SA14: Land to the south of Selby Close, Hammonds Ridge - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
307	Mr J Whitbourn			Resident	☐
624	Mr S Harkins	SGN		Statutory Consultee	☐
639	Mr S Trice	Haywards Heath Town Council		Town & Parish Council	☐
667	Mr S Cridland	Burgess Hill Town Council		Town & Parish Council	☐
2065	Mr A Black	Andrew Black consulting	Denton - Horsham Road	Promoter	☐
2067	Mr A Black	Andrew Black consulting	Denton Homes - Butlers green	Promoter	☐
2079	Mr A Black	Andrew Black consulting	Vanderbilt Homes - Hurstwood HH	Promoter	☐
2080	Mr A Black	Andrew Black consulting	Vanderbilt homes - CDR	Promoter	☐
2145	Mr M Day			Resident	☐
2470	Ms E Lake			Resident	☐

307

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**307**
Response Ref:	Reg19/307/2
Respondent:	Mr J Whitbourn
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	✕

[redacted]

From: Whitbourn, John [redacted]
Sent: 03 August 2020 18:36
To: ldfconsultation
Subject: Site Allocations DPD Consultation mainly SA12, SA13 & SA14

Categories: SiteDPD

There must a legal requirement to improve air quality and quality of life by not grid locking the road network designed for 20% of the cars that use it.

There must be a legal requirement to not grid lock the town so that emergency vehicles cannot attend incidents in the required time.

The proposed new developments will put yet more pressure on an overloaded town road network. The new developments off Cants Lane, King Way and Folders lane has increased traffic on Keymer Road, Station Road, London Road and Queen Elizabeth Avenue to cause it to near grid locked. Adding yet more traffic coming of Folders Lane and Keymer Road will grid lock the town.

Roads in the town center will be more impassable due to a large increase in on street parking due to lack of parking spaces for residential town center flats. Possibly making roads un passible for fire engines.

A new road is needed from the Hassock and Haywards Heath and out to the A23.

Realistic parking allocations 2 spaces per residential unit.

Improve air quality and attract business and shoppers by freeing the flow of traffic through the town by removing on street parking on key roads, Junction road, Keymer Road, Folders Lane, Cants Lane, West Street, Leylands Road and Manor Road for example.

Remove the drive through at Mac Donalds and place a drive through only on the business park.

Create amply town center parking for shoppers, bar and restaurant users and cinema goers.

Regards,

John

John Whitbourn
[redacted]

624

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**624**
Response Ref:	Reg19/624/5
Respondent:	Mr S Harkins
Organisation:	SGN
On Behalf Of:	
Category:	Statutory Consultee
Appear at Examination?	×

Site Allocations Development Plan Document
Regulation 19
Submission Draft Consultation Form

The District Council is seeking representations on the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

The Site Allocations DPD, has four main aims, which are:

i) to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
iii) to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
iv) to set out additional Strategic Policies necessary to deliver sustainable development.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The Site Allocations DPD is available to view at:
www.midsussex.gov.uk/planning-building/development-plan-documents/

A number of documents have been prepared to provide evidence for the Site Allocations DPD and these can be viewed on the Council's website at the above address.

Paper copies will also be at the Council offices (see address below) and your local library and available to view if the buildings are able to open during the consultation period.

Please return to Mid Sussex District Council by midnight on 28th September 2020

How can I respond to this consultation?

Online: A secure e-form is available online at:
www.midsussex.gov.uk/planning-building/development-plan-documents/

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so. Consultation responses can also be submitted by:

Post: Mid Sussex District Council
Planning Policy
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

E-mail: LDFconsultation@midsussex.gov.uk

A guidance note accompanies this form and can be used to help fill this form in.

Part A – Your Details (You only need to complete this once)

1. Personal Details

Title	Mr
First Name	Simon
Last Name	Harkins
Job Title (where relevant)	Network Support Assistant
Organisation (where relevant)	SGN
Respondent Ref. No. (if known)	
On behalf of (where relevant)	
Address Line 1	Axis House
Line 2	5 Lonehead Drive
Line 3	Newbridge
Line 4	Edinburgh
Post Code	EH28 8TG
Telephone Number	+44 (0) 131 469 1804
E-mail Address	simon.harkins@sgn.co.uk

……

Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.

Part B – Your Comments

You can find an explanation of the terms used in the guidance note. Please fill this part of the form out for each representation you make.

Name or Organisation: SGN

3a. Does your comment relate to:

Site Allocations DPD	x	Sustainability Appraisal		Habitats Regulations Assessment	
Community Involvement Plan		Equalities Impact Assessment		Draft Policies Maps	

3b. To which part does this representation relate?

Paragraph		Policy SA		Draft Policies Map	

4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.	Yes		No	
4b. Sound	Yes	x	No	

5. With regard to each test, do you consider the Plan to be sound or unsound:

	Sound	**Unsound**
(1) Positively prepared	x	
(2) Justified	x	
(3) Effective	x	
(4) Consistent with national policy		

6a. If you wish to support the legal compliance or soundness of the Plan, please use this box to set out your comments. If you selected '**No**' to either part of question **4** please also complete question **6b**.

I wish to support the soundness of the plan. I have no comments to make at this stage, but would like to offer my support for the future. I have also reviewed all sites in the DPD and their impact on the SGN gas infrastructure, if you so wish I would be happy to share a high-level review of my findings.

t is

6b. Please give details of why you consider the Site Allocations DPD is not legally compliant or is unsound. Please be as precise as possible.

7. Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

	No, I do not wish to participate at the oral examination		**Yes**, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please notify me when:

(i) The Plan has been submitted for Examination	x
(ii) The publication of the recommendations from the Examination	x
(iii) The Site Allocations DPD is adopted	x

Signature:	*S.Harkins*	Date:	25/09/2020

Thank you for taking time to respond to this consultation

[redacted]

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 14 October 2020 15:58
To: [redacted]
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon [redacted]

Please find my feedback below. If you have any questions, then please let me know and I would be happy to help.

NETWORK OVERVIEW

From reviewing the impact that the Mid Sussex potential developments have on the gas infrastructure, I have identified that there are two areas of concern. The first is Burgess Hill, it is an area which is close to capacity and from the accumulative impact of all developments in and surrounding the town, it is likely that reinforcement will be required in the future to ensure security of supply to our customers.

The main trigger of the reinforcement is the 3,500 dwelling site *North and North West Burgess Hill*. From reviewing the trajectory of the site and analysing it on our Network Analysis Model, we expect that reinforcement will be required for 2025/26. Please note that this is just an estimate at this time of writing, it may have to go ahead before then or could be delayed due to development construction issues down to the Covid-19 pandemic. It is also worth noting that if it is delayed and UK governments stance to stop all new domestic connections post 2025 is upheld, then no reinforcement may be required.

The other area of concern is south east of Haywards Heath. This is a single fed leg that enters the Lewes district. The weakest point is at the tail of the system, however the reinforcement itself would be required upstream of the tail in the Mid Sussex district. An accumulative impact of small developments in Lewes and the site *Rogers Farm, Fox Hill,* are the trigger's for the reinforcement. It is expected that the reinforcement is likely to go ahead some time in our next price control period (April 2021 – March 2026)

Other Considerations

If any unexpected large demand sites, such as peaking power plants, were to connect to the system, then further analysis will be required.

Reinforcement of the existing Low Pressure (LP) network may be necessary to support development in Mid Sussex. This is dependent on the site demand and the final point of connection to SGN's network, which is usually only known to ourselves when a connections request is made.

SGN are unable to book capacity and the above assessment does not guarantee the availability of future capacity which is offered on a 'first come, first served basis'.

STATUTORY OBLIGATIONS

Where required, SGN will look to manage the provision of any off site infrastructure improvements, in line with the overall development growth and / or timescales provided. The full extent of these works will be dependent on the nature and location of the requested load(s), potentially requiring LP reinforcement in addition to that required for the IPMP networks, and will only become clear once a developer's request has been received. Reinforcement

solutions are likely to involve the provision of a new pipeline in parallel to SGN's existing mains system, but may also include the installation of above ground apparatus involving land purchase.

As this is a high level assessment and response, the information provided is indicative only and should be use as a guide to assist you on your assessment. While information obtained through consultation and / or engagement on Local Development Plans is important to our analysis, it only acts to identify potential development areas. Our principle statutory obligations relevant to the development of our gas network arise from the Gas Act 1986 (as amended), an extract of which is given below:-

Section 9 (1) and (2) which provides that:

9. General powers and duties

(1) It shall be the duty of a gas transporter as respects each authorised area of his:-
(a) to develop and maintain an efficient and economical pipe-line system for the conveyance of gas; and
(b) subject to paragraph (a) above, to comply, so far as it is economical to do so, with any reasonable request for him -
(i.) to connect to that system, and convey gas by means of that system to, any premises; or
(ii.) to connect to that system a pipe-line system operated by an authorised transporter.

(1A) It shall also be the duty of a gas transporter to facilitate competition in the supply of gas.

(2) It shall also be the duty of a gas transporter to avoid any undue preference or undue discrimination -
(a) in the connection of premises or a pipe-line system operated by an authorised transporter to any pipe-line system operated by him; and in the terms of which he undertakes the conveyance of gas by means of such a system.

SGN would not, therefore, develop firm extension or reinforcement proposals until we are in receipt of confirmed developer requests.

As SGN is the owner and operator of significant gas infrastructure within the Mid Sussex area and due to the nature of our licence holder obligations;

- Should alterations to existing assets be required to allow development to proceed, such alterations will require to be funded by a developer.
- Should major alterations or diversions to such infrastructure be required to allow development to proceed, this could have a significant time constraint on development and, as such, any diversion requirements should be established early in the detailed planning process.

SGN would therefore request that, where the Council are in discussions with developers via the Local Plan, early notification requirements are highlighted.

Additionally, SGN are aware of the advances being made in renewable technologies, especially those related to the production of biomethane. Should any developer be proposing to include such technology within their development, then we would highlight the benefits of locating these facilities near existing gas infrastructure. Again, where the Council are in discussions with developers via the Local Plan, we would hope that these early notifications requirements are highlighted.

Please let me know if the above information is sufficient for your requirements at present. We would also welcome any future updates to your plans.

Kind regards,

Simon Harkins
Network Support Assistant, Long Term Strategy
T: +44 (0) 131 469 1804 (Internal: 31804)
E: simon.harkins@sgn.co.uk

SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG
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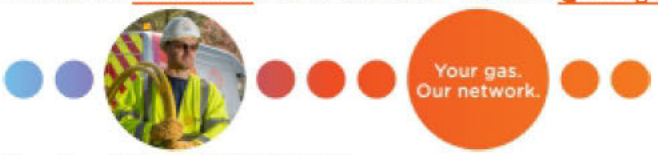

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Find out how to protect your home from carbon monoxide

Classified as Internal

From: [redacted]
Sent: 13 October 2020 11:11
To: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Cc: ldfconsultation <ldfconsultation@midsussex.gov.uk>
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Dear Mr Harkins,

Thank you for your response to the recent Regulation 19 consultation on the Sites DPD.

In your comment you state: *I have also reviewed all sites in the DPD and their impact on the SGN gas infrastructure, if you so wish I would be happy to share a high-level review of my findings.*

I'd be grateful if you could please clarify what high-level comments you have on the sites and their impacts on SGN gas infrastructure in order for us to determine whether any modifications are required to the plan or the evidence base.

Kind regards,

[redacted]
Senior Planning Officer
Planning Services
[redacted] http://www.midsussex.gov.uk

N.B. My working days are Tuesday – Thursday inclusive.

Submit your planning application online.
http://www.planningportal.gov.uk

How are we doing? We always welcome your feedback

Working together for a better Mid Sussex

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 25 September 2020 12:05
To: ldfconsultation <ldfconsultation@midsussex.gov.uk>
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Good Afternoon,

Please see attached Response Form. Unfortunately I could not use the Online Response form, as it came up with error messages when I pressed the Next button.

If you require any further information from myself then please get in touch.

Kind regards,

Simon Harkins
Network Support Assistant, Long Term Strategy
T: +44 (0) 131 469 1804 (Internal: 31804)
E: simon.harkins@sgn.co.uk
SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG
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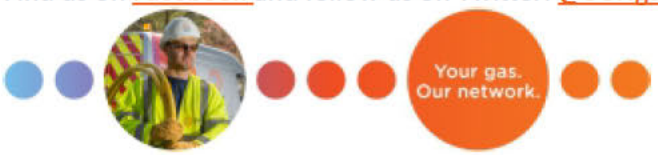

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Classified as Internal

From: Mid Sussex District Council - Planning Policy <planningpolicy@midsussex.gov.uk>
Sent: 03 August 2020 16:09
To: Customer <customer@sgn.co.uk>
Subject: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

View this email in your browser

sustainable development.

The Council must publish the version of the Site Allocations DPD that it intends to submit to the Planning Inspectorate for Examination. At this stage of consultation, the Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the National Planning Policy Framework (NPPF). These are the broad areas that the Inspector will focus on in examining the Plan.

Comments will be considered by an independent planning inspector alongside the submitted Site Allocations DPD at a future Public Examination before deciding whether the Plan can be adopted by the Council.

The District Council will summarise the main issues from the consultation for the Inspector. The Inspector will also receive copies of the representations submitted.

All of the consultation documents, Community Involvement Plan, Statement of Representations Procedure, and further information can be viewed online at: www.midsussex.gov.uk/SitesDPD

Comments can be submitted:

Online: Online Form at www.midsussex.gov.uk/SitesDPD
Post to: Planning Policy, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS
E-mail to: LDFconsultation@midsussex.gov.uk

Responses must be received by **midnight on the 28th September 2020.**

If you have any queries about this consultation, please e-mail: planningpolicy@midsussex.gov.uk

Our address is:
Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

planningpolicy@midsussex.gov.uk

You are receiving this email as you are either a Statutory Consultee, subscribe to the Planning Policy Update mailing list, or made a response to the Site Allocations DPD Regulation 18 consultation.

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.

[redacted]

From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 15 October 2020 13:05
To: [redacted]
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Hello [redacted]

The potential capacity issue in Haywards Heath is only from housing. Burgess Hill however, the cause is the accumulative impact from all developments, including the employment allocations *Burnside Centre* and *Site of Former KDG*. Regarding the Science and Technology Park, north west of Burgess Hill it is likely (but not impossible) that if this does connect to the gas network it will connect to a separate system, where it will have no impact to the potential capacity issue at Burgess Hill.

Hope this helps, please feel free to send me any other questions.

Kind regards,

Simon Harkins
Network Support Assistant, Long Term Strategy
T: +44 (0) 131 469 1804 (Internal: 31804)
E: simon.harkins@sgn.co.uk
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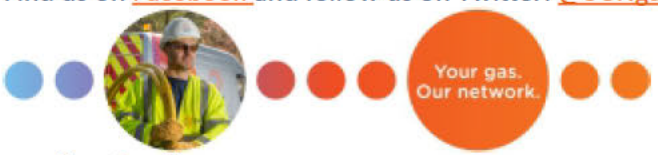

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Classified as Internal

From: [redacted]
Sent: 15 October 2020 12:44
To: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

Dear Simon,

I note you highlight potential capacity issues at Burgess Hill and Haywards Heath – could you please confirm if this relates to all the proposed employment allocations as well as the housing in each of the locations or just the latter?

Kind regards,

[redacted]

Senior Planning Officer
Planning Services
[redacted] http://www.midsussex.gov.uk

N.B. My working days are Tuesday – Thursday inclusive.

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From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 14 October 2020 15:58
To: [redacted]
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

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Please let me know if the above information is sufficient for your requirements at present. We would also welcome any future updates to your plans.

Kind regards,

Simon Harkins
Network Support Assistant, Long Term Strategy
T: +44 (0) 131 469 1804 (Internal: 31804)
E: simon.harkins@sgn.co.uk
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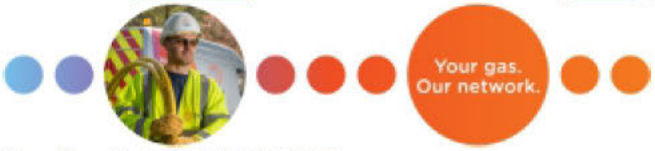

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Classified as Internal

From: [redacted]
Sent: 13 October 2020 11:11
To: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Cc: ldfconsultation <ldfconsultation@midsussex.gov.uk>
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

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Senior Planning Officer
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[redacted] http://www.midsussex.gov.uk

N.B. My working days are Tuesday – Thursday inclusive.

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From: Harkins, Simon <Simon.Harkins@sgn.co.uk>
Sent: 25 September 2020 12:05
To: ldfconsultation <ldfconsultation@midsussex.gov.uk>
Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

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Kind regards,

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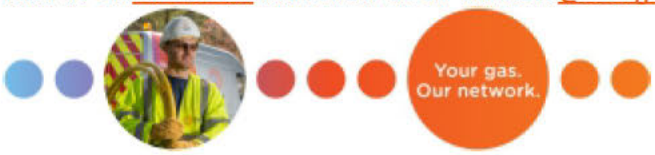

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Classified as Internal

From: Mid Sussex District Council - Planning Policy <planningpolicy@midsussex.gov.uk>
Sent: 03 August 2020 16:09
To: Customer <customer@sgn.co.uk>
Subject: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

View this email in your browser

sustainable development.

The Council must publish the version of the Site Allocations DPD that it intends to submit to the Planning Inspectorate for Examination. At this stage of consultation, the Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the National Planning Policy Framework (NPPF). These are the broad areas that the Inspector will focus on in examining the Plan.

Comments will be considered by an independent planning inspector alongside the submitted Site Allocations DPD at a future Public Examination before deciding whether the Plan can be adopted by the Council.

The District Council will summarise the main issues from the consultation for the Inspector. The Inspector will also receive copies of the representations submitted.

All of the consultation documents, Community Involvement Plan, Statement of Representations Procedure, and further information can be viewed online at: www.midsussex.gov.uk/SitesDPD

Comments can be submitted:

Online: Online Form at www.midsussex.gov.uk/SitesDPD
Post to: Planning Policy, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS
E-mail to: LDFconsultation@midsussex.gov.uk

Responses must be received by **midnight on the 28th September 2020.**

If you have any queries about this consultation, please e-mail: planningpolicy@midsussex.gov.uk

Our address is:
Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

planningpolicy@midsussex.gov.uk

You are receiving this email as you are either a Statutory Consultee, subscribe to the Planning Policy Update mailing list, or made a response to the Site Allocations DPD Regulation 18 consultation.

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639

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**639**
Response Ref:	Reg19/639/4
Respondent:	Mr S Trice
Organisation:	Haywards Heath Town Council
On Behalf Of:	
Category:	Town & Parish Council
Appear at Examination?	×

[redacted]

From: Steven Trice <Steven.Trice@haywardsheath.gov.uk>
Sent: 28 September 2020 20:28
To: ldfconsultation
Subject: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19) Response HHTC
Attachments: MSDC - Reg 19 Consultation Draft Site Allocations SPD 280920.pdf

Dear Sir or Madam,

Please find attached a response to the MSDC Planning Policy - Site Allocations DPD Consultation (Regulation 19) consultation, which was approved by the Town Council's Planning Committee on the 28th September 2020.

Regards

Steven Trice
Town Clerk
Haywards Heath Town Council
Tel – 01444 455694

Mid Sussex District Council - Draft Site Allocations Development Plan Document (SADPD) - Regulation 19 Consultation

Members in reviewing the SADPD referred specifically to site allocation SA21 Rogers Farm and as per the regulation 18 consultation in November 2019 upheld their opposition to the site being included in the SADPD.

Rogers Farm SA 21

Haywards Heath Town Council (HHTC) objects to the inclusion of this additional site, on the grounds of its poor connectivity and sustainability (in relation to its setting and distance of the Town Centre and local services) and on the basis that it conflicts with Haywards Heath Neighbourhood Plan (HHNP) as it is not within the approved built line of the Town. HHTC objects to the consideration of any development in this area of the Town curtilage, which for the absence of doubt means we must object to the inclusion of Rogers Farm.

However, matters have moved on with regards to environmental flooding issues on the adjacent site of Gamblemead, which have deemed to be mitigated, but that still does not give HHTC comfort that Rogers Farm will not exacerbate any flooding issues or cause more environmental damage. The allocation of Rogers Farm is still vastly outweighed by the negative environmental challenges it poses to the neighbourhood and community, and therefore does not provide a significant addition to our combined 5 year land supply.

HHTC would again remind you of the subsequent appeal dismissed by an Inspector for the above reasons.

> Please note (Previous) COMMENTS FROM HAYWARDS HEATH TOWN COUNCIL ON A SUPPLEMENTARY ISSUE RELATING TO APPLICATION NUMBER DM/19/2764 – GAMBLEMEAD, FOX HILL
> Further to our comments supporting an additional 19 units on the Gamblemead site, Councillors have received direct complaints from residents in Cape Road, detailing serious flooding issues in, or proximate to, the restricted build area. The flooding has necessitated emergency removal of surface water. These actions have been required to prevent wider contamination of the nearby water course with foul/raw sewage. Considering this ongoing problem, the Town Council now requests that any decision to approve this additional build is deferred, pending a full drainage report detailing how this ongoing problem will be rectified. Currently, residents suffer noise from site gate opening and closing every few minutes during the night and the noise and disturbance from tankers entering and leaving the site. The antisocial noise emanating from this unwanted activity is reducing residents' enjoyment of their homes, and disturbing their sleep, so may constitute a further environmental health issue.

Further to (above) HHTC previous revised/additional comments for the additional 19 units at the Gamblemead development, 19/2764 submitted 31/10/2019 – HHTC do not have sufficient confidence to support or indeed promote any further development proximate to this location.

With specific reference to page 55 SA21 of the Draft Site Allocations DPD
****The requirement to prevent water course contamination evacuation of raw sewage/contaminated water via the ongoing provision of 24/7 tanker operation during adverse weather conditions is unacceptable.**

The SA 21 extracted sections below underline the gravity of the environmental

challenge this additional site would pose unless a permanent and sustainable solution is provided BEFORE any planning application is considered.

Biodiversity and Green Infrastructure
Undertake a holistic approach to Green Infrastructure provision through biodiversity and landscape enhancements within the site that connect to the surrounding area.
• Conserve and enhance areas of wildlife value to ensure there is a net gain to biodiversity. Avoid, mitigate and compensate for any loss to biodiversity through ecological protection, enhancement and mitigation measures.
• Incorporate SuDs within the Green Infrastructure provision to improve biodiversity and water quality.

No mitigation provided by MSDC/WSCC- Previous HHTC comments apply requiring provision of traffic lights at the junction of Fox Hill/Hurstwood Lane, combined with a speed limit reduction to 30 MPH.

Flood Risk and Drainage
The north western area of the site is at risk of surface water flooding due to the close proximity of watercourses and should not therefore be developed. Provide a Flood Risk Assessment (FRA) to inform the site layout and any necessary mitigation measures that may be required. Any existing surface water flow paths across the site must be maintained.
• Incorporate Sustainable Drainage Systems as an integral part of the Green Infrastructure and open space proposals to improve biodiversity and water quality.

Same comments apply to the extant permissions granted for the Gamblemead sit have NOT been delivered, and therefore remain in breach. **Contaminated Land.** No specific land contamination identified.

HHTC still would like to re-state its concern of the impact of Burgess Hill sites SA 12 to SA 17

With the development sites SA 12 to SA 17 being proximate to Haywards Heath, it will have a significant impact on Haywards Heath.

****note; there are already 15,000 car movements a day up and down Isaacs Lane with 1,500 in the rush hour. It is anticipated another 3,000 movements based on employment moves, another 2,000 from the 4000 homes developed plus 4,000 desire travel line car movements resulting from the new road network.* We have considerable ongoing concerns relating to road safety and the impact for residents using Isaacs Lane and the Bolnore Roundabouts. In addition,

Valebridge Road to Wivelsfield Station there are no transport links between HH and BH.

Contract needed with Metrobus reference sustainable transport between BH/HH.

Driving tendencies/consequences relating SA12-17 on HH. HHTC has considerable ongoing concerns relating to through traffic moving through the town on a north/south basis, to/from BH. HHTC further notes the constraints confirmed in 3.9 of the site allocations DPD “HH is particularly effected by the A272 passing around the Town and high car dependency. Drivers detouring through the town centre further exacerbate the problem

HH to BH cycle path must be delivered promised in 18/5114 Northern Arc application.

Due to increased traffic through HH, HHTC needs additional financial support to mitigate the adverse effects on the Town, by provision of section 106 contributions. We note this may not be appropriate and that direct provision of infrastructure improvements would be more practical such as improving major arterial roundabouts

Ends
Haywards Heath Town Council – 28/09/20

667

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**667**
Response Ref:	Reg19/667/7
Respondent:	Mr S Cridland
Organisation:	Burgess Hill Town Council
On Behalf Of:	
Category:	Town & Parish Council
Appear at Examination?	×

[redacted]

From: Emily Bryant [redacted]
Sent: 16 September 2020 09:34
To: ldfconsultation
Cc: Steve BHTC; Cllr Janice Henwood
Subject: Site Allocations DPD Response BHTC Planning Committee
Attachments: Site Allocations DPD response.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: SiteDPD

Good morning,

Please find attached the response from the Burgess Hill Town Council Planning Committee on the Site Allocations DPD Consultation.

Kind regards,

Emily Bryant
Projects and Administration Officer
Direct Line : 01444 238206

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RESPONSE 16 SEPTEMBER 2020 – BHTC PLANNING COMMITTEE

The Committee reiterated their previous response on the consultation, which listed all of the policies that specific sites contravene, with the addition of the specific comments on SA12, 13, and 15 made at the meeting on 1 September 2020.

There is a failure to take proper account of the planning context set out in the District Plan as Burgess Hill already meets its minimum requirements in the District Plan.

SA12:
This contravenes Neighbourhood Plan Core Objective 5 and Policy H3

SA13:
This site houses an historic field system and its development would have a negative impact on biodiversity contravening District Plan Policy DP37. The Sussex Biodiversity Record Centre has stated that this site contains important species of flora and fauna which are internationally protected. The site would cause coalescence with the villages south of Burgess Hill (Keymer and Hassocks) which contravenes District Plan Policy DP13. Inclusion of SA12 and SA13 takes no realistic account of severe traffic issues which have been identified in three previous proposals.

SA15:
There is an ancient woodland as part of this site, and its development would contravene District Plan Policy DP37. The application contravenes Neighbourhood Plan Core Objective 5 and Polices G1 and G3.

PREVIOUS RESPONSE SUBMITTED NOVEMBER 2019

SA2:

The Committee noted that there was an inaccuracy in the description – there was no mention that Burgess Hill Shed were based at the centre. As this was a valuable community resource, they should also be found alternative accommodation, as well as a replacement facility for the adults with learning difficulties. There should be a comprehensive study of what is required in the town before Burnside is removed.

SA3:

It was noted that this site already had planning permission for industrial use.
The Committee requested it was used for housing as in the Neighbourhood Plan. It was noted that there was a traffic issue around the bend of Victoria road, and the Committee requested a link road.

SA12 and 13:

The sites contravened District Plan policies DP7, DP12, DP13, DP18, DP20, DP21, DP26, DP37, DP38, and Neighbourhood Plan core objective 5, and policy H3.

There were a significant number of problems with this site which make it unsustainable.

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

This site allocation would contradict the Town Council's Environmental Charter, and any significant loss of trees would impact the aim to be carbon neutral by 2050. It was noted that we were now in a climate emergency.

SA14:

Comments: No objections.

SA15:

The Committee noted that this site was supposed to be part of the 'Green lung', and had a significant number of trees. This Site Allocation would contradict the Town Council's Environmental Charter, and any significant loss of trees would impact the aim to be carbon neutral by 2050. It was noted that we were now in a climate emergency. The Committee wished that it be highlighted that the area was a habitat for nightingales, a species on the red list and in danger of extinction.

Site Allocation SA15 contravened District Plan policies DP7, DP21, DP22, DP26, DP37, DP38, Neighbourhood Plan core objective 5, and Neighbourhood Plan policies G1 and G3.

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

SA16:

The Committee questioned the deliverability of this scheme within the current time frame, as it involved numerous aspects of the development coming together.

The Committee wished to further understand the impact on primary education in this area of the town. What was the plan to re-provision places from residents in the South side of the town?

There should not be any significant development until the impact of the existing major developments has been fully absorbed and understood. When looking at future housing sites it should be done in a more strategic manner, rather than looking at individual sites in isolation.

There should be a holistic approach to the impact from all of the developments and how they impacted on the traffic flow within the town.

SA17:

Comments: No objections.

2065

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**2065**
Response Ref:	Reg19/2065/5
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Denton - Horsham Road
Category:	Promoter
Appear at Examination?	×

Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19) Consultation

Representation on behalf of Denton Homes – Land North of Horsham Road, Pease Pottage

September 2020

Project	MSDC Draft Site Allocations DPD
ABC Reference	ABC/0075/07a
Local Authority	Mid Sussex District Council
Client	Denton Homes
Issue	Final
Author	Andrew Black
Date	September 2020

Contents

1. Introduction

1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Denton Homes regarding two linked sites within their control at Horsham Road in Pease Pottage.

1.2 The two sites are known as *Land at former Driving Range, Horsham Road, Pease Pottage* (SHELAA ID 219) and *Land north of the Former Golf House, Horsham Road, Pease Pottage* (SHELAA ID 818)

1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.

1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:

a) positively prepared
b) justified
c) effective, and
d) consistent with national policy.

1.5 It is with this in mind that these representations are made.

1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.

1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.

1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

2.1 The two sites are located within close proximity of each other as highlighted in the below SHELAA map.

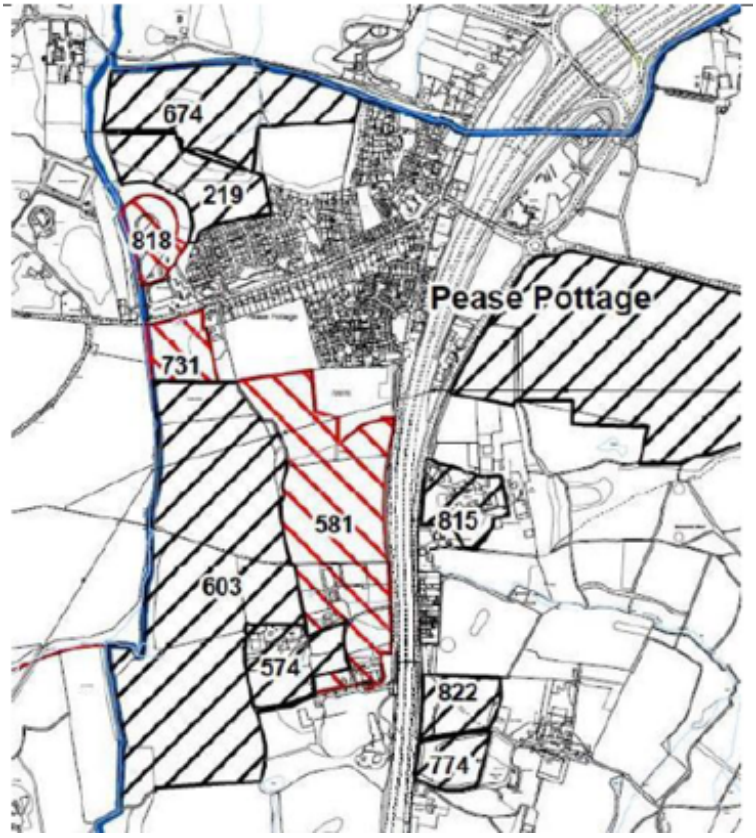

Figure 1 – SHELAA Extract

2.2 The sites were assessed in the most recent under SHELAA (Ref 219 and 818) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were note within the HELAA form which are addressed below.

Surrounding Developments and Proposed Allocations

2.3 Both sites are in close proximity to areas which have been developed for housing in recent years.

2.4 To the south of the sites, permission was granted at appeal for the redevelopment of the former area of Golf Course for 95 dwellings which has been subsequently completed.

2.5 The application was submitted in 2013 (13/02994/OUT) and refused at local level before being allowed at appeal in 2014 (ref APP/D3830/A/2215289)

Figure 2 – Riverdale Homes site layout

2.6 The site directly to the west of the Golf Course site which comprised of the former club house and driving range was granted permission for the *demolition of existing buildings and redevelopment of the site to provide 25no. dwellings with associated access, parking and landscaping and other associated works* (Ref DM/17/0747).

Figure 3 – Approved layout on land to south (forming access road)

2.7 The site provides an access to the further parcels at the rear of the site (SHELAA ref 219 and 818)

2.8 The Proposals Map for the SADPD shows the significant growth forecasted in Pease Pottage in the lifetime of the plan.

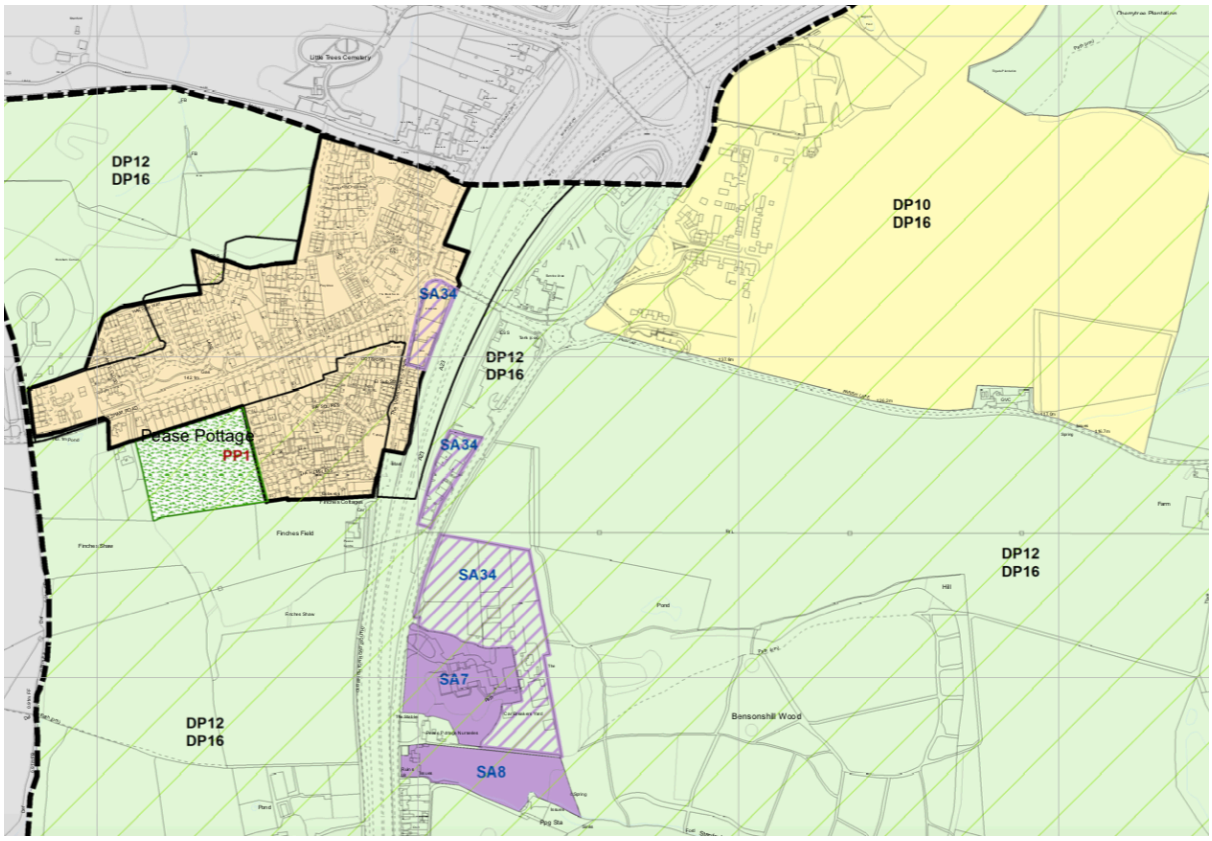

Figure 4 – SADPD Proposals Map

2.9 The large development to the East of Pease Pottage is being brought forward by Thakeham Homes and will deliver a substantial portion of housing together with new facilities for the Village including a new Primary School, Village Shop, Village Café and areas of open space.

2.10 The site was dismissed within the Site Selection Process for its lack of proximity to services

Part 3 - Sustainability / Access to Services	
14 - Education	More than 20 Minute Walk
15 - Health	More than 20 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Poor

2.11 This may be the case at present but will substantially improve with the development of the Thakeham site.

2.12 Sites SA7 *Cedars (Former Crawley Forest School)* and *SA8 Pease Pottage Nurseries* are allocated within the SADPD for B1, B2 and B8 employment.

2.13 All of the new development coming forward with Pease Pottage is also within the AONB. It demonstrates that Pease Pottage will experience significant growth in the coming years and is able to support an uplift in housing which will be located alongside facilities and employment opportunities.

3. Housing Site Allocation Process

3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.

3.2 The District Plan 2014-2031 established a 'stepped' trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.

3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		**16,390**
Housing Completions (April 2014 to March 2020)		**4,917**
Completions 2014/15		*630*
Completions 2015/16		*868*
Completions 2016/17		*912*
Completions 2017/18		*843*
Completions 2018/19		*661*
Completions 2019/20		*1003*
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		**16,874**

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.

3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.

3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out how the identified to the shortfall to calculate the five year supply requirement for the district:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and

b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

3.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Historic Environment

3.13 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.14 In many instances the council themselves suggest that the development of housing on the sites is likely to have 'less than significant harm' on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

3.15 The council has sought in their assessment of sites to grade the level of harm within the category of less than substantial harm. This is not appropriate way to suggest that this harm could be mitigated if it is at the lower end of 'less than substantial harm' is an incorrect interpretation of planning policy, legislation and guidance. The most recent authority on this matter is in the high court decision for *James Hall and Company Limted v City of Bradford Metropolitan District Council & Co-operative Group Limited & Dalehead Properties Limited* in a judgement handed down on 22 October 2019 ([2019] EWHC 2899) where the ruling confirmed that 'negligible' or 'minimal' harm still equates to 'harm' for the purposes of the heritage tests in the NPPF.

3.16 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

4. Sustainability Appraisal

4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.

4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the "Environmental Assessment of Plans or Programmes Regulations 2004".

4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.

4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 'Constant Sites' – 1,619 dwellings

Option B – 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 'Constant Sites' + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the '20 Constant Sites' with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park.* The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.

5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.

5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.

5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.

5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of 'in-combination' impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further.*

5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible.* Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan.* It is unclear whether this site was ever previously in use a playing pitches and whether re-provision of this space would be required under Sport England policies.

5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.

5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.

5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis.
The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.

5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. ***NPPF: LSH, MID***

Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. ***NPPF: LSH, MID***

5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down. NPPF: LSH, MEDIUM

5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

5.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

5.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

5.44 No comments.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

5.48 No comments.

5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.

6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.

6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.

6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	**219**	**Parish**	Slaugham
Site Location	Land at former Driving Range, Horsham Road, Pease Pottage		

Site uses	Sports Facilities and Grounds		
Gross Site Area (ha)	3.97		
Potential Yield	75		
Site History			

Absolute Constraint	Flood Zone 2 or 3	✗
	Site of Special Scientific Interest	✗
Other Constraints	Ancient Woodland	✓
	Area of Outstanding Natural Beauty	✓
	Local Nature Reserve	✗
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✗
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists

Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available
Achievability	There is a reasonable prospect that site could be developed within the Plan period
Timescale	Medium-Long Term

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	**818**	**Parish**	Slaugham
Site Location	Land north of the Former Golf House, Horsham Road, Pease Pottage		

Site uses	Car Parks	
Gross Site Area (ha)	1.7	
Potential Yield	41	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✗
	Site of Special Scientific Interest	✗
Other Constraints	Ancient Woodland	✗
	Area of Outstanding Natural Beauty	✓
	Local Nature Reserve	✗
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✗
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing

Pease Pottage

ID 818 **Land north of the Former Golf House, Horsham Road, Pease Pottage**

Site Details

Units:	41	Site Area (ha):	1.4

Part 1 - Planning Constraints

1 - AONB	Wholly within – Moderate Impact	Moderate impact on AONB due to potential impact on Ancient Woodland. Impact may be low for apartments on site of existing buildings. Pond within Ancient Woodland to the north of the site and a drain to the east of the site. On western edge of the main village of Pease Pottage, currently occupied by an office and car parking. Offices within the Golf House immediately to the east with modern in depth development beyond. Horsham Road is a historic routeway. Ancient Woodland surrounds the site on three sides and may reduce capacity due to need to retain 15m buffers. Twentieth century clearance of woodland. Site not visible from public vantage points.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	Adjacent	
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	Low/Medium	Trees along the south eastern boundary of the site.

Part 2 - Deliverability Considerations

818 Land north of the Former Golf House, Horsham Road, Pease Pottage

Site Selection - Housing		
10 - Highways		
11 - Local Road/Acces	None	Safe access to site already exists.
12 - Deliverability	Reasonable prospect developability	Housebuilder in an option agreement with the landowner. Intend to submit an application if the site is given a draft allocation in the Site Allocations Document.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	More than 20 Minute Walk	
15 - Health	More than 20 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Poor	

Part 4 - Other Considerations	
Neighbourhood Plan	**Minerals**
Policy 1 Protecting AONB Policy 2 Protection of landscape Policy 3 Protection of the open countryside Aim 1 Preventing coalescence	Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste	**Environmental Health**
Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal	**Notes**
Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	

Part 5 - Conclusion	
Summary	The assessment finds that the site is not suitable for allocation.
Recommendation	Site is not proposed for allocation.

818 Land north of the Former Golf House, Horsham Road, Pease Pottage

2067

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**2067**
Response Ref:	Reg19/2067/6
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Denton Homes - Butlers green
Category:	Promoter
Appear at Examination?	×

Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19) Consultation

Representation on behalf of Denton Homes – Land North of Butlers Green Road, Haywards Heath

September 2020

Project	MSDC Draft Site Allocations DPD
ABC Reference	ABC/0075/07
Local Authority	Mid Sussex District Council
Client	Denton Homes
Issue	Final
Author	Andrew Black
Date	September 2020

Contents

1. Introduction

1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Denton Homes regarding a within their control in Haywards Heath.

1.2 The site is known as *Land north of Butlers Green Road, Haywards Heath* (SHELAA ID 673).

1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.

1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:

a) positively prepared
b) justified
c) effective, and
d) consistent with national policy.

1.5 It is with this in mind that these representations are made.

1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.

1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.

1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

2.1 The site is located to the North of Butlers Green Road in Haywards Heath.

Figure 1 – SHELAA Extract

2.2 The site was assessed as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1).

3. Housing Site Allocation Process

3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.

3.2 The District Plan 2014-2031 established a 'stepped' trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.

3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		**16,390**
Housing Completions (April 2014 to March 2020)		**4,917**
Completions 2014/15		*630*
Completions 2015/16		*868*
Completions 2016/17		*912*
Completions 2017/18		*843*
Completions 2018/19		*661*
Completions 2019/20		*1003*
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		**16,874**

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.

3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.

3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out how the identified to the shortfall to calculate the five year supply requirement for the district:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and

b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

3.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

4. Sustainability Appraisal

4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.

4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the "Environmental Assessment of Plans or Programmes Regulations 2004".

4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.

4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 'Constant Sites' – 1,619 dwellings

Option B – 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 'Constant Sites' + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the '20 Constant Sites' with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park.* The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.

5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.

5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.

5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.

5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of 'in-combination' impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further.*

5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible.* Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan.* It is unclear whether this site was ever previously in use a playing pitches and whether re-provision of this space would be required under Sport England policies.

5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.

5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.

5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis.
The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.

5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. ***NPPF: LSH, MID***

Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. ***NPPF: LSH, MID***

5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 *For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.*

5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down. NPPF: LSH, MEDIUM

5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

5.38 No comments.

SA 24 Land to the north of Shepherds Walk, Hassocks

5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

5.40 No comments.

SA 26 Land south of Hammerwood Road, Ashurst Wood

5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

5.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

5.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

5.44 No comments.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

5.48 No comments.

5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.

6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.

6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.

6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	673	**Parish**	Haywards Heath
Site Location	Land north of Butlers Green Road, Haywards Heath		

Site uses	Agriculture	
Gross Site Area (ha)	1.5	
Potential Yield	5	
Site History		
Absolute Constraint	Flood Zone 2 or 3	✖
	Site of Special Scientific Interest	✖
Other Constraints	Ancient Woodland	✖
	Area of Outstanding Natural Beauty	✖
	Local Nature Reserve	✖
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character
	Scheduled Monument	✖
	Listed Buildings	Development may potentially affect listed building/s - mitigation may be necessary
	Access	Safe access is not available but potential exists to easily gain access
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Site submitted by site proponent to the SHELAA for assessment - considered available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing

Haywards Heath

ID	673	Land north of Butlers Green Road, Haywards Heath

Site Details

Units:	45	Site Area (ha):	1.5

Part 1 - Planning Constraints

1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	Local Wildlife Site - SWT Mitigation	
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (High)	Butlers Green House, Grade II* Development would have a fundamental impact on the currently rural character of the setting of the house and listed structures. The existing degree of separation between the heritage assets and the eastern edge of the Cuckfield would be reduced, and the open and verdant nature of the house's setting eroded. NPPF:LSH, HIGH
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	
9 - Trees/TPOs	None	Site is not affected by trees

Part 2 - Deliverability Considerations

10 - Highways		
11 - Local Road/Acces	Moderate - Improve	Safe access likely to be gained from Butlers Green road either from the roundabout or from the road itself.

673 Land north of Butlers Green Road, Haywards Heath

Site Selection - Housing		
12 - Deliverability	Developable	Site is owned by housebuilder. Outline application March 2019.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	15-20 Minute Walk	
15 - Health	Less Than 10 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Fair	
Part 4 - Other Considerations		
Neighbourhood Plan		Notes

673 Land north of Butlers Green Road, Haywards Heath

2079

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**2079**
Response Ref:	Reg19/2079/7
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Vanderbilt Homes - Hurstwood HH
Category:	Promoter
Appear at Examination?	✕

Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19) Consultation

Representation on behalf of Vanderbilt Homes – Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath

September 2020

Project	MSDC Draft Site Allocations DPD
ABC Reference	ABC/0072/07b
Local Authority	Mid Sussex District Council
Client	Vanderbilt Homes
Issue	Final
Author	Andrew Black
Date	September 2020

Contents

1. Introduction

1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control in Haywards Heath.

1.2 The site under the control of Vanderbilt Homes is Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath and was previously considered in the SHELAA (ref 508) as Available, Achievable and Deliverable.

1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.

1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:

a) positively prepared
b) justified
c) effective, and
d) consistent with national policy.

1.5 It is with this in mind that the representations are made.

1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.

1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.

1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

2.1 The Site is located to the at the Junction of Hurstwood Lane and Colwell Lane in Haywards Heath.

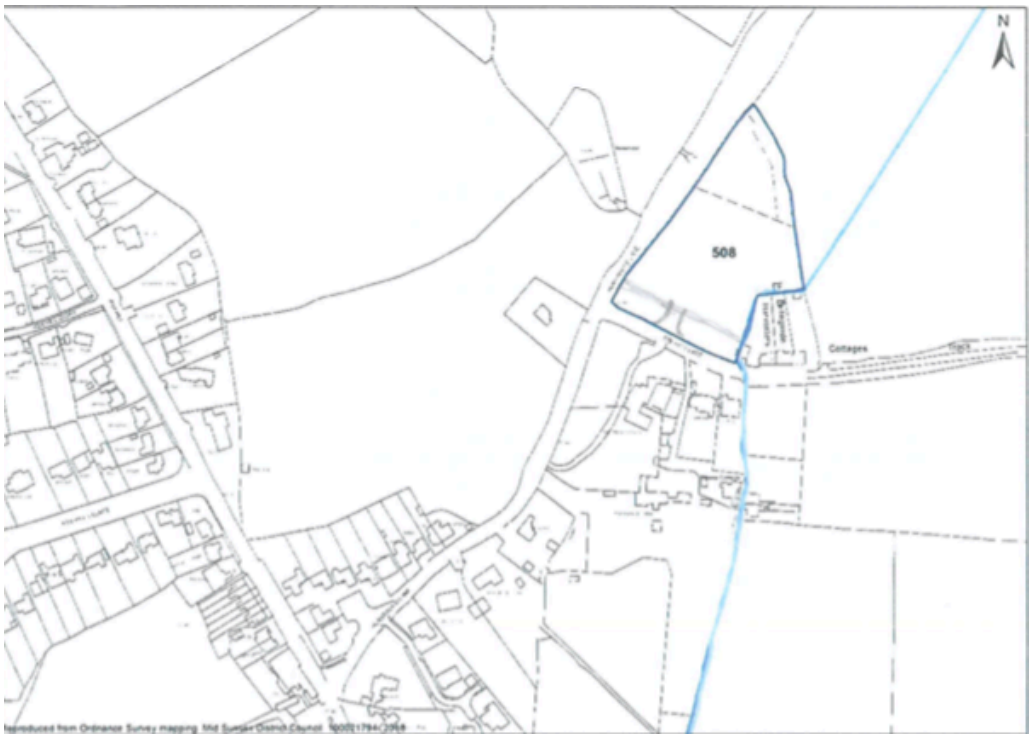

Figure 1 – SHELAA Extract

2.2 The site was assessed in the most recent SHELAA (Ref 508) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were note within the HELAA form which are addressed below.

2.3 The SHELAA Appraisal of the site confirms that there are no constraints to the development of the site in terms of Flooding, SSSIs, Ancient Woodland, AONB, Local Nature Reserves, Heritage Assets or Access.

Planning History

2.4 The site does not have any planning history.

2.5 The site is in close proximity to a site which was allocated under the District Plan (H1) and has a current application for a substantial application. An application was submitted in 2017 (DM/17/2739) with the following description:

Outline application for development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.

2.6 A resolution to grant planning permission was made by planning committee in August 2018. A formal planning decision is yet to be issued as further negotiations are taking place regarding the s106 agreement. However, the allocation of the site and the resolution to grant planning

permission is considered as a strong indicator that development of the site is highly likely to take place and will result in substantial change in the immediate context of the area.

2.7 The proximity of the site to the site under control of Vanderbilt Homes (shown in red) is set out below:

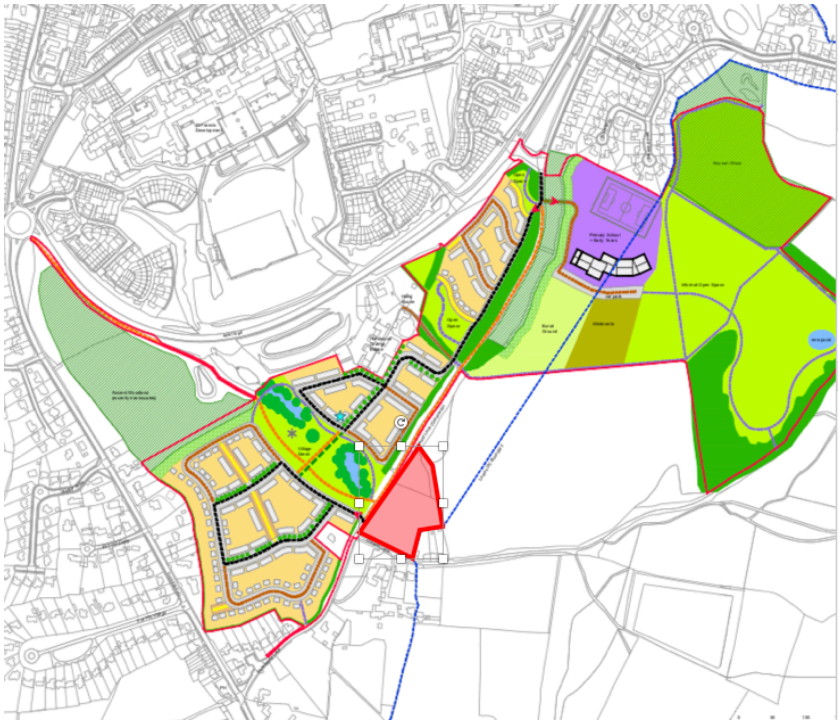

Figure 2 – Proximity of Site to significant application

2.8 The proposed policies map shows the extent of the built up area boundary, the proposed allocation of the site to the north (H1) and the proposed allocated site SA21 to the south-west.

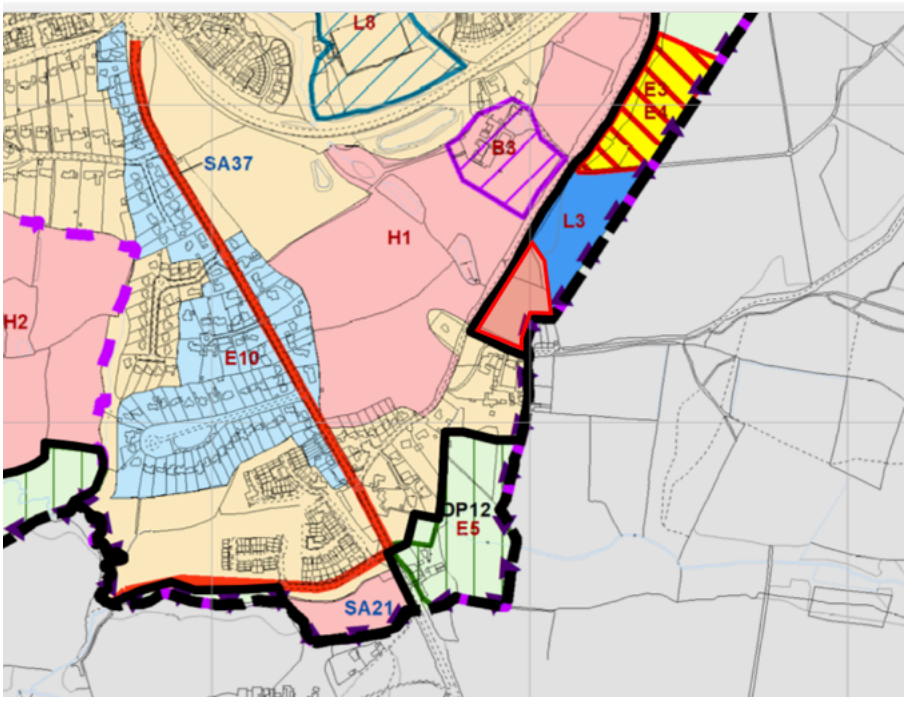

Figure 3 – Proposed Site Allocations Proposals Map

2.9 Specific representations are made against each of the allocated sites in subsequent sections of these representations. However, of specific focus is the allocation of Rogers Farm on Fox Hill in Haywards Heath. Significant concerns are raised as part of these representations as to why the Rogers Farm site has been allocated instead of the more obvious site under the control of Vanderbilt Homes at Hurstwood Lane.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

2.10 This site is significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

2.11 Appendix B of the reg 18 SADPD also references these heritage assets together with an assessment of the likely impact as follows:

Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. ***NPPF: LSH, MID***

Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. ***NPPF: LSH, MID***

2.12 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

> *15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.*
>
> *16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.*
>
> *17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be*

permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

2.13 In addition to consideration of heritage matters it would appear that the consideration of Sustainability / Access to Services is inconsistent between the Site Selection Paper (SSP3) and the Sustainability Appraisal.

2.14 In the Site Selection Paper (SSP3) the Sustainability / Access to Services of Rogers Farm is assessed as follows:

Part 3 - Sustainability / Access to Services	
14 - Education	More than 20 Minute Walk
15 - Health	15-20 Minute Walk
16 - Services	15-20 Minute Walk
17 - Public Transport	Fair

2.15 However, this differs from the assessment of these matters within the Sustainability Appraisal where the following conclusions are reached.

Objective	A - Oaklands	B - Rogers Farm	C – HH Golf Course	D – N. Old Wickham	Assessment
1 - Housing	+	+	++	+	All site options have demonstrated their deliverability; options **(a), (b)** and **(d)** make a contribution to the residual housing need, while **(c)** makes a significant contribution to the need.
2 - Health	++	0	++	-	Site options **(a)** and **(c)** are located a 10-15 minute walk from the nearest GP surgery, while option **(b)** is a 15-20 minute walk. Option **(d)** is more than a 20 minute walk.
3 - Education	+	-	++	+	Site option **(c)** is located less than a 10 minute walk from the nearest primary school, options **(a)** and **(d)** are a 10-15 minute walk, while option **(b)** is more than a 20 minute walk.
4 - Retail	++	+	++	+	Site options **(a)** and **(c)** is located less than a 10 minute walk from the nearest convenience store, while options **(b)** and **(d)** are a 10-15 minute walk.

2.16 The site is assessed positively for its access to retail and it is stated that they are a 10-15 minute walk when the SA correctly identifies that they are a 15-20 minute walk.

2.17 The Site Selection Paper (SSP3) for the Land at Hurstwood Lane makes it clear that whilst connectivity is currently poor, facilities will be provided at the Hurst Farm development and it is therefore considered that the SA would rate these as positive.

2.18 It is therefore clear that the Hurstwood Lane site has been overlooked in favour of the less suitable site at Rogers Farm.

2.19 It is apparent that the heritage constraints and poor sustainability for Rogers Farm weigh heavily against the allocation of the site and this should be readdressed within the final version of the SADPD.

3. Housing Site Allocation Process

3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.

3.2 The District Plan 2014-2031 established a 'stepped' trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.

3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		**16,390**
Housing Completions (April 2014 to March 2020)		**4,917**
Completions 2014/15		*630*
Completions 2015/16		*868*
Completions 2016/17		*912*
Completions 2017/18		*843*
Completions 2018/19		*661*
Completions 2019/20		*1003*
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		**16,874**

Figure 4 – Extract from MSDC Housing Land Supply Position Statement

3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.

3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.

3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure 5 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and

b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

3.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Area of Outstanding Natural Beauty

3.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife

and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) 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;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

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

3.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB which could be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the 'great weight' required to protect the AONB.

3.15 The approach of allocating sites within the AONB as opposed to 'outside the designated area' should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

3.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have 'less than significant harm' on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the

3.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

4. Sustainability Appraisal

4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.

4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the "Environmental Assessment of Plans or Programmes Regulations 2004".

4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.

4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 'Constant Sites' – 1,619 dwellings

Option B – 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 'Constant Sites' + Haywards Heath Golf Court – 2,249 dwellings

4.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the '20 Constant Sites' with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

5. Assessment of Proposed Sites.

5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park.* The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.

5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.

5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.

5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.

5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of 'in-combination' impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further.*

5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible.* Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan.* It is unclear whether this site was ever previously in use a playing pitches and whether re-provision of this space would be required under Sport England policies.

5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.

5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.

5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

5.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis.
The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.

5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

5.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 22 Land north of Burleigh Lane, Crawley Down

5.32 No comments.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

5.33 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

SA 24 Land to the north of Shepherds Walk, Hassocks

5.34 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

5.35 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact

5.36 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

SA 26 Land south of Hammerwood Road, Ashurst Wood

5.37 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

5.38 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

5.39 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

5.40 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

5.41 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

5.42 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

5.43 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

5.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

5.45 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

5.46 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

6. Conclusions

6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.

6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.

6.3 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.

6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	508	**Parish**	Haywards Heath
Site Location	Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath		

Site uses	Agriculture	
Gross Site Area (ha)	1	
Potential Yield	30	
Site History		
Absolute Constraint	Flood Zone 2 or 3	x
	Site of Special Scientific Interest	x
Other Constraints	Ancient Woodland	x
	Area of Outstanding Natural Beauty	x
	Local Nature Reserve	x
	Conservation Area	Development would not have a negative impact on Conservation Area and Areas of Townscape Character
	Scheduled Monument	x
	Listed Buildings	Development will not affect listed building/s
	Access	Safe access to site already exists
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment	
Availability	Controller of site has expressed intention to make the site available	
Achievability	There is a reasonable prospect that site could be developed within the Plan period	
Timescale	Medium-Long Term	

8. Appendix 2 – Site Selection Paper 3: Housing (SSP3) Extract

Site Selection - Housing

Haywards Heath

ID 508 **Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath**

Site Details

Units: 25 **Site Area (ha):** 0.85

Part 1 - Planning Constraints		
1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	Development would have a significant and detrimental effect on the character of the landscape as a whole
9 - Trees/TPOs	None	Site is not affected by trees
Part 2 - Deliverability Considerations		
10 - Highways		
11 - Local Road/Acces	None	Safe access to site already exists
12 - Deliverability	Reasonable prospect developability	No housebuilder in control of site. Advanced discussions with potential developers/Contractors. Pre application submission within a couple of months.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

Site Selection - Housing		
Part 3 - Sustainability / Access to Services		
14 - Education	More than 20 Minute Walk	Note: facilities are likely to be provided at Hurst Farm
15 - Health	More than 20 Minute Walk	
16 - Services	15-20 Minute Walk	
17 - Public Transport	Poor	

Part 4 - Other Considerations	
Neighbourhood Plan	**Minerals**
None	Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste	**Environmental Health**
Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal	**Notes**
Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	

Part 5 - Conclusion	
Summary	The assessment finds that the site is not suitable for allocation.
Recommendation	Site is not proposed for allocation.

2080

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**2080**
Response Ref:	Reg19/2080/8
Respondent:	Mr A Black
Organisation:	Andrew Black consulting
On Behalf Of:	Vanderbilt homes - CDR
Category:	Promoter
Appear at Examination?	✕

Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19) Consultation

Representation on behalf of Vanderbilt Homes – Land South of 61 Crawley Down Road, Felbridge

September 2020

Project	MSDC Draft Site Allocations DPD
ABC Reference	ABC/0072/07
Local Authority	Mid Sussex District Council
Client	Vanderbilt Homes
Issue	Final
Author	Andrew Black
Date	September 2020

Contents

1. Introduction

1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control at Crawley Down Road in Felbridge.

1.2 The site under the control of Vanderbilt Homes is known as Land South of 61 Crawley Down Road, Felbridge and was previously considered in the SHELAA as Available, Achievable and Deliverable.

1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.

1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:

a) positively prepared
b) justified
c) effective, and
d) consistent with national policy.

1.5 It is with this in mind that these representations are made.

1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.

1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.

1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

2.1 The Site is located to the South of Crawley Down Road and is in an area that has experienced significant housing growth in recent years.

Figure 1 – SHELAA Extract

2.2 The site was assessed in the most recent SHELAA (Ref 676) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Each of the constraints within the SHELAA for are taken in turn below:

Flood Risk

2.3 Whilst the location of the site in flood zone 2/3 is noted within the SHELAA Proforma, the extract from the Environment Agency Flood Risk Map shows this to be negligible. It is only the very southern extent of the site that is potentially within an area of flood risk. In any event, the site can clearly demonstrate the ability to provide a safe access and egress to any housing on site which can equally be located well outside of any areas prone to flooding.

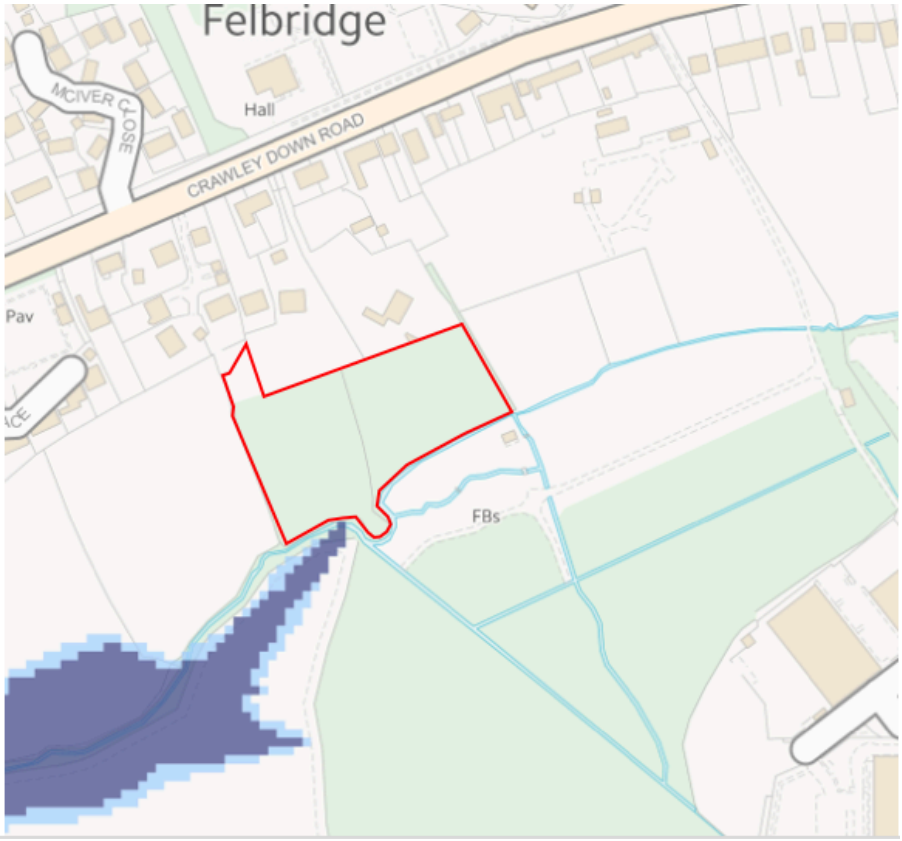

Figure 2 – Extract from Environment Agency Flood Risk Map

Ancient Woodland

2.4 The SHELAA report also makes reference to proximity to Ancient Woodland. The map below shows the extent of the nearby ancient woodland which is to the south of the existing site.

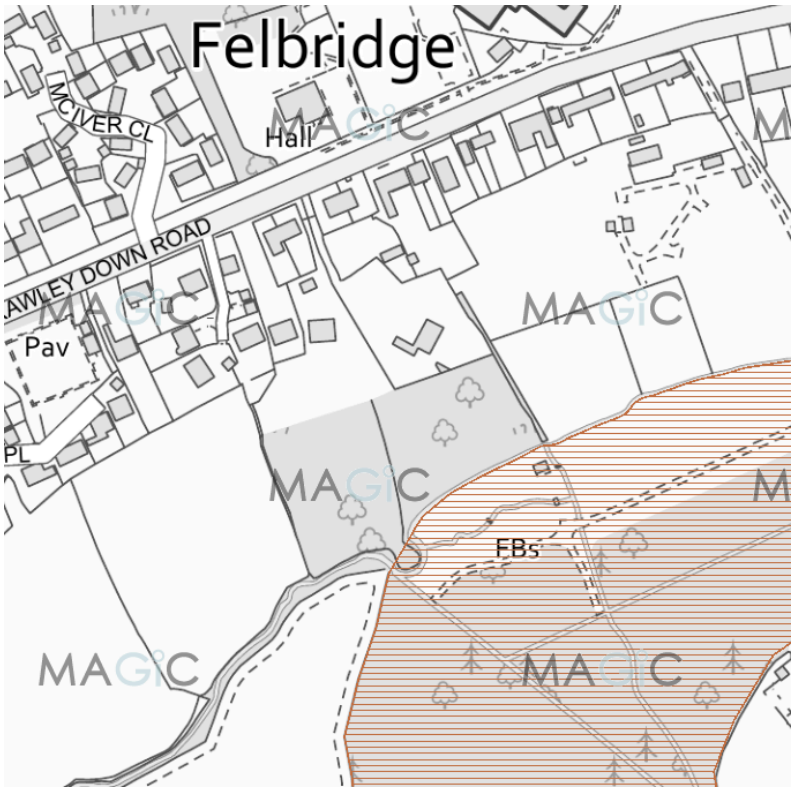

Figure 3 – Location of Ancient Woodland

2.5 It is evident that development could be incorporated on the site without any impact on the Ancient Woodland and that an adequate buffer could be provided between any proposed houses and the ancient woodland to the south.

Site of Special Scientific Interest

2.6 The site is not within, nor in proximity to, a SSSI

Area of Outstanding Natural Beauty

2.7 The site is not within, nor in proximity to, an AONB

Local Nature Reserve

2.8 The site is not within, nor in proximity to, a Local Nature Reserve

Conservation Area

2.9 The SHELAA specifically states that *development would not have a negative impact on Conservation area and /or Area of Townscape*

Scheduled Monument

2.10 There are no scheduled monuments in proximity to the site.

Listed Buildings

2.11 The SHELAA confirms that *development will not affect listed buildings.*

Access

2.12 The SHELAA sets out that *safe access to the site already exists.*

2.13 As set out the site directly adjoins the land to the east which has the benefit of outline planning permission for residential development. This land is also in the control of Vanderbilt Homes and it is possible that access could be provided through this land into this site as indicated below:

Figure 4 – Potential Access.

2.14 If the site was assessed against the criteria for Reasonable Alternatives as set out in the Sustainability Appraisal then it would perform identically to the adjoining allocated site. Furthermore it performs better against each of the criteria than the sites at 'Land south and west of Imberhorne Upper School, Imberhorne Lane' for 550 dwellings and 'East Grinstead Police Station, College Lane' for 12 dwellings. It is therefore entirely logically that this site should be allocated for development within the Site Allocations DPD.

Planning History

2.15 The site itself has been subject to a number of previous applications which are set out below:

App Ref	App Date	Description of Development	Decision
12/02577	Jul 2012	Residential development comprising 7 dwellings (3 detached properties and 2 pairs of semi-detached houses) with associated garaging, new road layout and landscaping.	Refused / Appeal Withdrawn
13/02528	Jul 2013	Residential development comprising 5 detached dwellings with associated garaging, new road layout and landscaping	Refused / Appeal Dismissed
16/5662	Dec 2016	Residential development comprising 4 no. detached dwellings.	Refused / Appeal Dismissed.

2.16 The previous applications were refused on the basis of the site being outside of the settlement boundary and therefore any development would have been considered to be in direct conflict with the adopted District Plan at the time of determination. The outcome of these applications would clearly have been different had the sites been within the Built Up Area Boundary

2.17 No other issues were identified which would warrant refusal of an application if the site was within the Built Up Area Boundary as proposed within the draft SADPD.

Surrounding Developments and Proposed Allocations

2.18 The site located directly to the east has the benefit of an outline planning permission for the *erection of 63 dwellings and new vehicular access onto Crawley Down Road required* [sic] *the demolition of existing buildings and structures at no's 15 and 39 Crawley Down Road* (DM/17/2570)

2.19 The access to the site is located within Tandridge District Council which was granted under application TA/2017/1290.

Figure 5 – Approved Parameters Plan of adjoining site – Outline Planning Application

2.20 Reserved matters applications have been made against both of the outline applications. The reserved matters application for the access was approved by Tandridge Council in July 2020 (TA/2020/555).

2.21 At the time of submission of these representations, the reserved matters application for the housing within the Mid Sussex element of the site for the housing is still under determination (DM/20/1078).

2.22 It is therefore highly likely that the development of the land directly adjoining the site subject to these representations will come forward in the immediate short term.

Figure 6 – Reserved Matters Plan for adjoining site.

2.23 The site (yellow) is therefore directly between the allocated site SA19 for 196 dwellings to the east (pink) and the site subject to approval for 63 dwellings (blue).

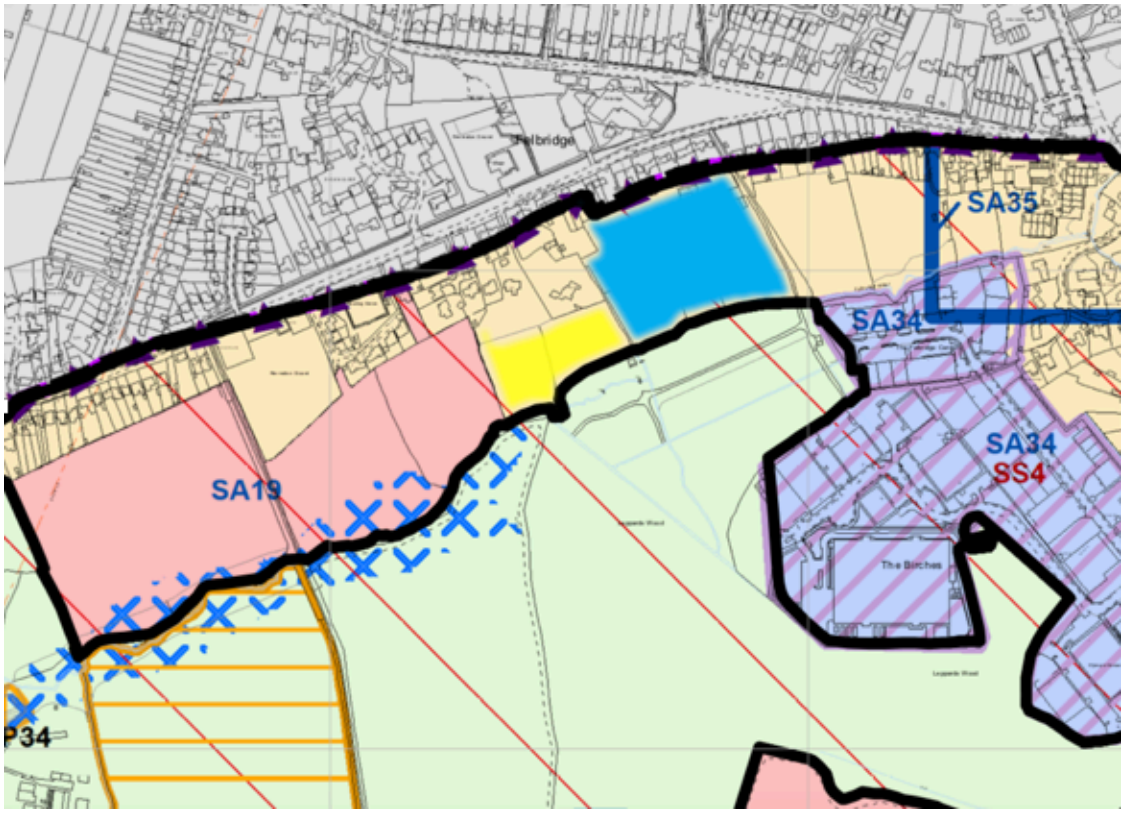

Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

2.24 Overall, it is considered that the immediate context of this site makes it highly appropriate for allocations within the SADPD.

3. Built up Area Boundary Review

3.1 In addition to the allocation of sites for development the SADPD seeks to make changes to the existing Built Up Area Boundary (BUAB) as established under the District Plan Process. The Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020 forms a vital part of the evidence base for the SADPD.

3.2 Paragraph 2.4 of TP1 sets out that the purpose of the review as part of the SADPD is to:

- *Assess areas that have been built since the last review, which logically could be included within the BUA.*
- *Assess areas that have planning permission which have not yet commenced/completed, which logically could be included within the BUA.*

3.3 TP1 goes on to set out the criteria for consideration of changes to the boundary.

3.4 Within the adopted District Plan proposals map, the site is outside of the Built Up Area Boundary as illustrated in the extract below:

Figure 8 – Existing District Plan Proposals Map

3.5 Within the draft SADPD, it is proposed that the site, and all adjoining land will be now set within the BUAB as highlighted below.

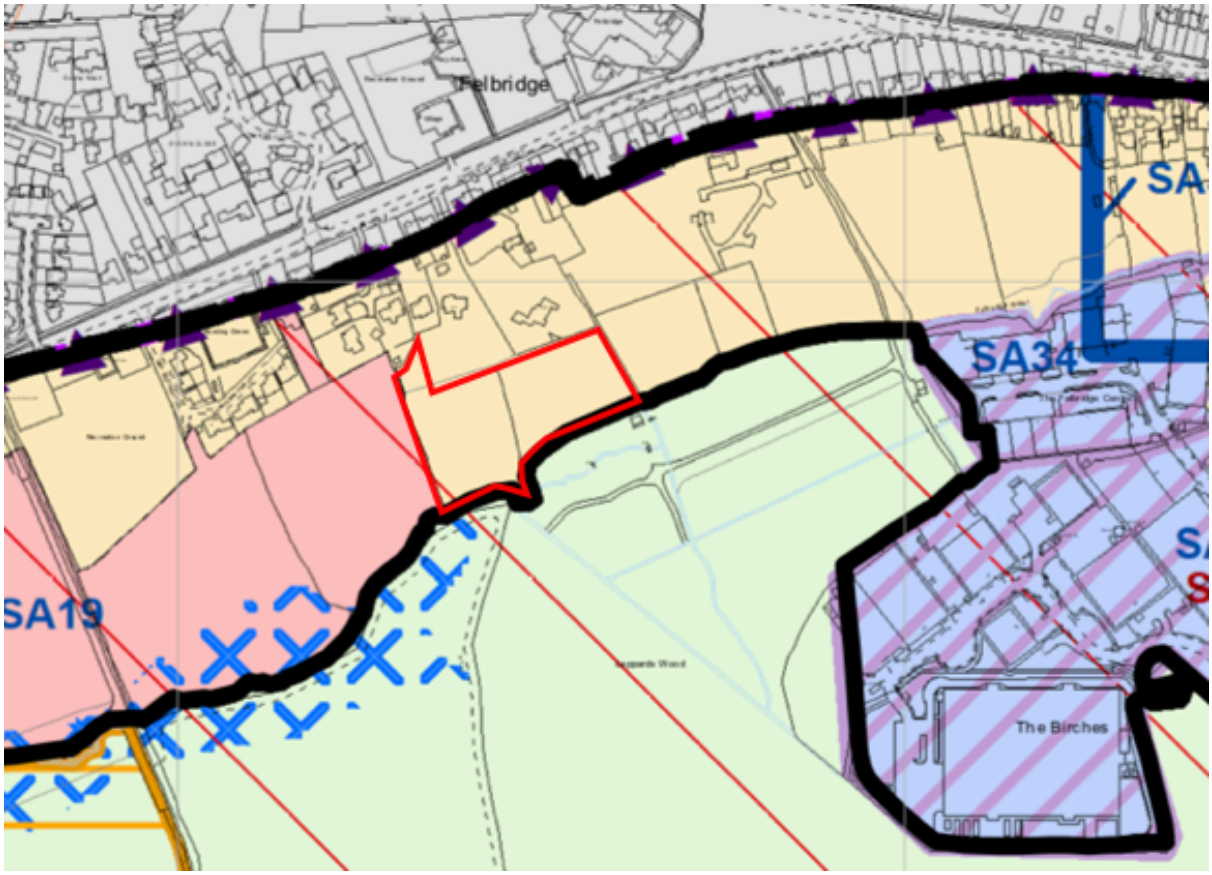

Figure 9 – Proposed BUAB

3.6 The principle of including this site within the BUAB is logical and supported. However, for reasons as set out in subsequent sections of these representations, it is considered that it would be appropriate for the site to be allocated for development.

4. Housing Site Allocation Process

4.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.

4.2 The District Plan 2014-2031 established a 'stepped' trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.

4.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		**16,390**
Housing Completions (April 2014 to March 2020)		**4,917**
Completions 2014/15		*630*
Completions 2015/16		*868*
Completions 2016/17		*912*
Completions 2017/18		*843*
Completions 2018/19		*661*
Completions 2019/20		*1003*
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		**16,874**

Figure 10 – Extract from MSDC Housing Land Supply Position Statement

4.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.

4.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.

4.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

Annual Requirement As set out in District Plan	876 x 5 years =	4,380
Shortfall spread over remaining plan period	466 divided by 12 remaining years x 5 years	194
Total		4,574
Buffer (see paras 2.4,4.9 above)	10%	457
Total five year supply requirement		5,032

Figure 11 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement

4.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and

b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

4.8 The report on the Annual Position Statement was issues by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.

4.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

4.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

4.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.

The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

4.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

Area of Outstanding Natural Beauty

4.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife

and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) 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;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

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

4.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB should be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the 'great weight' required to protect the AONB.

4.15 The approach of allocating sites within the AONB as opposed to 'outside the designated area' should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

Historic Environment

4.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have 'less than significant harm' on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

4.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

5. Sustainability Appraisal

5.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.

5.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the "Environmental Assessment of Plans or Programmes Regulations 2004".

5.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.

5.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

5.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only

the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.

5.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

5.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

Option A – 20 'Constant Sites' – 1,619 dwellings

Option B – 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.

Option C – 20 'Constant Sites' + Haywards Heath Golf Court – 2,249 dwellings

5.8 Paragraph 6.52 of the SA concludes that:

Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.

5.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the '20 Constant Sites' with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

5.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

6. Assessment of Proposed Sites.

6.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

SA 12 Land South of 96 Folders Lane, Burgess Hill

6.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park.* The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.

6.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.

6.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

6.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.

6.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.

6.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of 'in-combination' impacts such as highways and landscape impact.

SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill

6.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further.*

6.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible.* Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

6.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

SA 15 Land South of Southway, Burgess Hill

6.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan.* It is unclear whether this site was ever previously in use a playing pitches and whether re-provision of this space would be required under Sport England policies.

6.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.

6.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill

6.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.

6.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

6.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.

Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

6.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.

6.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.

6.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.

6.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where is stated that:

The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.

6.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

SA 18 East Grinstead Police Station, College Lane, East Grinstead

6.22 We have no comments to make in relation to this allocation.

SA 19 Land south of Crawley Down Road, Felbridge

6.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

6.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

6.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

6.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

6.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In

line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis.
The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.

6.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.

6.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.

The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.

NPPF: LSH, high

6.30 The potential harm to heritage is also referred to in the SA which states that:

option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

6.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

SA 21 Rogers Farm, Fox Hill, Haywards Heath

6.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).

6.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. ***NPPF: LSH, MID***

Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. ***NPPF: LSH, MID***

6.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.

16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.

6.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

SA 22 Land north of Burleigh Lane, Crawley Down

6.36 No comments.

SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

6.37 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

SA 24 Land to the north of Shepherds Walk, Hassocks

6.38 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

SA 25 Land west of Selsfield Road, Ardingly

6.39 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact

6.40 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

SA 26 Land south of Hammerwood Road, Ashurst Wood

6.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 27 Land at St. Martin Close, Handcross

6.42 No comments.

SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes

6.43 No comments.

SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes

6.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common

6.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.

6.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 31 Land to the rear Firlands, Church Road, Scaynes Hill

6.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

6.48 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

6.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty

6.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

7. Conclusions

7.1 Overall, the principle of extending the Built Up Area Boundary to the south of Crawley Down Road to include the site within the control of Vanderbilt Homes is logical and supported.

7.2 The site has been identified within the SHELAA as being Suitable, Available and Achievable. However, given that the site is adjoined on one side by an allocated site and on another side by a site with the benefit of planning permission, it is considered that it would be entirely appropriate for the site to be allocated for development.

7.3 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.

7.4 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.

7.5 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.

7.6 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

8. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	**676**	**Parish**	East Grinstead
Site Location	Land south of 61 Crawley Down Road, Felbridge		

Site uses	Dwellings		
Gross Site Area (ha)	1.6		
Potential Yield	6		
Site History	Planning Application - Refused		
Absolute Constraint	Flood Zone 2 or 3	✓	
	Site of Special Scientific Interest	✗	
Other Constraints	Ancient Woodland	✓	
	Area of Outstanding Natural Beauty	✗	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development will not affect listed building/s	
	Access	Safe access to site already exists	
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
Availability	Recent relevant planning history shows the site is considered available		
Achievability	There is a reasonable prospect that site could be developed within the Plan period		
Timescale	Medium-Long Term		

2145

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**2145**
Response Ref:	Reg19/2145/1
Respondent:	Mr M Day
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	×

I would like to register my strong objection to the proposed development to build 350 homes on the fields south of Folders Lane, between Burgess Hill and Hassocks. (Sites SA12 & SA13).

I believe that the development would be greatly detrimental to the area and surrounding areas for the following reasons:

- The roads around this area are already at capacity during the morning and evening rush hours and during school pick-up times.
- The traffic report produced for Mid-Sussex District Council is flawed and the proposal did not adequately address how the increase in traffic, on top of the existing traffic, which is already at capacity for a significant part of the day, is to be resolved.
- The development will result in the destruction of the green gap between Burgess Hill and Hassocks, causing a merging of two separate areas, losing their identities. If the development is approved, there is a danger that Hassocks will simply become part of Burgess Hill.
- The original site selection process was unsound and Mid-Sussex District Council did not follow their own guidance.
- Representations made to the first consultation were ignored.
- There is a lack of infrastructure to support the proposed development, not only for the existing road system, but also the need for additional school, leisure and medical facilities, which are all at capacity.
- The current shops, particularly grocery would not be able to support the additional trade.
- Allocating these sites for housing goes against the District Plan and against national planning guidance.
- The area has a wide range of flora and fauna, which would be lost with the development.
- Access to the North from Hassocks is either North using Folders Lane, leading to Burgess Hill, or via Stonepound crossroads to the East. Stonepound crossroads is already one of the highest areas of vehicle pollution in Sussex which would be made worse due to the increased proportion of vehicles using this Easterly direction.
- Vehicles travelling South from the new development would either have to go through Hassocks, or towards Ditchling, using roads with very limited traffic capacity.
- It should be noted that any measurements of traffic flow or pollution levels taken in the last six months are not representative of the normal levels due to the effects of Covid-19.

Thank you for taking the time to read this. I look forward to the result of the independent review.

Yours sincerely

Mr M L Day CEng FIET
[redacted]

2470

Site Allocations DPD: Regulation 19 Consultation Response

Policy: **SA14**

ID:	**2470**
Response Ref:	Reg19/2470/3
Respondent:	Ms E Lake
Organisation:	
On Behalf Of:	
Category:	Resident
Appear at Examination?	×

Name	Emma lake
Address	[redacted]
Email	[redacted]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA12 - SA17
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Sound
(2) Justified	Sound
(3) Effective	Sound
(4) Consistent with national policy	Sound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	W agree with the plans to build more houses in Burgess Hill. Housing is a key issue across the country and we need more houses. Also more houses will bring better infrastructure and in time more money into the town - which will support the wider town planning.
If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Site Allocations DPD is adopted	yes
Date	03/08/2020