	562		
Site Name	Land at Hill Place Farm to the south west of East Grinstead, west and east of the Bluebell Railway Line		
Suitable	<p>No: Highways: o Not clear how site will be accessed by vehicles and pedestrians and cycles;</p> <p>o Capacity of the site is likely to be determined by transport constraints. Current ceiling estimated to be 190 homes for the whole town;</p> <p>• Landscape: o Site does not represent a natural or incremental extension to the built-up area; o Majority of site low landscape suitability for development;</p>	<p>Yes/No: • Highways (Yes): o MSDC withdrew objection at 11th hour (5-weeks before opening of Inquiry);</p> <p>West Sussex County Council & Surrey County Council “no objection” to application;</p> <p>o West Sussex & Surrey Highway Authorities support package of off-site mitigation measures (circa £500k).</p> <p>• Landscape (No): MSDC maintained Objection, however: o Site not subject to any landscape designations (unlike land to north and east of built-up area); o More sensitive land (in AONB) released elsewhere.</p>	<p>Following further submission of further evidence from both the appellants and Rule 6 part, the Council choose not to provide evidence in support of its case on this matter. Substantial transport evidence “the Jubb Report” was considered at the Inquiry .</p> <p>Yes</p> <p>Yes</p> <p>Yes, (note; comments from the Barton Wilmore strike through)</p>
Available	<p>Yes: • Availability has been demonstrated via a submission to the SHLAA.</p>	<p>Yes • Site available and deliverable immediately.</p>	Yes
Achievable	<p>Yes: • Potential transport infrastructure improvements, community facilities & SPA mitigation measures “may add substantially to the cost of development”.</p>	<p>Yes • S106 completed (addressing): - transport infrastructure; - community facilities; and - 14 ha on-site SANG.</p>	Yes

Constraints/Action required	MSDC SHLAA	Section 78 Appeal (Oct/Nov 2016) Outline proposal 200 dwellings	MSDC comment
	<p>6 constraints identified in SHLAA:</p> <ul style="list-style-type: none"> • Impact on Listed viaduct structure – mitigation required; • Impact on Ancient Woodland – mitigation required; • Transport – infrastructure improvements required; • Access – poor pedestrian and cycle connections; • Landscape & AONB – sensitive development required; • Ashdown Forest SPA – mitigation required; 	<p>1 constraint maintained during Section 78 Appeal:</p> <ul style="list-style-type: none"> • MSDC - no conservation objection (impact upon Listed viaduct "less than substantial"); • No ecology/arboriculture objection (set back from Ancient Woodland); • Transport objection withdrawn (see above) – off-site improvements supported; • No access objection - pedestrian and cycle connections provided; • Landscape objection maintained (see above), albeit Site not situated in AONB; • No SPA objection (14ha SANG provided and funded) 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes (note: comments from the Barton Wilmore strike through)</p> <p>Yes</p>
Proposed density	Lower – 30dph	Lower – 30dph	
Deliverable (1-5), Developable (6-10), Developable (11-15)	0 units 0 units 0 units	200 units - -	
Overall Conclusion	Development of this site in isolation as a 'standalone' site does not represent a natural or incremental extension to the built-up area and it is considered unsuitable for development.	Site is undesignated land, which immediately adjoins existing settlement. MSDC did not object on any other ground except "landscape impact". All other matters were agreed.	Yes, both the SHLAA conclusion and the reason for refusal maintained at appeal were landscape objections. Therefore the SHLAA and the LPA position at the Inquiry were the same.