

SA15: Land South of Southway - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
45	Mr P Harrington			Resident	<input checked="" type="checkbox"/>
68	Ms P Southam			Resident	<input type="checkbox"/>
123	Mr S Farrant			Resident	<input type="checkbox"/>
124	Mrs H Farrant			Resident	<input type="checkbox"/>
126	Mr G Watts			Resident	<input type="checkbox"/>
624	Mr S Harkins	SGN		Statutory Consultee	<input type="checkbox"/>
639	Mr S Trice	Haywards Heath Town Council		Town & Parish Council	<input type="checkbox"/>
667	Mr S Cridland	Burgess Hill Town Council		Town & Parish Council	<input type="checkbox"/>
701	Mr M Carpenter	Enplan	Sunley Estates	Promoter	<input checked="" type="checkbox"/>
748	Ms L Brook	Sussex Wildlife Trust		Statutory Consultee	<input type="checkbox"/>
752	Mr M Fell			Resident	<input type="checkbox"/>
1409	Mr D Williams			Resident	<input type="checkbox"/>
1662	Mr J Hooker			Resident	<input type="checkbox"/>
1665	Ms S Hooker			Resident	<input type="checkbox"/>
1701	Mrs K Exall			Resident	<input type="checkbox"/>
1705	Mr A Exall			Resident	<input type="checkbox"/>
2065	Mr A Black	Andrew Black consulting	Denton - Horsham Road	Promoter	<input type="checkbox"/>
2067	Mr A Black	Andrew Black consulting	Denton Homes - Butlers green	Promoter	<input type="checkbox"/>
2079	Mr A Black	Andrew Black consulting	Vanderbilt Homes - Hurstwood HH	Promoter	<input type="checkbox"/>
2080	Mr A Black	Andrew Black consulting	Vanderbilt homes - CDR	Promoter	<input type="checkbox"/>
2140	Mr C Hough	Sigma Planning Services	Rydon Homes Ltd	Promoter	<input checked="" type="checkbox"/>
2205	Mrs G Watts			Resident	<input type="checkbox"/>
2218	Mr R Andrew	Hargreaves Management	Hargreaves Management	Promoter	<input checked="" type="checkbox"/>
2250	Miss H Farrant			Resident	<input type="checkbox"/>
2341	Ms S Diss			Resident	<input type="checkbox"/>
2470	Ms E Lake			Resident	<input type="checkbox"/>

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 45

Response Ref: Reg19/45/1

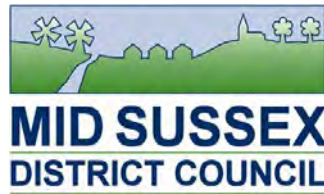
Respondent: Mr P Harrington

Organisation:

On Behalf Of:

Category: Resident

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	<input type="text" value="Mr"/>
First Name	<input type="text" value="Peter"/>
Last Name	<input type="text" value="Harrington"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<input type="text" value="████████"/>
Line 2	<input type="text" value="████████"/>
Line 3	<input type="text" value="████████"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="██████"/>
Telephone Number	<input type="text"/>
E-mail Address	<input type="text" value="████████████████"/>



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:

3a. Does your comment relate to:

Site
Allocations
DPD

☒

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

15

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 ☐

No ☒

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

	Sound	Unsound
(1) Positively prepared	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**.

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.

I believe that site allocations plan as it relates to the land south of Southway, Ref SA15 is not legally compliant and is unsound because:

There is a covenant on the land preventing further building on this space; so building on this land seems inconsistent with national policy to respect covenants and may not be legally compliant.

The land allocated for development between the houses on Southway and north of the existing public footpath that runs east to west on the site was not identified for development in the previous public consultation exercises. Development on this land would undermine the root systems of mature trees in the ancient woodland and Southway properties and is unsound. It appears to require construction beneath the crown of these trees, which may be inconsistent with national policy and may not legally compliant.

The planned development seems to encroach into the protected ancient woodland to the west of Southway and be inconsistent with National Policy to protect such woodlands and possibly not legally compliant.

The land between the Southway properties, ancient woodland and the properties on Skylark way and Brambling way appears too narrow for properties to be safely built on the land and still meet MSDC road safety guidelines and is unsound.

The proposed development would block the rear access from the properties on Southway to the public footpath and the ancient woodlands to the west of Southway.

The proposed development would remove the habitat of great crested newts that are a protected species and found on this site, plus in the adjacent gardens, ponds and woodlands and so seems unsound.

The overall housing plan is predicated on the assumption that more jobs will be created in Burgess Hill as the town centre is redeveloped with more businesses, including retail and leisure outlets. This is now under review and the expectation is this will be changed to allow development of more residential dwellings in the town centre and future, sustainable employment in the town. This, raises doubts about the credibility of the need to develop new sites such as SA15 outside the town centre and whether the development is justified and sound.

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.

I believe the following changes will be necessary.

a) Respect the existing covenant on this land and do not proceed with the proposed development.

b) If the covenant is to be overruled, provide a transparent debate and public decision-making process involving existing residents. If overruled, allow residents to first bid to purchase land adjacent to their properties and allow a two-three year period to allow an appeal to challenge the ruling.

c) To protect the natural environment by avoiding encroachment into the ancient woodland, removing water features and protected species, plus continue and allowing access to the rear of the properties on Southway, limit any development to south of the footpath that runs east-west, south of Southway.

d) Provide a full risk assessment of this proposed development including the adverse impacts to pedestrians and road users based on the experience of the existing residents and users of Brambling Way, Skylark Way and Linnet Lane so that any development complies or exceeds MSDC road safety and associated guidelines.

e) If the quota for additional dwellings is met elsewhere in the Mid-Sussex District area, including Burgess Hill Town Centre, review the decision to justify this and other green-field sites for development.

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:

The decision to overturn the covenant protecting the land from development that resulted in construction of Brambling Way, Skylark Way and Linnet lane appeared to be taken without respect of previous decisions to respect the covenant and the rationale was never clearly articulated. Consequently, I would like to participate to ensure that my views are properly represented and considered, support any arguments and have the opportunity to challenge assumptions if required.

Given the restrictions imposed on meetings by the Covid-19 crisis I am content to participate by video conference.

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

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Peter Harrington

Date:

12th September
2020

Thank you for taking time to respond to this consultation

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 68

Response Ref: Reg19/68/1

Respondent: Ms P Southam

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Pauline Southam [REDACTED]
Sent: 22 September 2020 14:48
To: ldfconsultation
Subject: SA15 Objections Re: 'Land South of Southway' Burgess Hill By Pauline Southam 20 Brambling Way, Burgess Hill, RH15 9EE
Attachments: Proposed Development South of Southway - Pauline Southam.docx

Attn: [REDACTED]

Once again please find my objections.

Pauline Southam

[REDACTED]

[REDACTED]

Disclaimer

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Swanlet Properties Ltd, registered number: 4507192 at above address

From: Pauline Southam [REDACTED]
Sent: 23 October 2019 08:54
To: 'LDFconsultation@midsussex.gov.uk'
Subject: Objections Re: 'Land South of Southway' Burgess Hill By Pauline Southam [REDACTED]
[REDACTED]

By E-mail and By Post:

Please find attached my objections. I would appreciate the whole document being reviewed with the synopsis on page 22.

Very kind regards

Pauline Southam

[REDACTED]

Initial Neighbourhood Plan Proposed Development
location:-

"Land South of Southway" Burgess Hill:-

Outline comments as part of the
Consultation Process as requested by Mid
Sussex District Council

issued to:-

Email to:-

LDFconsultation@midsussex.gov.uk

And / or post to:-

Planning Policy

Mid Sussex District Council

Oaklands

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

BY 18th November 2019

Resident Name:- Pauline Southam

Address & postcode:-

████████████████████
████████████████

- **Please note:-**

The comments listed below are not listed in any order of importance:-

- **General information:-** Proposed site area listed as 1.2 hectares / Development guidelines 30 properties per hectare / 30% affordable housing allocation
- Before the existing Croudace small residential estate was completed, this land was an arable field used for hay or wheat. One side of the field was bordered by a thick Blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring. Photos below c1975.



- When the last of the new Phase 2 Croudace homes were built 5 years ago, an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. The nightingales continue to sing in the spring on the area of so called 'protected woodland'. We have also seen Buzzards flying low over the area this summer, and have found Elephant Hawk Moth Caterpillars, and in previous years have watched fox cubs playing. Bats and owls fly through the estate regularly – see details below.



- Although a small urban area, this woodland is supporting a variety of species, and connects to the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



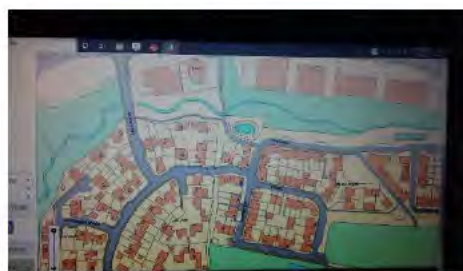
Adopted footpath with mature oak trees leading to Blackthorn hedge

- **Matters Requiring Clarification:-**
- We are in need of your clarification regarding the following which we would then wish to retain the right of making further comment.
 - A The type of housing stock to be constructed on the development site?
 - B Why at this juncture decision has been made to use Linnet Lane for access to the proposed construction site, notwithstanding the fact other points of access would be less disruptive during and after the construction phase. We have ourselves this issue with West Sussex County Council – see clause 1 below.
 - C A more definitive plan with precise boundaries forming part of the development site – see clause 6 below together with the various sub-sections below, under the heading "Potential Land Ownership Issues"

- **List of Objections:-**

As follows:-

- **1.0 Highways**
- **1.1 Highways/traffic:-** We have been discussing the proposed site development South of Southway with Laura Walder at West Sussex County Council and she has asked that concerns and objections be listed and carefully documented and emailed to the Highways Team , customer.service@westsussex.gov.uk for their urgent comments and action. (*this has been actioned – awaiting response*)



Robin Road access to Croudace estate Existing road network and footpaths

- **1.2 Existing road access /Lack of infrastructure_:-** Inappropriate access road widths Robin Road, Woodpecker Crescent for a further 70+ cars with proposed development. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten potential danger despite the installation of warning signs "slow children" - this has increased significantly with Internet shopping in recent years and food delivery such as DPD/amazon prime etc.

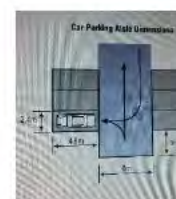


Emergency vehicle on" 999 call out"



Usual parking patterns would make
The ambulance access impossible

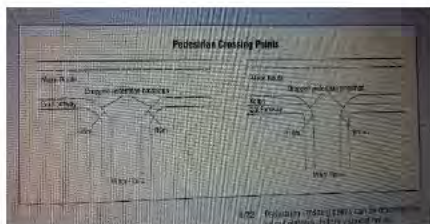
- **1.3 Location of proposed access:-** New proposals show proposed access road shows to be located between 2 blind bends on Linnet Lane directly opposite existing resident drives. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians who do not "know" the road layouts and location of homes



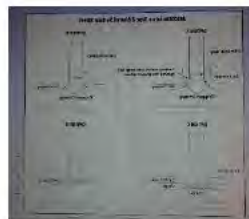
Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex October 2019

Blind bend Brambling Way

remove 2 middle car parking spaces min turning



Pedestrian crossing points/safe
Visibility splays required



Junctions



road visibility splay



Proposed Access to New Estate



Proposed access through parked cars

This existing Croudace estate is a "built – up" area and the general principle is that junctions are to be avoided near bends, unless adequate 'sight lines/visibility splays' and other 'safety' features can be achieved. Our concerns for any new access road in Linnet Lane to any potential housing development "Land South of Southway" are due to the fact it will **adversely** affect safety of both pedestrians and vehicle drivers. Forward visibility is vital - access to existing driveways, activities, junctions and other features will put residents and members of the public at risk.

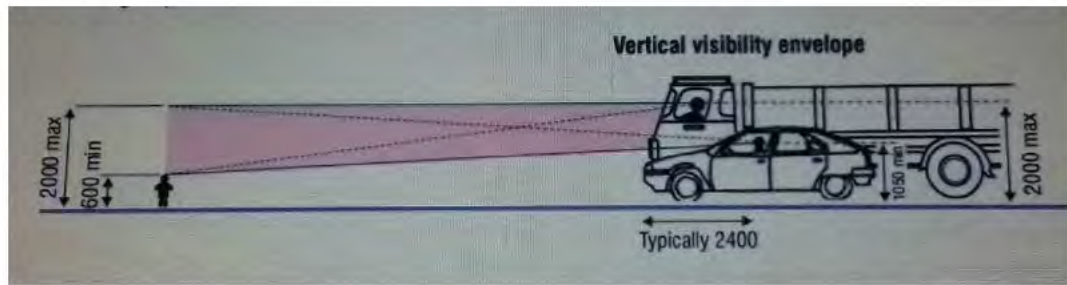


Proposed development shown hatched



Existing amenity land

- **1.4 Vehicular accidents:-** 2.5yrs ago, a large white fully laden delivery van reversed from the staggered crossroads from Skylark Way up the hill towards Brambling Way at speed reversing round the corner into Woodpecker Crescent crashing into a stationary vehicle who had anticipated its erratic driving – it then drove at speed up onto the pavement on the wrong side of the road (Linnet Lane) prior to coming to a standstill. A lost delivery driver panicking at speed!



- **1.5 Traffic surveys:-** The residents of the existing Croudace Estate would like to highlight that there are significant increases of vehicular traffic at different times of the day and different days of the week due to the following, (and this we feel has not been taken into account whilst preparing this site for listing as a potential development site allocation.)



Staggered parking Robin Road entrance



Parking directly on a junction (staggered crossroads)

View from Woodpecker Crescent eastwards





Quiet section of the day Linnet Lane (west)



View Robin Road southwest to York Way

Monday to Friday

- **6 – 9am:-** residents leaving for work commitments by car and high pedestrian footpath usage to mainline station at Burgess Hill/school children/parents walking to schools/cycling and scooting to school/Kiddi Caru childcare centre
- **8.15am:-** non estate residents enter the existing Croudace estate via York Road to park for the morning or the day whilst at work.
- **Midday:-** residents and non resident vehicular and pedestrian traffic / school/pre-school/day-care/part time work place changeover.
- **3pm:-** residents use vehicles and / or pedestrian usage to collect children from childcare Kiddi Caru / schools – St Wilfred's Primary/Southway Primary/Hassocks infants/Windmills Primary/Downlands Secondary/Burgess Hill Academy, St Pauls Secondary/Oathall/Burgess Hill Girls etc
- **5pm:-** non residents return on foot to collect their cars to drive out of the existing Croudace estate
- **5pm onwards:-** residents return to Croudace estate
- **Tuesday**
 - **7.15am:-** Dustcart access for emptying refuse and recycling bins to the whole Croudace estate
 - **9.15am:-** Dustcart access for emptying 'paid' green bin emptying to the whole Croudace estate



NB:- (School term time and holidays have a bearing on the above)

- **Saturday and Sunday:-**
- Allowance for existing residents vehicular parking together with any visiting residents and potential no- resident parking affording access to Town.
- **2.0 Parking**
- **2.1 Existing parking on York Road:-** Existing vehicular parking on York Road (feeder road to Victoria Industrial Estate for juggernauts , delivery vans and cars is restricted due to car parking along this extremely busy feeder access road on both sides of the road especially outside Park Cameras and Kiddi Caru. The short distance from Jane Murray Way roundabout gives rise to 'backing up' of queueing traffic which will be worsened significantly if a further 70 vehicles from any proposed development is agreed. Furthermore, sightlines are significantly restricted affording difficult access from Robin Road to York Road especially during 'rush hour' due to the car parking along York Road (entrance feeder road to the Victoria Industrial Estate)



No visibilty right at "T" junction
from Robin Road



Overcrowded resident parking
Woodpecker Cresc. to Linnet Lane



Visibility whilst in road infront
Park Cameras York Road



Retail home delivery service "parks" in middle of road



Inadequate existing residents parked vehicles create "pinch" points

- **2.2 Dropped kerbs to Croudace estate:-** Dropped kerbs on the whole of the existing estate allow car parking half on/half off existing pavement – any further



proposed development will increase footfall and vehicular traffic numbers making this unworkable and potentially dangerous.



Drop kerb parking (cars on rh side)

Residents drop kerb parking

- **2.3 Unsafe pedestrian access:-** The above practise restricts safe pedestrian access on existing tarmac pavement zones. I.e. prams, double buggies, pedestrians with children & dog owners. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians whereby they may not "know" the road well and cannot see around "blind bends".



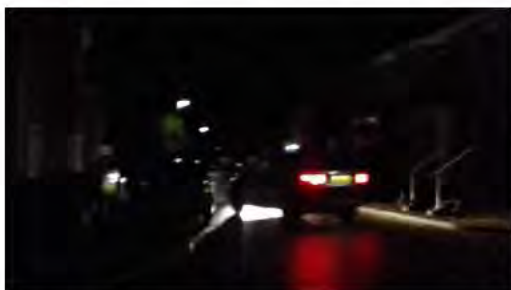
"Parked" delivery van / driver on foot looking for access to houses 7 & 9 Siskin Close.

- 2.4 Free parking:-** Robin Road and Woodpecker Crescent are currently used as 'free parking' sites for employees of "Royal Mail", Kiddy Caru and other local employment sites in the adjacent light industrial estate Victoria Business Park. Recent extensions to double yellow lines in Robin road by Highways to aid visibility splays and safe access have forced such free parking further into the Croudace estate making pedestrian access and vehicular access even more problematic, dangerous and unacceptable.



Owner of black car parked directly on junction apparently works part time hours at a local employer

- Some people stagger parking at junctions particularly on Robin Road which gives rise to vehicular traffic using the 'wrong' side of the road to drive round these parked cars meeting oncoming traffic. This is highly dangerous and has given rise to many "near misses" and several accidents. This risk increases significantly in winter months with ice on the road (we do not receive any salt bins gritters – partly because the roads are too narrow)



Due to parked car at staggered crossroad junction corner, vehicle forced to drive diagonally in path of oncoming vehicle to access Woodpecker Crescent from Linnet Lane



7.30am staggered crossroads after residents leave for work and PRIOR to non residents arrive to "free – park"

- **2.5 Residents existing parking:-** Currently there is inadequate provision for residents and visitor parking on the Croudace estate.



Drop kerb parking at night



Residents using drop kerb parking due to inadequate estate parking provision

- **2.6 Visitor parking allocation to existing site:-** Existing parking spaces Linnet Lane (Deeds of properties in Croudace existing estate (Phase 2) allocate visitor spaces (as part of afforded Amenity) adjacent to the proposed site development South of Southway School. New proposals state 2no visitor spaces will be removed to afford new access road to proposed development 30 homes and provision reallocated elsewhere. Loss of this amenity due to development would be hard to enforce if relocated in a differing "new estate" road.



Visitor parking in Linnet Lane (viewed southwards from Brambling Way)

- **2.7 Parking – proposed new location:-** Concern is raised to the legality of this and how far into the proposed 30 home estate they will be allocated?



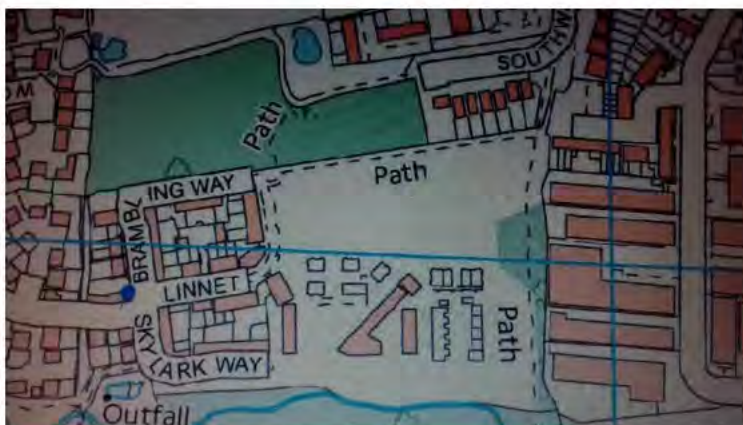
Proposed point of new access road to Land South of Southway

Visibility splays from road junctions and existing resident's driveways from a car driver and a pedestrian coming out of their property is vital to afford safe egress from the street edge.

NB:- *Painting yellow lines around the site roads is not a solution to inadequate parking provision*

• **3.0 Footpaths**

- **3.1 Footpaths:-** looking at the Council 'Ordinance Survey plan of the area (see attached) there are "Paths" marked (by a dashed line) to the north and east perimeter of the proposed development that are used as "unofficial" footpaths and have been used since 1975 at least by dog walkers.



Unofficial footpaths

- **3.2 Street lit footpath to rugby field:-** Existing Croudace constructed site (planning application granted phase 1 homes 2009 and phase 2 application granted total for both 94 homes granted 2010) construction completed 2015 gave enhanced public footpath access to Rugby field/Burgess Hill town centre and Southway Primary School.

Adopted footpath leading to Rugby pitch Brambling Way / Linnet Lane junction footpath

Therefore, even more children and parents use this as safe access and currently need to walk in the road to get to the twitten and to school. Pedestrians from the Croudace (some



84 homes in Phase 1 and 94 in Phase 2) estate together with the existing wider estates along Sparrow Way etc

- **3.3 Cycling:-** Routes to school, routes to facilities and neighbourhoods should be safe - our children are encouraged to cycle to school and often cycle up Linnet Lane to meet the adopted footpath shown above.

With the existence of the Brambling Way blind bend and a potential new junction to negotiate if Land South of Southway is developed, (and if 2 car parking spaces are removed from Linnet Lane) children's and adult's lives can be potentially put at risk. There is insufficient distance to introduce a new access road between 2 blind bends at this pinch point of vehicle, pedestrian and cyclist activity in our view.

Many adults cycle to work accessing cycle ways and there have been several accidents whereby cyclists (especially in wet conditions) when cycling south from Brambling way down Linnet Lane have fallen off their bikes when trying to brake on seeing an oncoming vehicle travelling towards them north up Linnet Lane.

3.4 'Often' overgrown footpath continuation Skylark Way:- We have spoken to the Footpaths Officer Laura Walder who has advised us that the existing footpath ref:- "32BH" across the existing Croudace site has been maintained regularly but where it crosses the private land prior to its end at Southway, it has not been maintained by the landowner. A kind Croudace resident has trimmed both overhanging sides to afford safe access to school for children who access this adopted footpath.

Many residents walk that footpath regularly and the Town Council need to enforce the landowner of the private land either side to maintain this footpath. See documents attached min 10 residents affording regular access to Town Centre and Southway school. We have been advised to contact West Sussex County Council "public Rights of Way" online to report overgrown footpaths for clearance. (Land Registry have landowner listed)



32BH Skylark Way footpath
Viewed from Skylark flats



Start of private access via 32BH footpath

- **4.0 Environmental issues:-**

- **4.1 Existing environment:-** Before this small (Croudace constructed) residential estate was completed, this was an arable field used for hay or wheat. One side of the field was bordered by a thick blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring.
- When the new houses were built (completed 4 years ago), an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. See 4.2 below



Fenced surface water overflow pond looking north to Land South of Southway

- The **Nightingales** continue to sing in the spring on the area of so-called protected woodland. We have also seen **Buzzards** flying low over the area this summer, and have found **Bats, owls and this has been part of previous Planning approval see 4.2.**
- **Elephant Hawk Moth Caterpillars**, and in previous years we have watched fox cubs playing.



Nightingale



Elephant Hawk Moth Caterpillar



Buzzard



(above images taken from free image sources)



View towards Snakes Wood



Mature oak (not TPO)
Leading to rugby pitch

4.2 Planning Application & Regulation Ecology Plan:- *Planning Application 09/00605/FUL* entitled Submission of Details Pursuant to "Condition 8" 'Ecology' of Planning Permission on Land North of Maltings Park, Burgess Hill:- Documents clearly state that an **Applied Ecology Ltd Report and Habitat Management and Maintenance Plan** were required as part of the Planning Permission being granted. The document shown below states that this Condition 8 has been agreed and the condition discharged by the implementation of provisions for badgers, bats (bat boxes) and reptile habitats dated 12th March 2012. See copy letters photographed below.

Documentation also exists stating that "Condition 7" for Planning Permission relating to *Planning Application 10/00107/FUL* has also been agreed and discharged letter dated 23 March 2012. See copy letters photographed below.

- Although a small urban area, this woodland is supporting a variety of species, and connects with the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



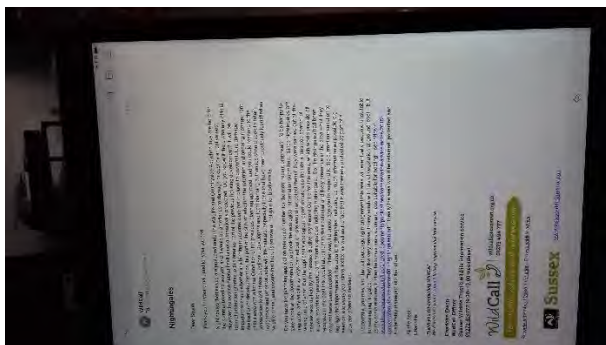
Maintained "Wild flower meadow" strip by Croudace Management Company

- **4.3 Sussex Wildlife Trust:-** Charlotte Owen has been contacted (Wildcall Officer) and she has drafted email replies as appended. "nightingales are protected under the "wildlife & Countryside Act" and it is an offence to damage or destroy an active nest"
- **We would like to ask the following :-**
 - 1 is there any official form of 'protection' granted to this area as part of the existing Croudace estate development? **YES See above (4.2)**
 - 2 is there any official form of 'protection' granted to the site of proposed development South of Southway? **YES See above (4.2)**
 - 3 Are there any binding measures put in place to **prevent future damage, destruction or development on this part of the proposed development** site South of Southway?

This is highly relevant and to be questioned and looked into further...Awaiting Sussex Wildlife Trust investigations.

OR

- 4 whether the retention of ongoing management of this area was a formal condition of the previous Planning Condition?
- It is our understanding , "Developers and Local Planning Authorities **MUST** seek to retain hedgerows and other valuable wildlife habitats, especially those that have been previously identified as "wildlife areas" and ensure that there is an overall net gain for biodiversity Ideally this area would be retained protected and sustainably managed but not necessarily for humans but wildlife. We need to ensure that as an important wildlife habitat, it is managed with the advice of Sussex Wildlife Trust.



Sussex Wildlife Trust letter

- **4.3 Nightingales:-** “Any applicant’s ecological report should also include a desktop search of species records held by the Sussex Biodiversity Record Centre for this area which would provide all known records for protected and priority species including Nightingales”. There have been sightings of nightingales on this site since 1975. – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.4 Bats:-** Residents frequently see Bats flying from the west of Linnet Lane to the direction of Land South of Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.5 Buzzards:-** Residents have seen Buzzards flying over this area regularly (last sighting during late summer 2019) Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.6 Wildlife:-** Since the re-development of B1 use buildings to flats and apartments to the rear of the Croudace Development Goldfinch Road and Snakes Wood (Victoria Drive) the fox number has declined/moved and the rat population has increase significantly.
- **4.7 Blackthorn Hedging:-** The existing Blackthorn hedge affords nesting provision for Nightingales that have lived in the area for a numbers of years. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.8 Mature Oaks:-** There are a number of mature oaks on site - this is a wildlife corridor – some of the mature oak and other trees are not listed on the proposed ideas as mature and are not TPO listed. We have spoken to Irene Fletcher (Tree Officer) Mid Sussex District Council and she has confirmed that mature species bounding the existing estate along Skylark Way and Goldfinch Drive have Tree preservation Orders. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex October 2019

- There doesn't appear to be any protection orders for the mature hedging and trees. We asked what protection could be sought for this area of land which is a valuable wildlife habitat. The proposed site is visible to the public from the existing maintained footpaths, unofficial footpaths, existing estate and Snakes Wood. We feel that the proposed site is of significant amenable value and is a site of expediency which we understand are both categories listed for consideration by the County Council Planning Dept.



Area requires protection



Conditional Planning Permission documentation

- **5.0 Development construction:-**
- **5.1 Noise:-**
- **Development construction:-** this will cause disruption to wildlife species.
- **Construction vehicular access:-** large vehicles and materials will not be able to afford safe access through the existing Croudace site for the above mentions reasons. (parked cars/vans/delivery vehicles etc)
- **6.0 Potential Land Ownership query:-**
- **6.1 Ownership:-** There is a potential discrepancy in the outline of the boundary plan – Currently Croudace Management Company "HML" (paid for by each resident on site annually) maintain this area of wild flower meadow strip – yet the proposed outline for the allocation of development land is shown to include this land up to the tarmac Croudace constructed pedestrian footpath shown above. Likewise, the grass treelined strip of land to the east of Linnet Lane is also maintained by the Croudace Management Company" HML" (paid for by each resident on site annually) – yet the

proposed outline for the allocation of development land is shown to include this land up to the edge of the visitor parking bays. HML Management Company that **we** the Residents own will know the precise boundary and ownership details – information has been requested.



Plan showing areas that residents are liable for maintenance (ie 1/94th)

- **6.2 Fencing:-** Fencing was installed during the Croudace phased construction period and it is clearly signed "Private Property Keep Out" – surely this fencing and notification demarcates land ownership ?



Corner fence opp Siskin Close



Fencing east side



Fencing on Linnet Lane



Fencing at end of Brambling Way



Signage either side of 32BH footpath

- 6.3 Legalities:-** From documentation, it appears that Mid Sussex County Council own Snakes Wood. It is unclear whether Croudace own the "AMENITY" land that HML manage? (we the 94 residents pay for the management of the amenity land including the wildflower meadow. Surely there would be a need for a compulsory purchase Order, at the very least, with 3 Independent valuations. The proposed "Allocation development of Land South of Southway" shows development right up to the tarmac footpath bordering numbers 1 and 9 Siskin Close – if the above strip is owned by 'others' yet maintained by the 94 residents, a monetary transaction would have to be presumably refunded 'pro-rata' to the 94 residents as "compensation" for loss of amenity as we the residents have been paying into the maintenance fund for the last 4 years (at time of writing this document) for phase 2 properties and 5yers for plphase 1 properties.



Amenity land east of Linnet Lane



Amenity land/wild flower strip east of Skylark Way



Amenity land/wild flower strip view
Towards Snakes Wood



Amenity land view towards Snakes Wood

Documents state "94 properties contribute equally associated charges of the (existing) development including the Housing Association (28/94ths) to include administration charges.

"HML are responsible for the upkeep and management of company lands including NATURE CORRIDORS and NATURALLY LANDSCAPED BUFFER ZONES surrounding the site and the ongoing Ecological requirements in accordance with the Natural England Licence and Amenity planting beds and grass areas, surface water drainage, attenuation ponds and outfalls and the compensation areas within the MANAGEMENT COMPANY LAND: sundry highway and footpaths and open spaces (LEAP + LAP), as applicable, and emptying of any bins in these areas, footpath, cycleway link attending fortnightly."



Amenity :-
maintained grass area / wild flower meadow and wooded wildlife corridor as existing

7.0 Buyers information from Croudace Homes:-

- **7.1 Residents** in Linnett Way, Siskin Close and Brambling Way were told when asked that the land south of Southway would not be built on for 20 -25 years – we feel that we have been mis sold or properties in this respect.

- In summary, our concerns centre on six issues, as detailed below – which will form the basis of our formal objections following the Consultative process:-

Highways – see clause 1 of this report

Parking – see clause 2 of this report

Footpaths – see clause 3 of this report

Environmental issues – see clause 4 of this report

Witnessed more than one murmuration of Starlings from that land

Development Construction – see clause 5 of this report.

Cannot understand why the access cannot be at end after Screwfix (York Road/Charles Avenue) – that could be so well hoarded so as not to inconvenience any one Council Tax and Service Charge paying resident from Robin Road the periphery of the Maltings Park development?

Potential Land Ownership Issue

Having run Service Charge accounts, I know there will be considerable upset as to defining lines of ownership, when accessing the land from Linnet Lane side. Whereas there will be clearer lines if accessed as noted above.

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 123

Response Ref: Reg19/123/1

Respondent: Mr S Farrant

Organisation:

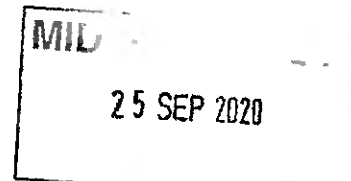
On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]
F.A.O. [REDACTED] Head of Planning / Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath, West Sussex RH16 1SS

21st September 2020



Dear [REDACTED]

Re:- "SA15" proposed site allocation Land South of Southway Neighbourhood Plan

I am a resident at [REDACTED] and I am writing in response to your letter dated 3rd August 2020 "Submission Draft Site Allocations Development Plan Document Publication". Together with my previous comments outlined in my submission initially dated 14th November 2019, I once again write to offer my **objections** to development at the above site. I enclose a copy of my report and also attach a copy of the document "Comments from Organisations/Specific Consultation Bodies" as published by Mid Sussex District Council which outlines a total of 69 independent party's comments (of those 65 Objections, 2 Supporters and 2 Neutral).

My objections are as follows:-

- 1 SA15 allocation is on Local Green Space in OPPOSITION with NPPF policies – this site is a "green lung" for Burgess Hill.
- 2 SA15 allocation is an important wildlife site including for nightingales (danger of extinction)
- 3 Additional traffic issues between Haywards Heath and Burgess Hill with adverse town centre traffic effects.
- 4 SA15 allocation conflicts with DPP DP38 enhancing Bio diversity (numerous species on site afforded statutory protection).
- 5 SA15 allocation - Concerns over pedestrian safety, lack of sufficient vehicle parking, congestion and inappropriate access road width to its proposed entry off Linnett Lane.
- 6 SA15 allocation - Proposed access from Linnett Lane unsuitable located between 2no blind bends and directly opposite existing resident drives.
- 7 SA15 allocation - Site selection concerns (geographical and political balance on the sites Member working Group)
- 8 SA15 allocation proposed site boundary shows encroachment onto existing residents maintained land both south of the site and west of the site including access. (See below)
- 9 SA15 allocation- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex' expansion plans in relation to its infrastructure.

I have written to our Solicitor and received an email with the following response:-

"The Transfer provided of the property to you indicated that the Management Company would take over the Common Areas on the Estate. The Common Areas were defined as those parts of the Estate which comprise open space land and intended to remain private and be available for Common use and enjoyment by the owners and occupiers of the estate."

[REDACTED]
Yours sincerely
Stephen Farrant (Mr)

**Neighbourhood Plan Proposed Development
location:-**

"Land South of Southway" Burgess Hill:-

**Objection:- as part of the Consultation
Process as requested by Mid Sussex District
Council**

issued to:-

Email to:-

LDFconsultation@midsussex.gov.uk

And / or post to:-

Planning Policy

Mid Sussex District Council

Oaklands

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

BY 28th September 2020

Resident Name:-

Address & postcode:-

STEPHEN FARRANT



- **Please note:-**

The comments listed below are not listed in any order of importance:-

- **General information:-** Proposed site area listed as 1.2 hectares / Development guidelines 30 properties per hectare / 30% affordable housing allocation
- Before the existing Croudace small residential estate was completed, this land was an arable field used for hay or wheat. One side of the field was bordered by a thick Blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring. Photos below c1975.



- When the last of the new Phase 2 Croudace homes were built 5 years ago, an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. The nightingales continue to sing in the spring on the area of so called 'protected woodland'. We have also seen Buzzards flying low over the area this summer, and have found Elephant Hawk Moth Caterpillars, and in previous years have watched fox cubs playing. Bats and owls fly through the estate regularly – see details below.



Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- Although a small urban area, this woodland is supporting a variety of species, and connects to the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



Adopted footpath with mature oak trees leading to Blackthorn hedge

- **Matters Requiring Clarification:-**
- We are in need of your clarification regarding the following which we would then wish to retain the right of making further comment.
 - A The type of housing stock to be constructed on the development site?
 - B Why at this juncture decision has been made to use Linnet Lane for access to the proposed construction site, notwithstanding the fact other points of access would be less disruptive during and after the construction phase. We have ourselves this issue with West Sussex County Council – see clause 1 below.
 - C A more definitive plan with precise boundaries forming part of the development site – see clause 6 below together with the various sub-sections below, under the heading "Potential Land Ownership Issues"

- **List of Objections:-**

As follows:-

- **1.0 Highways**
- **1.1 Highways/traffic:-** We have been discussing the proposed site development South of Southway with Laura Walder at West Sussex County Council and she has asked that concerns and objections be listed and carefully documented and emailed to the Highways Team , customer.service@westsussex.gov.uk for their urgent comments and action. *(this has been actioned – awaiting response)*

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020



Robin Road access to Croudace estate Existing road network and footpaths

- **1.2 Existing road access /Lack of Infrastructure:-** Inappropriate access road widths Robin Road, Woodpecker Crescent for a further 70+ cars with proposed development. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten potential danger despite the installation of warning signs "slow children" - this has increased significantly with Internet shopping in recent years and food delivery such as DPD/amazon prime etc.



Emergency vehicle on" 999 call out"



Usual parking patterns would make
The ambulance access impossible

- **1.3 Location of proposed access:-** New proposals show proposed access road shows to be located between 2 blind bends on Linnet Lane directly opposite existing resident drives. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians who do not "know" the road layouts and location of homes



**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

Blind bend Brambling Way

remove 2 middle car parking spaces min turning



**Pedestrian crossing points/safe
Visibility splays required**

Junctions

road visibility splay



Proposed Access to New Estate

Proposed access through parked cars

This existing Croudace estate is a "built – up" area and the general principle is that junctions are to be avoided near bends, unless adequate 'sight lines/visibility splays' and other 'safety' features can be achieved. Our concerns for any new access road in Linnet Lane to any potential housing development "Land South of Southway" are due to the fact it will adversely affect safety of both pedestrians and vehicle drivers. Forward visibility is vital - access to existing driveways, activities, junctions and other features will put residents and members of the public at risk.

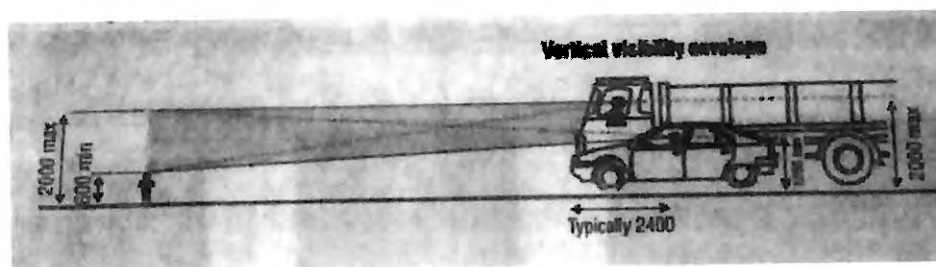


Proposed development shown hatched

Existing amenity land

- **1.4 Vehicular accidents:-** 2.5yrs ago, a large white fully laden delivery van reversed from the staggered crossroads from Skylark Way up the hill towards Brambling Way at speed reversing round the corner into Woodpecker Crescent crashing into a stationary vehicle who had anticipated its erratic driving – it then drove at speed up onto the pavement on the wrong side of the road (Linnet Lane) prior to coming to a standstill. A lost delivery driver panicking at speed!

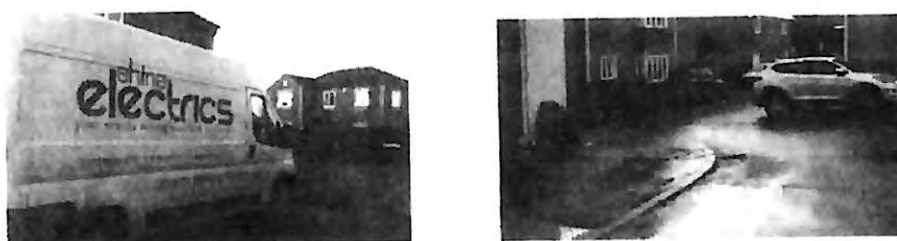
**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



- **1.5 Traffic surveys:-** The residents of the existing Croudace Estate would like to highlight that there are significant increases of vehicular traffic at different times of the day and different days of the week due to the following, (and this we feel has not been taken into account whilst preparing this site for listing as a potential development site allocation.)



Staggered parking Robin Road entrance



Parking directly on a junction (staggered crossroads)

View from Woodpecker Crescent eastwards



**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Quiet section of the day Linnet Lane (west)



View Robin Road southwest to York Way

Monday to Friday

- **6 – 9am:-** residents leaving for work commitments by car and high pedestrian footpath usage to mainline station at Burgess Hill/school children/parents walking to schools/cycling and scooting to school/Kiddi Caru childcare centre
- **8.15am:-** non estate residents enter the existing Croudace estate via York Road to park for the morning or the day whilst at work.
- **Midday:-** residents and non resident vehicular and pedestrian traffic / school/pre-school/day-care/part time work place changeover.
- **3pm:-** residents use vehicles and / or pedestrian usage to collect children from childcare Kiddi Caru / schools – St Wilfred's Primary/Southway Primary/Hassocks Infants/Windmills Primary/Downlands Secondary/Burgess Hill Academy, St Pauls Secondary/Oathall/Burgess Hill Girls etc
- **5pm:-** non residents return on foot to collect their cars to drive out of the existing Croudace estate
- **5pm onwards:-** residents return to Croudace estate
- **Tuesday**
- **7.15am:-** Dustcart access for emptying refuse and recycling bins to the whole Croudace estate
- **9.15am:-** Dustcart access for emptying 'paid' green bin emptying to the whole Croudace estate



NB:- (School term time and holidays have a bearing on the above)

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **Saturday and Sunday:-**

- Allowance for existing residents vehicular parking together with any visiting residents and potential no- resident parking affording access to Town.

- **2.0 Parking**

- **2.1 Existing parking on York Road:-** Existing vehicular parking on York Road (feeder road to Victoria Industrial Estate for juggernauts , delivery vans and cars is restricted due to car parking along this extremely busy feeder access road on both sides of the road especially outside Park Cameras and Kiddi Caru. The short distance from Jane Murray Way roundabout gives rise to 'backing up' of queueing traffic which will be worsened significantly if a further 70 vehicles from any proposed development is agreed. Furthermore, sightlines are significantly restricted affording difficult access from Robin Road to York Road especially during 'rush hour' due to the car parking along York Road (entrance feeder road to the Victoria Industrial Estate)



No visibility right at "T" junction
from Robin Road



Overcrowded resident parking
Woodpecker Cresc. to Linnet Lane

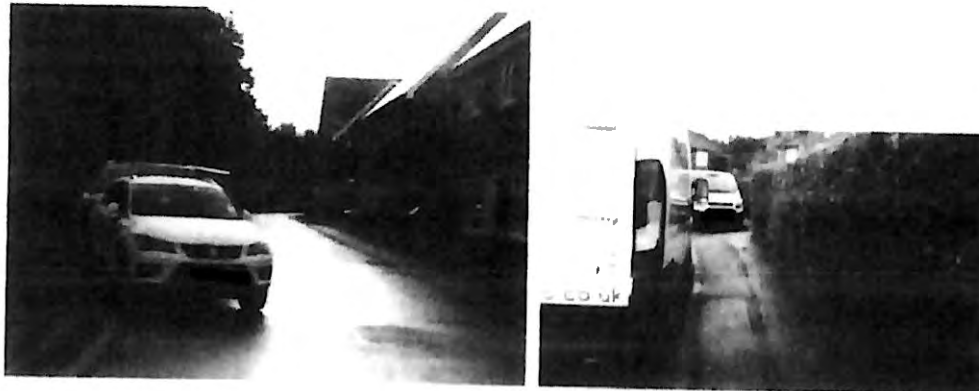


Visibility whilst in road in front
Park Cameras York Road



Retail home delivery service "parks" in middle of road

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020



Inadequate existing residents parked vehicles create "pinch" points

- **2.2 Dropped kerbs to Croudace estate:-** Dropped kerbs on the whole of the existing estate allow car parking half on/half off existing pavement – any further



proposed development will increase footfall and vehicular traffic numbers making this unworkable and potentially dangerous.



Drop kerb parking (cars on rh side)



Residents drop kerb parking

- **2.3 Unsafe pedestrian access:-** The above practise restricts safe pedestrian access on existing tarmac pavement zones. I.e. prams, double buggies, pedestrians with children & dog owners. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians whereby they may not "know" the road well and cannot see around "blind bends".



"Parked" delivery van / driver on foot looking for access to houses 7 & 9 Siskin Close.

- 2.4 **Free parking:-** Robin Road and Woodpecker Crescent are currently used as 'free parking' sites for employees of "Royal Mail", Kiddy Caru and other local employment sites in the adjacent light industrial estate Victoria Business Park. Recent extensions to double yellow lines in Robin road by Highways to aid visibility splays and safe access have forced such free parking further into the Croudace estate making pedestrian access and vehicular access even more problematic, dangerous and unacceptable.



Owner of black car parked directly on junction apparently works part time hours at a local employer

- Some people stagger parking at junctions particularly on Robin Road which gives rise to vehicular traffic using the 'wrong' side of the road to drive round these parked cars meeting oncoming traffic. This is highly dangerous and has given rise to many "near misses" and several accidents. This risk increases significantly in winter months with ice on the road (we do not receive any salt bins gritters – partly because the roads are too narrow)



Due to parked car at staggered crossroad junction corner, vehicle forced to drive diagonally in path of oncoming vehicle to access Woodpecker Crescent from Linnet Lane



7.30am staggered crossroads after residents leave for work and PRIOR to non residents arrive to "free ~ park"

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **2.5 Residents existing parking:-** Currently there is inadequate provision for residents and visitor parking on the Croudace estate.



Drop kerb parking at night



Residents using drop kerb parking due to inadequate estate parking provision

- **2.6 Visitor parking allocation to existing site:-** Existing parking spaces Linnet Lane (Deeds of properties in Croudace existing estate (Phase 2) allocate visitor spaces (as part of afforded Amenity) adjacent to the proposed site development South of Southway School. New proposals state 2no visitor spaces will be removed to afford new access road to proposed development 30 homes and provision reallocated elsewhere. Loss of this amenity due to development would be hard to enforce if relocated in a differing "new estate" road.



Visitor parking in Linnet Lane (viewed southwards from Brambling Way)

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **2.7 Parking – proposed new location:-** Concern is raised to the legality of this and how far into the proposed 30 home estate they will be allocated?



Proposed point of new access road to Land South of Southway

Visibility splays from road junctions and existing resident's driveways from a car driver and a pedestrian coming out of their property is vital to afford safe egress from the street edge.

NB:- *Painting yellow lines around the site roads is not a solution to inadequate parking provision*

• **3.0 Footpaths**

- **3.1 Footpaths:-** looking at the Council 'Ordinance Survey plan of the area (see attached) there are "Paths" marked (by a dashed line) to the north and east perimeter of the proposed development that are used as "unofficial" footpaths and have been used since 1975 at least by dog walkers.



Unofficial footpaths

- **3.2 Street lit footpath to rugby field:-** Existing Croudace constructed site (planning application granted phase 1 homes 2009 and phase 2 application granted total for both 94 homes granted 2010) construction completed 2015 gave enhanced public footpath access to Rugby field/Burgess Hill town centre and Southway Primary School.



Adopted footpath leading to Rugby pitch
Brambling Way / Linnet Lane junction
footpath

Therefore, even more children and parents use this as safe access and currently need to walk in the road to get to the twitten and to school. Pedestrians from the Croudace (some 84 homes in Phase 1 and 94 in Phase 2) estate together with the existing wider estates along Sparrow Way etc

- **3.3 Cycling:-** Routes to school, routes to facilities and neighbourhoods should be safe - our children are encouraged to cycle to school and often cycle up Linnet Lane to meet the adopted footpath shown above.

With the existence of the Brambling Way blind bend and a potential new junction to negotiate if Land South of Southway is developed, (and if 2 car parking spaces are removed from Linnet Lane) children's and adult's lives can be potentially put at risk. There is insufficient distance to introduce a new access road between 2 blind bends at this pinch point of vehicle, pedestrian and cyclist activity in our view.

Many adults cycle to work accessing cycle ways and there have been several accidents whereby cyclists (especially in wet conditions) when cycling south from Brambling way down Linnet Lane have fallen off their bikes when trying to brake on seeing an oncoming vehicle travelling towards them north up Linnet Lane.

3.4 'Often' overgrown footpath continuation Skylark Way:- We have spoken to the Footpaths Officer Laura Walder who has advised us that the existing footpath ref:- "32BH" across the existing Croudace site has been maintained regularly but where it crosses the private land prior to its end at Southway, it has not been maintained by the landowner. A kind Croudace resident has trimmed both overhanging sides to afford safe access to school for children who access this adopted footpath.

Many residents walk that footpath regularly and the Town Council need to enforce the landowner of the private land either side to maintain this footpath. See documents attached min 10 residents affording regular access to Town Centre and Southway school. We have been advised to contact West Sussex County Council "public Rights of Way" online to report overgrown footpaths for clearance. (Land Registry have landowner listed)



32BH Skylark Way footpath
Viewed from Skylark flats



Start of private access via 32BH footpath

- **4.0 Environmental issues:-**

- **4.1 Existing environment:-** Before this small (Croudace constructed) residential estate was completed, this was an arable field used for hay or wheat. One side of the field was bordered by a thick blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring.
- When the new houses were built (completed 4 years ago), an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. See 4.2 below



Fenced surface water overflow pond looking north to Land South of Southway

- The **Nightingales** continue to sing in the spring on the area of so-called protected woodland. We have also seen **Buzzards** flying low over the area this summer, and have found **Bats**, **owls** and this has been part of previous **Planning approval** see 4.2.
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**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Nightingale



Elephant Hawk Moth Caterpillar



Buzzard



(above images taken from free image sources)



View towards Snakes Wood



**Mature oak (not TPO)
Leading to rugby pitch**

4.2 Planning Application & Regulation Ecology Plan:- *Planning Application 09/00605/FUL* entitled Submission of Details Pursuant to "Condition 8" 'Ecology' of Planning Permission on Land North of Maltings Park, Burgess Hill:- Documents clearly state that an **Applied Ecology Ltd Report and Habitat Management and Maintenance Plan** were required as part of the Planning Permission being granted. The document shown below states that this Condition 8 has been agreed and the condition discharged by the implementation of provisions for badgers, bats (bat boxes) and reptile habitats dated 12th March 2012. See copy letters photographed below.

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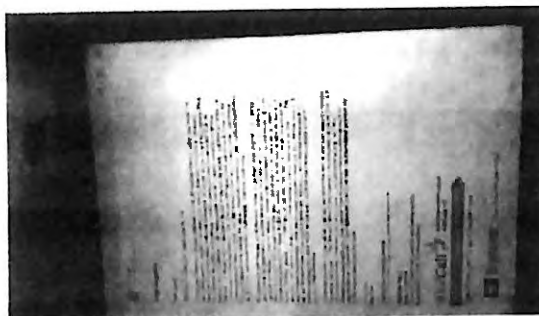
Maintained "Wild flower meadow" strip by Croudace Management Company

- **4.3 Sussex Wildlife Trust:-** Charlotte Owen has been contacted (Wildcall Officer) and she has drafted email replies as appended. "nightingales are protected under the "wildlife & Countryside Act" and it is an offence to damage or destroy an active nest"
- **We would like to ask the following :-**
- **1** is there any official form of 'protection' granted to this area as part of the existing Croudace estate development? **YES See above (4.2)**
- **2** is there any official form of 'protection' granted to the site of proposed development South of Southway? **YES See above (4.2)**
- **3** Are there any binding measures put in place to prevent future damage, destruction or development on this part of the proposed development site South of Southway?

This is highly relevant and to be questioned and looked into further...Awaiting Sussex Wildlife Trust investigations.

OR

- **4** whether the retention of ongoing management of this area was a formal condition of the previous Planning Condition?
- It is our understanding , "Developers and Local Planning Authorities **MUST** seek to retain hedgerows and other valuable wildlife habitats, especially those that have been previously identified as "wildlife areas" and ensure that there is an overall net gain for biodiversity Ideally this area would be retained protected and sustainably managed but not necessarily for humans but wildlife. We need to ensure that as an important wildlife habitat, it is managed with the advice of Sussex Wildlife Trust.



Sussex Wildlife Trust letter

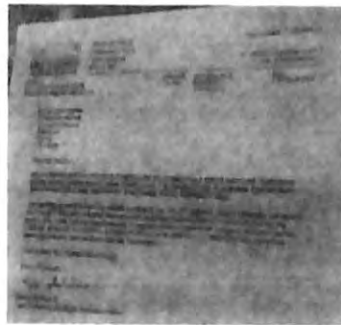
- **4.3 Nightingales:-** "Any applicant's ecological report should also include a desktop search of species records held by the Sussex Biodiversity Record Centre for this area which would provide all known records for protected and priority species including Nightingales". There have been sightings of nightingales on this site since 1975. – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.4 Bats:-** Residents frequently see Bats flying from the west of Linnet Lane to the direction of Land South of Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.5 Buzzards:-** Residents have seen Buzzards flying over this area regularly (last sighting during late summer 2019) Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.6 Wildlife:-** Since the re-development of B1 use buildings to flats and apartments to the rear of the Croudace Development Goldfinch Road and Snakes Wood (Victoria Drive) the fox number has declined/moved and the rat population has increase significantly.
- **4.7 Blackthorn Hedging:-** The existing Blackthorn hedge affords nesting provision for Nightingales that have lived in the area for a numbers of years. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.8 Mature Oaks:-** There are a number of mature oaks on site - this is a wildlife corridor – some of the mature oak and other trees are not listed on the proposed ideas as mature and are not TPO listed. We have spoken to Irene Fletcher (Tree Officer) Mid Sussex District Council and she has confirmed that mature species bounding the existing estate along Skylark Way and Goldfinch Drive have Tree preservation Orders. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

- There doesn't appear to be any protection orders for the mature hedging and trees. We asked what protection could be sought for this area of land which is a valuable wildlife habitat. The proposed site is visible to the public from the existing maintained footpaths, unofficial footpaths, existing estate and Snakes Wood. We feel that the proposed site is of significant amenable value and is a site of expediency which we understand are both categories listed for consideration by the County Council Planning Dept.



Area requires protection

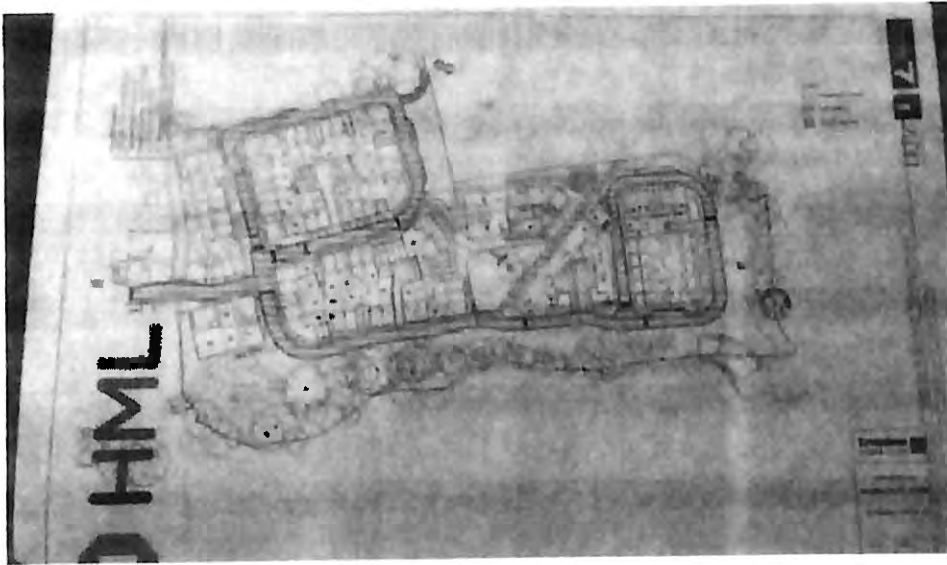


Conditional Planning Permission documentation

- **5.0 Development construction:-**
- **5.1 Noise:-**
- **Development construction:-** this will cause disruption to wildlife species.
- **Construction vehicular access:-** large vehicles and materials will not be able to afford safe access through the existing Croudace site for the above mentions reasons. (parked cars/vans/delivery vehicles etc)
- **6.0 Potential Land Ownership query:-**
- **6.1 Ownership:-** There is a potential discrepancy in the outline of the boundary plan – Currently Croudace Management Company "HML" (paid for by each resident on site annually) maintain this area of wild flower meadow strip – yet the proposed outline for the allocation of development land is shown to include this land up to the tarmac Croudace constructed pedestrian footpath shown above. Likewise, the grass treelined strip of land to the east of Linnet Lane is also maintained by the Croudace Management Company" HML" (paid for by each resident on site annually) – yet the

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

proposed outline for the allocation of development land is shown to include this land up to the edge of the visitor parking bays. HML Management Company that we the Residents own will know the precise boundary and ownership details – information has been requested.



Plan showing areas that residents are liable for maintenance (ie 1/94th)

- **6.2 Fencing:-** Fencing was installed during the Croudace phased construction period and it is clearly signed "Private Property Keep Out" – surely this fencing and notification demarcates land ownership ?



Corner fence opp Siskin Close



Fencing east side

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Fencing on Linnet Lane



Fencing at end of Brambling Way



Signage either side of 32BH footpath

- 6.3 Legalities:-** From documentation, it appears that Mid Sussex County Council own Snakes Wood. It is unclear whether Croudace own the "AMENITY" land that HML manage? (we the 94 residents pay for the management of the amenity land including the wildflower meadow. Surely there would be a need for a compulsory purchase Order, at the very least, with 3 Independent valuations. The proposed "Allocation development of Land South of Southway" shows development right up to the tarmac footpath bordering numbers 1 and 9 Siskin Close – if the above strip is owned by 'others' yet maintained by the 94 residents, a monetary transaction would have to be presumably refunded 'pro-rata' to the 94 residents as "compensation" for loss of amenity as we the residents have been paying into the maintenance fund for the last 4 years (at time of writing this document) for phase 2 properties and 5yrs for plphase 1 properties.



Amenity land east of Linnet Lane



Amenity land/wild flower strip east of Skylark Way

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020



Amenity land/wild flower strip view
Towards Snakes Wood



Amenity land view towards Snakes Wood

Documents state "94 properties contribute equally associated charges of the (existing) development including the Housing Association (28/94ths) to include administration charges.

"HML are responsible for the upkeep and management of company lands including NATURE CORRIDORS and NATURALLY LANDSCAPED BUFFER ZONES surrounding the site and the ongoing Ecological requirements in accordance with the Natural England Licence and Amenity planting beds and grass areas, surface water drainage, attenuation ponds and outfalls and the compensation areas within the MANAGEMENT COMPANY LAND: sundry highway and footpaths and open spaces (LEAP + LAP), as applicable, and emptying of any bins in these areas, footpath, cycleway link attending fortnightly."



Amenity :-
maintained grass area / wild flower meadow and wooded wildlife corridor as existing

7.0 Buyers information from Croudace Homes:-

- 7.1 Residents in Linnett Way, Siskin Close and Brambling Way were told when asked that the land south of Southway would not be built on for 20 -25 years – we feel that we have been mis sold or properties in this respect.

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

U

- In summary, our concerns centre on six issues, as detailed below – which will form the basis of our formal objections following the Consultative process:-

Highways – see clause 1 of this report

Parking – see clause 2 of this report

Footpaths – see clause 3 of this report

Environmental issues – see clause 4 of this report

Development Construction – see clause 5 of this report

Potential Land Ownership Issue

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 124

Response Ref: Reg19/124/1

Respondent: Mrs H Farrant

Organisation:

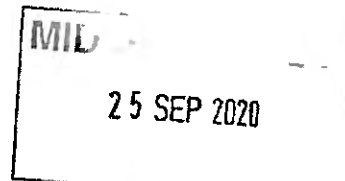
On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]
F.A.O. [REDACTED] Head of Planning / Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath, West Sussex RH16 1SS

21st September 2020



Dear [REDACTED]

Re:- "SA15" proposed site allocation Land South of Southway Neighbourhood Plan

I am a resident at [REDACTED] and I am writing in response to your letter dated 3rd August 2020 "Submission Draft Site Allocations Development Plan Document Publication". Together with my previous comments outlined in my submission initially dated 14th November 2019, I once again write to offer my **objections** to development at the above site. I enclose a copy of my report and also attach a copy of the document "Comments from Organisations/Specific Consultation Bodies" as published by Mid Sussex District Council which outlines a total of 69 independent party's comments (of those 65 Objections, 2 Supporters and 2 Neutral).

My objections are as follows:-

- 1 SA15 allocation is on Local Green Space in OPPOSITION with NPPF policies – this site is a "green lung" for Burgess Hill.
- 2 SA15 allocation is an important wildlife site including for nightingales (danger of extinction)
- 3 Additional traffic issues between Haywards Heath and Burgess Hill with adverse town centre traffic effects.
- 4 SA15 allocation conflicts with DPP DP38 enhancing Bio diversity (numerous species on site afforded statutory protection).
- 5 SA15 allocation - Concerns over pedestrian safety, lack of sufficient vehicle parking, congestion and inappropriate access road width to its proposed entry off Linnett Lane.
- 6 SA15 allocation - Proposed access from Linnett Lane unsuitable located between 2no blind bends and directly opposite existing resident drives.
- 7 SA15 allocation - Site selection concerns (geographical and political balance on the sites Member working Group)
- 8 SA15 allocation proposed site boundary shows encroachment onto existing residents maintained land both south of the site and west of the site including access. (See below)
- 9 SA15 allocation- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex' expansion plans in relation to its infrastructure.

I have written to our Solicitor and received an email with the following response:-

"The Transfer provided of the property to you indicated that the Management Company would take over the Common Areas on the Estate. The Common Areas were defined as those parts of the Estate which comprise open space land and intended to remain private and be available for Common use and enjoyment by the owners and occupiers of the estate."

Yours sincerely
Stephen Farrant (Mr)

Neighbourhood Plan Proposed Development
location:-

"Land South of Southway" Burgess Hill:-

Objection:- as part of the Consultation
Process as requested by Mid Sussex District
Council

issued to:-

Email to:-

LDFconsultation@midsussex.gov.uk

And / or post to:-

Planning Policy

Mid Sussex District Council

Oaklands

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

BY 28th September 2020

Resident Name:-

HEATHER FARREANT

Address & postcode:-



- **Please note:-**

The comments listed below are not listed in any order of importance:-

- **General information:-** Proposed site area listed as 1.2 hectares / Development guidelines 30 properties per hectare / 30% affordable housing allocation
- Before the existing Croudace small residential estate was completed, this land was an arable field used for hay or wheat. One side of the field was bordered by a thick Blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring. Photos below c1975.



- When the last of the new Phase 2 Croudace homes were built 5 years ago, an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. The nightingales continue to sing in the spring on the area of so called 'protected woodland'. We have also seen Buzzards flying low over the area this summer, and have found Elephant Hawk Moth Caterpillars, and in previous years have watched fox cubs playing. Bats and owls fly through the estate regularly – see details below.



Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- Although a small urban area, this woodland is supporting a variety of species, and connects to the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



Adopted footpath with mature oak trees leading to Blackthorn hedge

- **Matters Requiring Clarification:-**
- We are in need of your clarification regarding the following which we would then wish to retain the right of making further comment.
 - A The type of housing stock to be constructed on the development site?
 - B Why at this juncture decision has been made to use Linnet Lane for access to the proposed construction site, notwithstanding the fact other points of access would be less disruptive during and after the construction phase. We have ourselves this issue with West Sussex County Council – see clause 1 below.
 - C A more definitive plan with precise boundaries forming part of the development site – see clause 6 below together with the various sub-sections below, under the heading "Potential Land Ownership Issues"
- **List of Objections:-**
As follows:-
 - **1.0 Highways**
 - **1.1 Highways/traffic:-** We have been discussing the proposed site development South of Southway with Laura Walder at West Sussex County Council and she has asked that concerns and objections be listed and carefully documented and emailed to the Highways Team , customer.service@westsussex.gov.uk for their urgent comments and action. *(this has been actioned – awaiting response)*

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Robin Road access to Croudace estate Existing road network and footpaths

- **1.2 Existing road access /Lack of infrastructure:-** Inappropriate access road widths Robin Road, Woodpecker Crescent for a further 70+ cars with proposed development. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten potential danger despite the installation of warning signs "slow children" - this has increased significantly with Internet shopping in recent years and food delivery such as DPD/amazon prime etc.



Emergency vehicle on " 999 call out"



**Usual parking patterns would make
The ambulance access impossible**

- **1.3 Location of proposed access:-** New proposals show proposed access road shows to be located between 2 blind bends on Linnet Lane directly opposite existing resident drives. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians who do not "know" the road layouts and location of homes



**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

Blind bend Brambling Way

remove 2 middle car parking spaces min turning



**Pedestrian crossing points/safe
Visibility splays required**



Junctions



road visibility splay



Proposed Access to New Estate



Proposed access through parked cars

This existing Croudace estate is a "built - up" area and the general principle is that junctions are to be avoided near bends, unless adequate 'sight lines/visibility splays' and other 'safety' features can be achieved. Our concerns for any new access road in Linnet Lane to any potential housing development "Land South of Southway" are due to the fact it will adversely affect safety of both pedestrians and vehicle drivers. Forward visibility is vital - access to existing driveways, activities, junctions and other features will put residents and members of the public at risk.



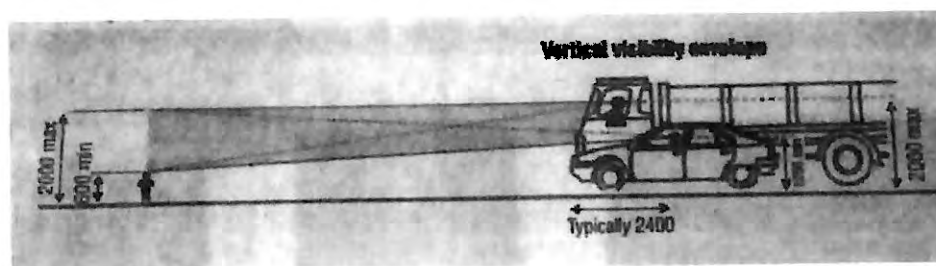
Proposed development shown hatched



Existing amenity land

- **1.4 Vehicular accidents:-** 2.5yrs ago, a large white fully laden delivery van reversed from the staggered crossroads from Skylark Way up the hill towards Brambling Way at speed reversing round the corner into Woodpecker Crescent crashing into a stationary vehicle who had anticipated its erratic driving - it then drove at speed up onto the pavement on the wrong side of the road (Linnet Lane) prior to coming to a standstill. A lost delivery driver panicking at speed!

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



- **1.5 Traffic surveys:-** The residents of the existing Croudace Estate would like to highlight that there are significant increases of vehicular traffic at different times of the day and different days of the week due to the following, (and this we feel has not been taken into account whilst preparing this site for listing as a potential development site allocation.)



Staggered parking Robin Road entrance



Parking directly on a junction (staggered crossroads)

View from Woodpecker Crescent eastwards



**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Quiet section of the day Linnet Lane (west)



View Robin Road southwest to York Way

Monday to Friday

- **6 – 9am:-** residents leaving for work commitments by car and high pedestrian footpath usage to mainline station at Burgess Hill/school children/parents walking to schools/cycling and scooting to school/Kiddi Caru childcare centre
- **8.15am:-** non estate residents enter the existing Croudace estate via York Road to park for the morning or the day whilst at work.
- **Midday:-** residents and non resident vehicular and pedestrian traffic / school/pre-school/day-care/part time work place changeover.
- **3pm:-** residents use vehicles and / or pedestrian usage to collect children from childcare Kiddi Caru / schools – St Wilfred's Primary/Southway Primary/Hassocks infants/Windmills Primary/Downlands Secondary/Burgess Hill Academy, St Pauls Secondary/Oathall/Burgess Hill Girls etc
- **5pm:-** non residents return on foot to collect their cars to drive out of the existing Croudace estate
- **5pm onwards:-** residents return to Croudace estate
- **Tuesday**
- **7.15am:-** Dustcart access for emptying refuse and recycling bins to the whole Croudace estate
- **9.15am:-** Dustcart access for emptying 'paid' green bin emptying to the whole Croudace estate



NB:- (School term time and holidays have a bearing on the above)

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **Saturday and Sunday:-**
- Allowance for existing residents vehicular parking together with any visiting residents and potential no- resident parking affording access to Town.
- **2.0 Parking**
- **2.1 Existing parking on York Road:-** Existing vehicular parking on York Road (feeder road to Victoria Industrial Estate for juggernauts , delivery vans and cars is restricted due to car parking along this extremely busy feeder access road on both sides of the road especially outside Park Cameras and Kiddi Caru. The short distance from Jane Murray Way roundabout gives rise to 'backing up' of queueing traffic which will be worsened significantly if a further 70 vehicles from any proposed development is agreed. Furthermore, sightlines are significantly restricted affording difficult access from Robin Road to York Road especially during 'rush hour' due to the car parking along York Road (entrance feeder road to the Victoria Industrial Estate)



No visibility right at "T" junction
from Robin Road



Overcrowded resident parking
Woodpecker Cresc. to Linnet Lane

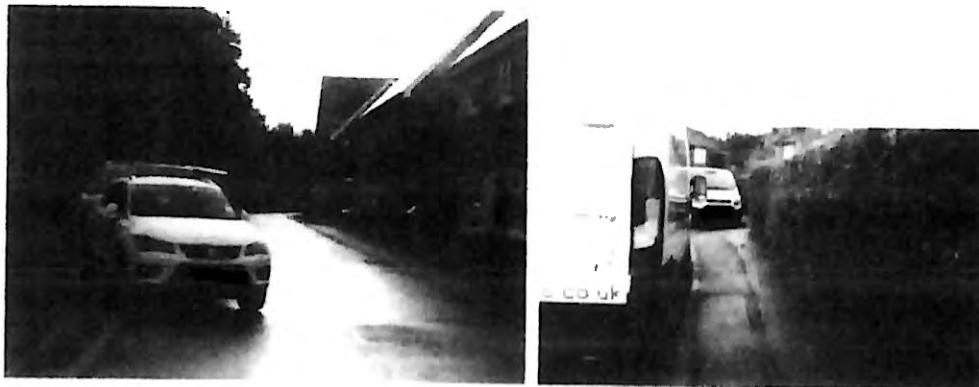


Visibility whilst in road in front
Park Cameras York Road



Retail home delivery service "parks" in middle of road

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Inadequate existing residents parked vehicles create "pinch" points

- **2.2 Dropped kerbs to Croudace estate:-** Dropped kerbs on the whole of the existing estate allow car parking half on/half off existing pavement – any further



proposed development will increase footfall and vehicular traffic numbers making this unworkable and potentially dangerous.



Drop kerb parking (cars on rh side)



Residents drop kerb parking

- **2.3 Unsafe pedestrian access:-** The above practise restricts safe pedestrian access on existing tarmac pavement zones. I.e. prams, double buggies, pedestrians with children & dog owners. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians whereby they may not "know" the road well and cannot see around "blind bends".

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



"Parked" delivery van / driver on foot looking for access to houses 7 & 9 Siskin Close.

- **2.4 Free parking:-** Robin Road and Woodpecker Crescent are currently used as 'free parking' sites for employees of "Royal Mail", Kiddy Caru and other local employment sites in the adjacent light industrial estate Victoria Business Park. Recent extensions to double yellow lines in Robin road by Highways to aid visibility splays and safe access have forced such free parking further into the Croudace estate making pedestrian access and vehicular access even more problematic, dangerous and unacceptable.



Owner of black car parked directly on junction apparently works part time hours at a local employer

- Some people stagger parking at junctions particularly on Robin Road which gives rise to vehicular traffic using the 'wrong' side of the road to drive round these parked cars meeting oncoming traffic. This is highly dangerous and has given rise to many "near misses" and several accidents. This risk increases significantly in winter months with ice on the road (we do not receive any salt bins gritters – partly because the roads are too narrow)



Due to parked car at staggered crossroad junction corner, vehicle forced to drive diagonally in path of oncoming vehicle to access Woodpecker Crescent from Linnet Lane



7.30am staggered crossroads after residents leave for work and PRIOR to non residents arrive to "free – park"

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **2.5 Residents existing parking:-** Currently there is inadequate provision for residents and visitor parking on the Croudace estate.



Drop kerb parking at night



Residents using drop kerb parking due to inadequate estate parking provision

- **2.6 Visitor parking allocation to existing site:-** Existing parking spaces Linnet Lane (Deeds of properties in Croudace existing estate (Phase 2) allocate visitor spaces (as part of afforded Amenity) adjacent to the proposed site development South of Southway School. New proposals state 2no visitor spaces will be removed to afford new access road to proposed development 30 homes and provision reallocated elsewhere. Loss of this amenity due to development would be hard to enforce if relocated in a differing "new estate" road.



Visitor parking in Linnet Lane (viewed southwards from Brambling Way)

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **2.7 Parking – proposed new location:-** Concern is raised to the legality of this and how far into the proposed 30 home estate they will be allocated?



Proposed point of new access road to Land South of Southway

Visibility splays from road junctions and existing resident's driveways from a car driver and a pedestrian coming out of their property is vital to afford safe egress from the street edge.

NB:- *Painting yellow lines around the site roads is not a solution to inadequate parking provision*

• **3.0 Footpaths**

- **3.1 Footpaths:-** looking at the Council 'Ordinance Survey plan of the area (see attached) there are "Paths" marked (by a dashed line) to the north and east perimeter of the proposed development that are used as "unofficial" footpaths and have been used since 1975 at least by dog walkers.



Unofficial footpaths

- **3.2 Street lit footpath to rugby field:-** Existing Croudace constructed site (planning application granted phase 1 homes 2009 and phase 2 application granted total for both 94 homes granted 2010) construction completed 2015 gave enhanced public footpath access to Rugby field/Burgess Hill town centre and Southway Primary School.



Adopted footpath leading to Rugby pitch
Brambling Way / Linnet Lane junction
footpath

Therefore, even more children and parents use this as safe access and currently need to walk in the road to get to the twitten and to school. Pedestrians from the Croudace (some 84 homes in Phase 1 and 94 in Phase 2) estate together with the existing wider estates along Sparrow Way etc

- **3.3 Cycling:-** Routes to school, routes to facilities and neighbourhoods should be safe - our children are encouraged to cycle to school and often cycle up Linnet Lane to meet the adopted footpath shown above.

With the existence of the Brambling Way blind bend and a potential new junction to negotiate if Land South of Southway is developed, (and if 2 car parking spaces are removed from Linnet Lane) children's and adult's lives can be potentially put at risk. There is insufficient distance to introduce a new access road between 2 blind bends at this pinch point of vehicle, pedestrian and cyclist activity in our view.

Many adults cycle to work accessing cycle ways and there have been several accidents whereby cyclists (especially in wet conditions) when cycling south from Brambling way down Linnet Lane have fallen off their bikes when trying to brake on seeing an oncoming vehicle travelling towards them north up Linnet Lane.

3.4 'Often' overgrown footpath continuation Skylark Way:- We have spoken to the Footpaths Officer Laura Walder who has advised us that the existing footpath ref:- "32BH" across the existing Croudace site has been maintained regularly but where it crosses the private land prior to its end at Southway, it has not been maintained by the landowner. A kind Croudace resident has trimmed both overhanging sides to afford safe access to school for children who access this adopted footpath.

Many residents walk that footpath regularly and the Town Council need to enforce the landowner of the private land either side to maintain this footpath. See documents attached min 10 residents affording regular access to Town Centre and Southway school. We have been advised to contact West Sussex County Council "public Rights of Way" online to report overgrown footpaths for clearance. (Land Registry have landowner listed)



32BH Skylark Way footpath
Viewed from Skylark flats



Start of private access via 32BH footpath

- **4.0 Environmental issues:-**
- **4.1 Existing environment:-** Before this small (Croudace constructed) residential estate was completed, this was an arable field used for hay or wheat. One side of the field was bordered by a thick blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring.
- When the new houses were built (completed 4 years ago), an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. See 4.2 below



Fenced surface water overflow pond looking north to Land South of Southway

- The **Nightingales** continue to sing in the spring on the area of so-called protected woodland. We have also seen **Buzzards** flying low over the area this summer, and have found **Bats**, **owls** and this has been part of previous **Planning approval** see 4.2.
- **Elephant Hawk Moth Caterpillars**, and in previous years we have watched fox cubs playing.

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Nightingale



Elephant Hawk Moth Caterpillar



Buzzard



(above images taken from free image sources)



View towards Snakes Wood



**Mature oak (not TPO)
Leading to rugby pitch**

4.2 Planning Application & Regulation Ecology Plan:- *Planning Application 09/00605/FUL* entitled Submission of Details Pursuant to "Condition 8" 'Ecology' of Planning Permission on Land North of Maltings Park, Burgess Hill:- Documents clearly state that an **Applied Ecology Ltd Report and Habitat Management and Maintenance Plan** were required as part of the Planning Permission being granted. The document shown below states that this Condition 8 has been agreed and the condition discharged by the Implementation of provisions for badgers, bats (bat boxes) and reptile habitats dated 12th March 2012. See copy letters photographed below.

Documentation also exists stating that "Condition 7" for Planning Permission relating to *Planning Application 10/00107/FUL* has also been agreed and discharged letter dated 23 March 2012. See copy letters photographed below.

- Although a small urban area, this woodland is supporting a variety of species, and connects with the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



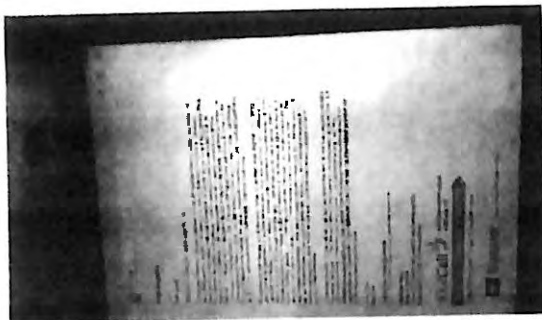
Maintained "Wild flower meadow" strip by Croudace Management Company

- **4.3 Sussex Wildlife Trust:-** Charlotte Owen has been contacted (Wildcall Officer) and she has drafted email replies as appended. "nightingales are protected under the "wildlife & Countryside Act" and it is an offence to damage or destroy an active nest"
- **We would like to ask the following :-**
- 1 Is there any official form of 'protection' granted to this area as part of the existing Croudace estate development? **YES See above (4.2)**
- 2 is there any official form of 'protection' granted to the site of proposed development South of Southway? **YES See above (4.2)**
- 3 Are there any binding measures put in place to prevent future damage, destruction or development on this part of the proposed development site South of Southway?

This is highly relevant and to be questioned and looked into further...Awaiting Sussex Wildlife Trust investigations.

OR

- 4 whether the retention of ongoing management of this area was a formal condition of the previous Planning Condition?
- It is our understanding , "Developers and Local Planning Authorities **MUST** seek to retain hedgerows and other valuable wildlife habitats, especially those that have been previously identified as "wildlife areas" and ensure that there is an overall net gain for biodiversity Ideally this area would be retained protected and sustainably managed but not necessarily for humans but wildlife. We need to ensure that as an important wildlife habitat, it is managed with the advice of Sussex Wildlife Trust.



Sussex Wildlife Trust letter

- **4.3 Nightingales:-** "Any applicant's ecological report should also include a desktop search of species records held by the Sussex Biodiversity Record Centre for this area which would provide all known records for protected and priority species including Nightingales". There have been sightings of nightingales on this site since 1975. – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.4 Bats:-** Residents frequently see Bats flying from the west of Linnet Lane to the direction of Land South of Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.5 Buzzards:-** Residents have seen Buzzards flying over this area regularly (last sighting during late summer 2019) Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.6 Wildlife:-** Since the re-development of B1 use buildings to flats and apartments to the rear of the Croudace Development Goldfinch Road and Snakes Wood (Victoria Drive) the fox number has declined/moved and the rat population has increase significantly.
- **4.7 Blackthorn Hedging:-** The existing Blackthorn hedge affords nesting provision for Nightingales that have lived in the area for a numbers of years. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.8 Mature Oaks:-** There are a number of mature oaks on site - this is a wildlife corridor – some of the mature oak and other trees are not listed on the proposed ideas as mature and are not TPO listed. We have spoken to Irene Fletcher (Tree Officer) Mid Sussex District Council and she has confirmed that mature species bounding the existing estate along Skylark Way and Goldfinch Drive have Tree preservation Orders. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

- There doesn't appear to be any protection orders for the mature hedging and trees. We asked what protection could be sought for this area of land which is a valuable wildlife habitat. The proposed site is visible to the public from the existing maintained footpaths, unofficial footpaths, existing estate and Snakes Wood. We feel that the proposed site is of significant amenable value and is a site of expediency which we understand are both categories listed for consideration by the County Council Planning Dept.



Area requires protection

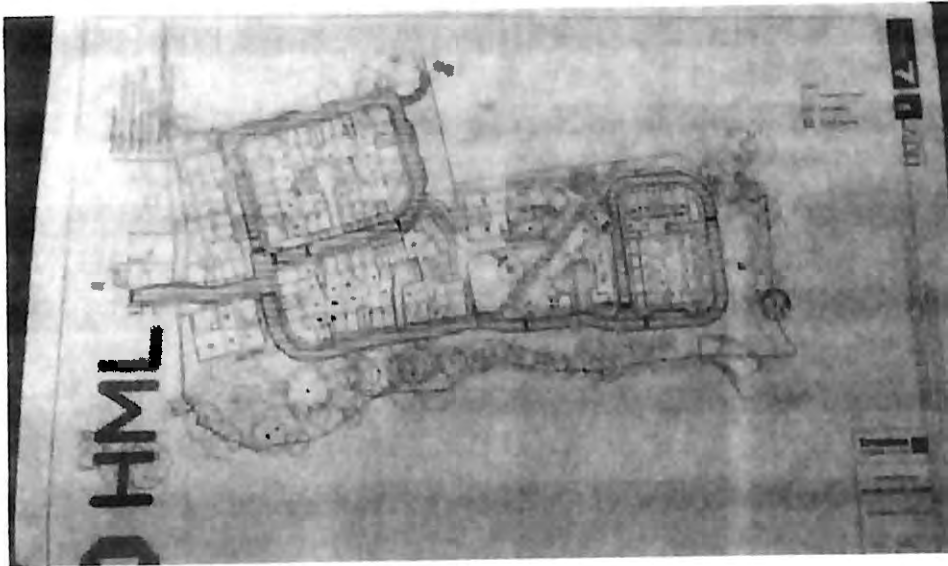


Conditional Planning Permission documentation

- **5.0 Development construction:-**
- **5.1 Noise:-**
- **Development construction:-** this will cause disruption to wildlife species.
- **Construction vehicular access:-** large vehicles and materials will not be able to afford safe access through the existing Croudace site for the above mentions reasons. (parked cars/vans/delivery vehicles etc)
- **6.0 Potential Land Ownership query:-**
- **6.1 Ownership:-** There is a potential discrepancy in the outline of the boundary plan – Currently Croudace Management Company "HML" (paid for by each resident on site annually) maintain this area of wild flower meadow strip – yet the proposed outline for the allocation of development land is shown to include this land up to the tarmac Croudace constructed pedestrian footpath shown above. Likewise, the grass treelined strip of land to the east of Linnet Lane is also maintained by the Croudace Management Company" HML" (paid for by each resident on site annually) – yet the

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

proposed outline for the allocation of development land is shown to include this land up to the edge of the visitor parking bays. HML Management Company that we the Residents own will know the precise boundary and ownership details – information has been requested.



Plan showing areas that residents are liable for maintenance (ie 1/94th)

- **6.2 Fencing:-** Fencing was installed during the Croudace phased construction period and it is clearly signed "Private Property Keep Out" – surely this fencing and notification demarcates land ownership ?



Corner fence opp Siskin Close



Fencing east side

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Fencing on Linnet Lane



Fencing at end of Brambling Way



Signage either side of 32BH footpath

- 6.3 Legalities:-** From documentation, it appears that Mid Sussex County Council own Snakes Wood. It is unclear whether Croudace own the "AMENITY" land that HML manage? (we the 94 residents pay for the management of the amenity land including the wildflower meadow. Surely there would be a need for a compulsory purchase Order, at the very least, with 3 Independent valuations. The proposed "Allocation development of Land South of Southway" shows development right up to the tarmac footpath bordering numbers 1 and 9 Siskin Close – if the above strip is owned by 'others' yet maintained by the 94 residents, a monetary transaction would have to be presumably refunded 'pro-rata' to the 94 residents as "compensation" for loss of amenity as we the residents have been paying into the maintenance fund for the last 4 years (at time of writing this document) for phase 2 properties and 5yrs for phase 1 properties.



Amenity land east of Linnet Lane



Amenity land/wild flower strip east of Skylark Way

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



**Amenity land/wild flower strip view
Towards Snakes Wood**



Amenity land view towards Snakes Wood

Documents state "94 properties contribute equally associated charges of the (existing) development including the Housing Association (28/94ths) to include administration charges.

"HML are responsible for the upkeep and management of company lands including NATURE CORRIDORS and NATURALLY LANDSCAPED BUFFER ZONES surrounding the site and the ongoing Ecological requirements in accordance with the Natural England Licence and Amenity planting beds and grass areas, surface water drainage, attenuation ponds and outfalls and the compensation areas within the MANAGEMENT COMPANY LAND: sundry highway and footpaths and open spaces (LEAP + LAP), as applicable, and emptying of any bins in these areas, footpath, cycleway link attending fortnightly."



**Amenity :-
maintained grass area / wild flower meadow and wooded wildlife corridor as existing**

7.0 Buyers information from Croudace Homes:-

- 7.1 Residents in Linnett Way, Siskin Close and Brambling Way were told when asked that the land south of Southway would not be built on for 20 -25 years – we feel that we have been mis sold or properties in this respect.**

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- In summary, our concerns centre on six issues, as detailed below – which will form the basis of our formal objections following the Consultative process:-

Highways – see clause 1 of this report

Parking – see clause 2 of this report

Footpaths – see clause 3 of this report

Environmental issues – see clause 4 of this report

Development Construction – see clause 5 of this report

Potential Land Ownership Issue

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 126

Response Ref: Reg19/126/1

Respondent: Mr G Watts

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Grant Watts [REDACTED]
Sent: 23 September 2020 08:57
To: ldfconsultation
Subject: Objection - SA15 Land South of Southway - I live at 15 Linnet Lane

Importance: High

Categories: SiteDPD

Good morning,

Just an email to confirm an objection to the proposed site SA15/Land south of Southway, reason for the objection is as follows,

I live at [REDACTED] facing the new development and apparently the access to the site will work its way through the skinny road Skylark way, navigate the bottle neck at skylark way and linnet lane cross roads and then claim two of the 5 parking spaces in front of my house and have all the trucks and lorries passing my front window every day for over a year.

This is dangerous from a position of pedestrians, have a look at linnet lane and sky lark way, the pavements are inadequate and the parking is insufficient, its going to be very difficult and dangerous for big vehicles to get to the site.

The width of these roads mentioned just simply are not adequate.

Also the site boundary encroaches onto the Croudace homes land and a more precise land ownership plan is required.

Conflicts with District plan Policy DP38, which refers to enhancing biodiversity. There are numerous species on this site which are afforded statutory protection.

This development really is a case of desperate cramming in where possible, in a site which is holy unnecessary, I mean how many extra houses does Burgess Hill need right now, can Hassocks, Haywards heath etc not carry some of the burden.

Thank you.

Kind regards,

Grant Watts Cert CII
Director
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
www.premiumwise.co.uk

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SOFLAG

SOUTH OF FOLDERS LANE ACTION GROUP

Submission

Draft Site Allocations DPD (Regulation 19) Consultation



OBJECTION

to the inclusion of Sites SA12 & SA13



September 2020

THE INCLUSION OF HOUSING SITES SA12 & SA13 RENDERS MSDC'S SITE ALLOCATIONS DPD UNSOUND AND THEY SHOULD BE REMOVED.

Terms of Reference

This is an objection to the Site Allocations DPD (Regulation 19) Consultation by SOFLAG – the South of Folders Lane Action Group.

SOFLAG represents over 1000 supporters, the very large majority of whom are residents of south-east Burgess Hill, Hassocks, Keymer and Ditchling (mainly residents of the Folders Lane / Keymer Road area) who will be directly affected by the allocation of the greenfield sites SA12 & SA13 for housing.

SOFLAG submitted a detailed objection to the Site Allocations DPD at Regulation 18 stage, and has raised numerous issues throughout the process. It also sought access to significant and relevant information from MSDC in order to understand MSDC's decision making process through FOI, but MSDC have refused to release all the information requested.

This submission explains all of this in full, and should be read in conjunction with the documentary evidence supplied.

Summary

This objection contains five sections covering the reasons why the inclusion of Sites SA12 and SA13 renders the Draft Site Selection DPD (Regulation 19) unsound.

This is an evidence-based document, with each statement of objection being substantiated by detailed evidence which includes Mid Sussex District Council documents, independent reports, and analysis of the Site Selection process.

Sections 1 - 4 explain why the sites are unsuitable, unsustainable and undeliverable, including:

1. MSDC assessed the sites as unsuitable in 2004, 2007, 2013 & 2016.
The reasons for their unsuitability have escalated since then, making the sites undeliverable in 2020.
These include:
 - Inadequate local transport infrastructure for which there is no viable solution
 - Unsuitable & unsustainable location
 - Known consequence of coalescence
 - Ecological damage to one of the most important and ecologically diverse sites in West Sussex
2. Omission or disregarding by MSDC of key adopted District Plan selection criteria (including policies DP6, DP7, DP12, DP13, DP15, DP18, DP37, DP38) from the site selection process, and the disregarding

of relevant requirements of the NPPF, both of which if applied correctly would make the sites unsuitable & undeliverable.

3. Verified ecological data that clearly indicates that SA13 is the habitat for an exceptional variety of internationally and nationally protected species that renders it an unsuitable and unsustainable site for development
4. Opposition to the sites from local authorities and statutory bodies makes them undeliverable.

Section 5 provides evidence of how MSDC's handling of the Site Allocations process in preparing the DPD was in itself unsound and should be redone, including:

- Reliance on a flawed Transport Study containing errors and omissions
- Selection criteria inconsistently applied to sites during process
- Errors and inconsistencies in the Sustainability Appraisal
- Mishandling of Regulation 18 Consultation by MSDC with objections and evidence omitted
- Misleading of key Council Meetings by MSDC Officers and Councillors
- MSDC's use of the housing land supply "buffer" to justify their site selection is inconsistent and applied incorrectly
- Serious cloud hanging over the final site selection recommendation decision

CONTENTS	PAGE
Section 1 – Sites SA12 / SA13 are unsuitable, unsustainable and undeliverable	3
Section 2 – MSDC failed to apply adopted District Plan selection criteria to the Site Allocations which are therefore unsound	26
Section 3 – Allocating Sites SA12 / SA13 for housing will cause ecological damage and an irreversible loss of biodiversity	36
Section 4 – Opposition to Sites SA12 / SA13 from local authorities and statutory bodies renders them undeliverable	50
Section 5 – The site selection process was illegitimate and the DPD is therefore unsound	60
Conclusion	96

SECTION 1

SITES SA12 / SA13 ARE UNSUITABLE, UNSUSTAINABLE AND UNDELIVERABLE

MSDC included them in the Site Allocations DPD despite being aware of this through their own assessments and other documentary evidence, making the DPD unsound.

- 1-1 Sites previously assessed as unsuitable and undeliverable, remaining so today
 - 1-2 A long history of traffic issues making the sites unsustainable and undeliverable
 - 1-3 Allocating these sites will cause coalescence, contrary to planning policy
 - 1-4 An unsustainable location causing harm to the South Downs National Park
 - 1-5 A lack of infrastructure making the sites unsuitable
-

1-1 SITES SA12 & SA13 HAVE BEEN REPEATEDLY ASSESSED AS UNSUITABLE AND UNDELIVERABLE, REMAINING SO TODAY

MSDC assessed the fields South of Folders Lane as unsuitable in 2004, 2007, 2013 & 2016. In 2020 the locations remain unsuitable and unsustainable, rendering the sites undeliverable and in conflict with planning law.

2004 Local Plan

- 1.1 Policies from the Local Plan were saved into the District Plan. This plan was adopted following Inspection, and the Inspector's conclusions regarding various potential housing sites that now make up Sites SA12 and SA13 (and which were all agreed by MSDC) are summarised below:

OMS01 Land south of Folders Lane and Woodward's Close, Burgess Hill	Development would compromise Strategic Gap. Sustainability of site is outweighed by adverse impact on character and appearance of the area.
OMS02 Land south of Folders Lane, Burgess Hill	Site forms part of open countryside on edge of town and is important lung of open space between Burgess Hill and Ditchling Common. No overriding reason why site should be released
OMS03 Land south of Folders Lane, east of Broadlands, Burgess Hill	Site is part of open countryside and is detached from built up area. Development would lead to serious and obvious erosion of Strategic Gap

- 1.2 These conclusions remain valid, and the Inspector's full remarks concerning OMS01 are particularly relevant:

*"I consider that the omission site lies in an important position in terms of the functions and purpose of this part of the Strategic Gap. Any significant diminution of the substantially undeveloped space between Hassocks and Burgess Hill in this location would, if perpetuated, lead to an incremental merging or **coalescence** of the settlements. **I do not consider that a development on this site would be as inconspicuous or harmless as is alleged**, having regard to the pattern and form of the nearby and adjacent development. I agree that the site has some attributes in terms of it being in a reasonably sustainable location but these benefits are outweighed by **the harm that the development of the site would cause in terms of the effects on the character and appearance of the area and the creeping coalescence of the built-up areas of Hassocks and Burgess Hill that would materialise.**"¹*

2007 Mid Sussex District Local Development Framework Small Scale Housing Allocations Development Plan Document.

- 1.3 Schedule C to the Inspector's Report listed "Alternative Sites that are NOT suitable to be included in the DPD" which included ALT45 which corresponds with part of the current Site SA13. The Inspector concluded that even this limited area should not be allocated for housing stating: *"it would be difficult to design, lay out and landscape the site without knowing whether further development would follow. That risks **an unacceptably intrusive development in open countryside**"²*
- 1.4 He went on to say: ***"To develop this site in addition would risk adding unacceptably to pressures on infrastructure including the local road network."***³
- These conclusions remain extremely relevant, with other developments having already been completed or allocated in the immediate surrounding area.

2013 Assessment

- 1.5 In the Burgess Hill Assessed Sites document, site 557 (part of SA13) was recorded as unsuitable. Reasons given included:
- There is likely to be significant highways impacts on the local road network
 - Site location is 150m from the South Downs National Park boundary at its closest point. Notwithstanding this buffer, there would need to be a thorough investigation of the visual impact of potential development on this designated area
 - Until the impacts on the highways network and the National Park are properly understood and evidenced, this site is assumed to be unsuitable for development.⁴

¹ Mid Sussex Local Plan Inspector's Report, Omission Site 1 Land South of Folders Lane, http://www.midsussex.gov.uk/media/ch5_-_housing.pdf Page 69 - 70

² 2007 Mid Sussex District Local Development Framework Small Scale Housing Allocations Development Plan Document, Schedule C to the Inspector's Report, para 1.213

³ Ibid para 1.214

⁴ 2013 Burgess Hill Assessed Sites 557 (BH/D/21) Land south of Folders Lane and east of Keymer Road, Burgess Hill (Site H West)

2016 Assessment

- 1.6 In the Burgess Hill Assessed Sites document, site 557 (part of SA13) was assessed again as unsuitable. Reasons given included:
- Most of the site has low landscape suitability for development
 - The fields also have a time depth value as characteristic assarts⁵ with mature oaks.
 - There are potential significant transport impacts on the road network as a result of developing this site (in particular the east-west link issues in Burgess Hill).
 - Overall the site is considered unsuitable for development due to the unknown impact on the highway network.⁶

Conflict with Mid Sussex District Plan

- 1.7 To select these sites for development would contravene policies **DP12, DP13, DP37** and **DP38** of the adopted Mid Sussex District Plan. Policies **DP37** (trees, woodland and hedgerows) and **DP38** (biodiversity) concern the ecology of the sites and are dealt with in full in Section 3 of this submission.
- 1.8 **Policy DP12** concerns protection and enhancement of the countryside and states: *"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there."*⁷ This precious area of countryside to the south of Burgess Hill, explicitly identified for protection in the Burgess Hill Neighbourhood plan, does not need to be developed. There is sufficient already developed land available elsewhere to accommodate the housing requirement.
- 1.9 **Policy DP13** concerns coalescence and states: *"Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements."* With the strategic allocation for 500 homes at Clayton Mills already eating in to the gap between Burgess Hill and the villages to the south, development at Site SA13 would lead to unacceptable coalescence (and is in any case in conflict with Policy DP12).

(see also section 1.3)

Conflict with NPPF

- 1.10 The NPPF is the overall UK planning law that governs local authorities, and it supports these District Plan policies.
- Para 17** of the NPPF states that planning decisions must "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts

⁵ The definition of an assart the dictionary is an area of land that has had trees and undergrowth removed and the ground broken up in preparation for cultivation.

⁶ 2016 Burgess Hill Assessed Sites 557 (BH/D/21) Land south of Folders Lane and east of Keymer Road, Burgess Hill

⁷ Mid Sussex District Plan, page 34

around them, recognising the intrinsic character and beauty of the countryside.” To select Sites SA12 and SA13 for development would conflict with this.

- 1.11 **Para 109** of the NPPF refers to 'protecting and enhancing valued landscapes' and MSDC Case Officer Stuart Malcolm made a relevant point in 2018 when refusing an application in the area:
*“case law has suggested that land does not have to lie within a designated area to be 'valued' and that landscape value accrues separate to designated status and that such value is derived from some physical attributes”*⁸
The value of this site cannot be questioned – to develop it would be harmful and in contravention of the NPPF.
- 1.12 The importance of the NPPF's core principles and its valuing of the countryside was confirmed by then Housing Minister Brandon Lewis in his public letter to the Planning Inspectorate of 17 March 2015 in which he stated:
*“I have become aware of several recent appeal cases in which harm to landscape character has been an important consideration in the appeal being dismissed.
These cases are a reminder of one of the twelve core principles at paragraph 17 of the National Planning Policy Framework – that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context.”*⁹

1-2 A LONG HISTORY OF TRAFFIC ISSUES WITH NO SOLUTION

Sites SA12 / SA13 are unsuitable, unsustainable and undeliverable due to inadequate transport infrastructure, particularly relating to traffic. MSDC have been aware of this for over 15 years, and there is no viable solution proposed.

- 1.13 Sites SA12 and SA13 are unsuitable for inclusion in the Draft Site Allocations DPD as to develop them would lead to further and unacceptable traffic gridlock in Burgess Hill stemming from the site access onto Folders Lane and Keymer Road. This in turn will cause dangerous (and possibly unlawful) increases in pollution and have a serious adverse effect on the amenity of existing and proposed residents of this area and beyond. There would also be a significant economic loss caused by the increased traffic congestion.
- 1.14 This means that these sites are unsustainable under the terms of the NPPF and should be removed from the list of sites proposed as suitable for development.
- 1.15 The fundamental problem with the southern side of Burgess Hill is that there are only 2 places to cross the railway, at Hassocks Station and Burgess Hill station. This pushes all traffic either through the congested and polluted Stonepound Crossroads, Hassocks (a designated Air Quality Management area) or into the town via Folders Lane / Keymer Road and Hoadleys Corner.

⁸ DM/16/3959, February 2018, Delegated Report, p 9

⁹ Letter Brandon Lewis MP, DCLG, to Simon Ridley, Chief Executive, Planning Inspectorate, 27 March 2015

- 1.16 The SYSTRA study appears to suggest that improvements to the A23 / A2300 junctions will take traffic out of South-East Burgess Hill. This is simply not true. The vast majority of vehicles using Folders Lane / Keymer Road / Hoadleys Corner during the morning and evening peaks are journeying to or from the immediate locality and would never divert via the A23. Most of these would have to use Folders Lane / Keymer Road or Hoadleys Corner to even get to the A23.
- 1.17 Most traffic using this route into Burgess Hill cannot realistically divert via these proposed improvements to the A23 / A2300.
Example: A commuter from Ditchling working in Burgess Hill would travel 4 miles via Keymer Road / Folders Lane. Using the A23 / A2300 and avoiding Stonepound would require a journey of 13 miles – an unrealistic alternative option. There are no buses or trains.
- 1.18 MSDC have always known this to be a problem with development in the Folders Lane / Keymer Road area. The only solution is a new spine road, as proposed by Atkins in 2005. No such road is proposed in the Site Allocations DPD.
- 1.19 The 2004 Mid Sussex Local Plan outlined the problems in this part of Burgess Hill:
*"While access on the west side of the town has benefited from the new development, east-west movements across the town are hampered by the railway and the limited number of crossing points. A number of roads in the area lying to the east of the railway have restricted capacity and suffer from serious congestion at peak periods. **There are no simple solutions to these problems.**"*¹⁰
Since 2004 hundreds of houses have been added to this area, these problems are already much worse, and beyond the mitigation abilities of traffic signals.

2005 Atkins Study

- 1.20 This MSDC commissioned in-depth study looked at long term housing development possibilities for Mid Sussex, and included a comprehensive Burgess Hill Feasibility Study. The conclusions of the study are clear. Development to the south of Folders Lane was only thought to be a viable option, if a new relief road across Batchelors Farm (referred to as the "eastern spine road") was constructed. This would provide an additional crossing point for the railway and relieve congestion in the town.
- 1.21 ***"A proposed eastern spine road, would be required to serve the sites and help to improve overall accessibility to the east of Burgess Hill." "...a new Spine Road to the east of Burgess Hill to relieve traffic congestion in the town centre."***¹¹
- 1.22 It is very clear that 15 years ago, traffic in Burgess Hill was so bad that adding hundreds more dwellings south of Folders Lane would only be feasible with a new spine road. No such road has been planned and over 1000 houses have already been constructed without it. As a result, the South-East part of the town is frequently gridlocked. MSDC are fully aware of this.

¹⁰ Mid Sussex Local Plan, May 2004, para 11.14, page 176

¹¹ Feasibility study for development options at Burgess Hill, Atkins, Sept 2005 p49

2007 – 2016 Site SA13 repeatedly assessed as “Unsuitable for Development”

- 1.23 Since the Atkins Study, MSDC has on 3 separate occasions cited ‘traffic’ as a reason to assess the fields south of Folders Lane as ‘unsuitable for development’, and since each of the assessments more houses have been built within a few hundred metres of the site, increasing vehicle movements on these already congested roads.
- 1.24 In addition, since the 2016 assessment (see para 1.6) hundreds more houses and therefore vehicle journeys have been added to the immediate locality. This is fully explained at Appendix 1 A.

SUMMARY OF THE EVIDENCE IN APPENDIX 1 A (USING VEHICLE TRIP DATA FROM MSDC’S 2019 SYSTRA TRANSPORT STUDY):

Since the site south of Folders Lane was assessed as unsuitable by MSDC in 2007:

670 houses have been built and occupied
= 817 vehicle movements per day = 298,000 per year

Then add the 730 currently under construction, plus 500 to come at Clayton Mills

TOTAL 2217 extra houses = 2704 daily / 987,000 annual vehicle movements

SITE SA12 / SA13 (343 houses) = additional 418 daily, 152,737 annual vehicle movements

Traffic Today



- 1.25 The position today, before the completion and full occupation of the Kingsway, Keymer Tiles and Folders Grove developments, is that the Folders Lane / Keymer Road junction is gridlocked every morning and evening peak. This causes dangerous pollution levels on pavements used by children walking to Birchwood Grove Primary School and Burgess Hill Girls. The traffic results in delays to local residents and costs businesses money. It was surprising that the SYSTRA study as published in November 2019 did not consider this junction worth modelling – though SYSTRA did acknowledge severe congestion at Hoadleys Corner, which is fed by traffic from Folders Lane / Keymer Road.
- 1.26 The Site Allocations DPD Sustainability Appraisal cites issues caused by the high level of car ownership in Mid Sussex
*“High vehicle ownership and the potential for highway congestion arising from development present a significant issue”.*¹²
 86.4% of households having one or more cars or vans, compared to 74.2% nationally. 44.2% of all households have two or more cars compared to 32.1% nationally¹³ which inevitably leads to traffic congestion issues, as currently experienced in the Folders Lane / Keymer Road area.
- 1.27 Appendix 1B contains photographs and Google Traffic evidence from October 2019, proving that these roads cannot cope now. No amount of mitigation from traffic lights will prevent the situation from worsening when the houses currently under construction are occupied, let alone if another 343 are permitted on Sites SA12 and SA13.

MSDC Transport Studies

- 1.28 MSDC are heavily reliant on the SYSTRA Mid Sussex Transport Study, which initially did not even consider the Folders Lane / Keymer Road junction, and assesses congestion at Hoadleys Corner to be already severe. SYSTRA proposes mitigation including improvements to the A23 / A2300 junction (approx. 5 miles away by road), and improvements to the railway station. Most commuters driving into and through Burgess Hill come from outlying towns and villages with no railway station and poor bus services.
- 1.29 SYSTRA’s confidence that this mitigation will not make traffic more severe is in contrast with previous MSDC studies. Although the material facts of the road network and local area are either unchanged or have worsened since those studies.

2012/2013 – Mid Sussex Transport Study (Amey)

- 1.30 In 2012, Folders Lane was considered important enough to be one of 5 roadside interview locations around Burgess Hill, together with automatic traffic counting and journey time surveys.
- 1.31 The Folders Lane / Keymer Road junction was deemed to require “primary remedial” mitigation based on the development planned at this time, which was a much lower number of houses – and therefore vehicle movements – than is now being proposed.

¹² Site Allocations DPD Sustainability Appraisal (Regulation) 19 July 2020 para 3.46 page 19

¹³ Ibid. para 3.39 page 17

- 1.32 Ratio of flow to capacity (RFC) at this junction was listed as one of the “worst performing links” and predicted to be over 100% based on significantly less development than is now being proposed:
“Travel demand associated with the Mid Sussex Development Case (2) (the most realistic mitigation scenario) will have a detrimental impact upon highway network performance at a few critical locations... B2113 Folders Lane / Keymer Road junction, Burgess Hill”¹⁴.
 It remains a mystery why this junction was not even mentioned in the initial 2019 SYSTRA report.
- 1.33 Hoadleys Corner, which is mentioned by SYSTRA, was also felt to be a significant problem in 2012/13 with serious problems with traffic trying to get through Burgess Hill from the direction of proposed sites SA12 and SA13:
“B2113 RFC will exceed 100% westbound, between Junction Road and London Road in Burgess Hill, in all situations, except DC3... Intervention schemes in DC3 will mitigate this problem, by extending A273 Jane Murray Way between Keymer Road and London Road, thereby providing an alternative route to B2113 Station Road;”¹⁵
- 1.34 In other words, the southern relief (eastern spine) road is the only way to solve this, based on the lower number of houses being proposed in 2012. This junction simply cannot take an additional 343 houses.
 (Mid Sussex Transport Study, MSTS Stage 1 Final Report, Document reference: CO03022422FR03, December 2012)

2017 MSDC Constraints & Capacity Summary Paper

- 1.35 Submitted as part of the District Plan Examination, this paper also touched on the significant problems with increasing the housing allocation at Burgess Hill.
- 1.36 Looking at the problems with any addition of extra housing numbers (which is what is now being proposed by this Site Allocations DPD), MSDC stated:
*“further development over the plan period is likely to add further complexity to a challenging situation and if further sites are developed, there are concerns that a solution to east/ west linkages across the town will need to be found...
 based on the likely ‘2 tick’ undeliverable/undevelopable sites that would be required to meet various provision levels, shows that an additional 10 sites totalling 596 units would be required that have significant site-specific or area-based transport constraints, to meet a raised provision level of 850dpa. There is also a challenge for these smaller schemes to viably deliver mitigation in the context of a congested overall network. ”¹⁶*

¹⁴ Mid Sussex Transport Study, MSTS Stage 1 Final Report, p65

¹⁵ Mid Sussex Transport Study, MSTS Stage 1 Final Report, p56-57

¹⁶ MSDC 7 Constraints and Capacity – Summary Paper, Submitted to the Mid Sussex Examination, 27 January 2017, p27

2019 SYSTRA Study

- 1.37 There were many apparent flaws and inconsistencies in the SYSTRA study, obvious to the local residents who actually use the road network, though apparently not clear to the computer modelling which SYSTRA used.
- 1.38 Because of this, SOFLAG engaged an expert transport consultant, GTA Civils to examine the study. GTA Civils produced a comprehensive report which accompanies this submission, with the summary attached at Appendix 1 C
MSDC's reliance on SYSTRA's flawed study, is discussed further in Section 4.
- 1.39 The mitigation proposed by SYSTRA will not only fail to help the severe congestion, it may also cause significant harm to the local area and its residents.
- 1.40 The proposed mitigation for the severely congested Hoadleys Corner is to change a roundabout to traffic signals. This contradicts the evidence of many academic studies across the world, demonstrating that roundabouts consistently outperform traffic signals at multi-arm junctions in terms of both pollution control and travel times.
- 1.41 Examples include:
- "at a roundabout replacing a signalised junction, CO emissions decreased by 29%, NO_x emissions by 21% and fuel consumption by 28%."¹⁷
- "... replacing the traffic signal with the roundabout has produced a significant improvement in terms of traffic operational performance (20% reduction of total travel time)... The main finding of the study is that the roundabout generally outperformed the fixed-time traffic signal in terms of vehicle emissions"¹⁸
- 1.42 As these examples show, much of the research has been done on the benefits of replacing signal-controlled junctions with roundabouts, so it is concerning to see MSDC apparently moving in the opposite direction, thereby risking significant increases in delays and harmful pollution.

¹⁷ Transportation Research Part D: Transport & Environment, vol 7, issue 1, Jan 2002

¹⁸ Evaluation of air pollution impacts of a signal control to roundabout conversion using microsimulation, Transportation Research Procedia 3, 2014, (conclusion p 1039)

1-3 COALESCENCE

Allocating Sites SA12 & SA13 will lead to coalescence between Burgess Hill and the villages of Keymer and Hassocks to the south, contravening planning policy and making them unsuitable and undeliverable.

- 1.43 Sites SA12 & SA13 form one of the last remaining parts of a historic field system, bounded by ancient hedgerows, between Burgess Hill and the villages to the south. The sites form part of the strategic gap between Burgess Hill and those villages. This part of the gap along Keymer Road / Ockley Lane has become even more vulnerable and therefore more important following the strategic allocation of the 500 homes on the Clayton Mills site directly to the south which narrows the gap considerably at this point.
- 1.44 Proximity to the built-up boundary of a settlement is one of MSDC's criteria for site selection. Developing Sites SA12 & SA13 moves the built-up boundary to the southern edge of Wellhouse Lane, which is in fact in Keymer parish, so the two settlements will have coalesced according to local authority boundaries.
- 1.45 This moving of the boundary makes the fields on the south side of Wellhouse Lane contiguous with the settlement, as demonstrated by the fact that they have been proposed for 200 houses in MSDC's recently published Strategic Housing and Economic Land Availability Assessment (SHELAA). This increases the coalescence between Burgess Hill and Keymer.
The trajectory of coalescence is shown at Appendix 1 D
- 1.46 Allocation of Sites SA12 / SA13 contravenes Policy DP13 of the MSDC District Plan. The District Plan seeks to prevent coalescence and in Policy DP13 states that it will only permit development where **"it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements."** It is reasonable to conclude that the building of two housing estates, one with 300 homes, would have an urbanising effect. It would certainly result in coalescence as the already small gap would be halved.
- 1.47 The District Plan states that:
"When travelling between settlements people should have a sense that they have left one before arriving at the next".¹⁹
Travelling time down Keymer Road / Ockley Lane between the two settlements would be reduced to zero.
- 1.48 The strategic gaps identified in the District and Neighbourhood Plans form what is in effect Burgess Hill's Green Belt. Protection of such land is identified in the NPPF under section 13, which states:

¹⁹ Mid Sussex District Plan, DP13, page 58

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." ²⁰

- 1.49 The NPPF states that the purposes of Green Belts include:
- *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*²¹
- Allocation of Sites SA12 and SA13 would be in conflict with this part of the NPPF.

1-4 AN UNSUSTAINABLE LOCATION CAUSING HARM TO THE SOUTH DOWNS NATIONAL PARK

- 1.50 The significant and irreversible ecological harm that would be caused by the allocation of these sites is dealt with in full in Section 3 of this submission.
- 1.51 Sites SA12 & SA13 form the last remaining part of a historic field system, bounded by ancient hedgerows and are adjacent to the South Downs National Park. Untouched by modern farming methods, they have become an incredibly bio-diverse area containing many important species that must be protected from future development.
- 1.52 The sites are clearly visible from the ridge and public footpath between the Jack & Jill Windmills and Ditchling Beacon. If permitted, two large housing estates would be clearly in view and have a detrimental effect compared to the current field system.
The detrimental effect the development of these two sites would have on the SDNP is best described by the SDNP itself.
- 1.53 A planning application 19/0276 (now withdrawn), was made in 2019 for 43 houses to be built on Site SA12. The SDNP submitted a strong representation (copied in full at Appendix 1 E) for refusal of that application. It is exactly the same proposal - 43 houses in the same field - that has now been put forward by MSDC as site SA12.
- 1.54 Reasons for objection included:
- ... is likely to be harmful to the special qualities and landscape character of the setting of the South Downs National Park***
- ... the cumulative increase in traffic movements and the subsequent detrimental impact this could have on the peace and tranquillity on both the setting of and within the South Downs National Park***
- ... the potential to have significant effects on the dark skies of the National Park***²²

²⁰ National Planning Policy Framework, para 133

²¹ Ibid. para 134

²² Letter from Tim Slaney, Director of Planning, SDNPA, 5th August 2019 (See Appendix 1 F)

- 1.55 This representation could not be clearer. The SDNPA state unequivocally that development at Site SA12 would be harmful to the setting of the National Park and should be refused.
- 1.56 The SDNPA raised serious objections to Site SA12 & SA13 at the Regulation 18 Consultation. These included:
- this is a highly sensitive site likely to have high ecological value and whose character is shared with land in the SDNP
 - the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP, which is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
 - the potential for increased traffic in and through the village of Ditchling, and other parts of the SDNP, and its impact on tranquillity
 - in May 2016 the SDNP became an International Dark Sky Reserve (IDSR). Lighting as part of development of these sites has the potential for significant effects on the dark skies of the Reserve, particularly as a result of increases in light spill/ambient lighting²³
- 1.57 The SDNPA continue to have serious concerns, raised in their Statement of Common Ground dated 7 August 2020. They reminded MSDC that at Regulation 18 Stage:
- "concern was raised that the proposed allocations would erode the rural buffer between Burgess Hill and the South Downs National Park, potentially harming the special qualities and landscape character of the setting of the South Downs National Park."*
- 1.58 They express particular concern about site SA13:
- "With regard to SA13 in particular, this site is part of a larger landscape whose character experienced today survives from the medieval period. This historic character is shared with parts of the South Downs National Park and this coherence in historic character suggests the site contributes positively to the setting of the South Downs National Park."*²⁴
- 1.59 The Statement of Common Ground makes it clear that Site SA13 is unsuitable for the proposed development:
- "based on the evidence currently available, the South Downs National Park Authority, with regard to SA13, has some remaining concern about whether the figure proposed (300 dwellings) can be accommodated in a way which is sensitive to the role of this area as part of the rural transition from Burgess Hill to the South Downs National Park which includes many characteristic elements of the Wealden landscape."*²⁵
- 1.60 The setting of the South Downs National Park is protected by the District Plan which states:
- "Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, **and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by***

²³ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 398

²⁴ MSDC / South Downs National Park Authority Statement of Common Ground, 7 August 2020, page 3

²⁵ Ibid.

virtue of its location, scale, form or design."²⁶

- 1.61 Development of Sites SA12 & SA13 would be harmful to the setting of the South Downs National Park in contravention of Policy DP19 of the MSDC District Plan.
- In refusing to remove Sites SA12 and SA13 from the Site Allocations DPD, MSDC is proposing sites that are unsuitable, unsustainable and undeliverable while also causing harm and contravening planning policy.

1.5 A LACK OF INFRASTRUCTURE MAKES THE SITES UNSUITABLE

- 1.62 The infrastructure that caters for this area of South-East Burgess Hill (east of the railway and from the Kingsway estates to the south), is stretched to breaking point - in particular the schools and the doctor's surgery. In the last 12 years an additional 600 homes have been built and are now occupied. There are a further 800+ houses currently under construction in this area that have yet to be occupied with no definite plans in place to build any schools or surgeries. In the proposals for Sites SA12 & SA13 there is no mention of the provision of either of these vital services. Any suggestion that these facilities could be added later should not be given any credence as history clearly indicates that such things never happen. All the previous large sites proposed for development in Mid Sussex have always included the provision of surgeries and schools where these have been deemed necessary. The records show that if they are not included in the proposals, none are added subsequently, and unfortunately there have been instances where they were not built.

Schools

- 1.63 Birchwood Grove is the nearest state primary school to sites SA12 and SA13. This school has only 5 vacancies within its six different year groups. Given that it is likely the majority of the occupants of the 800 new homes currently being built in the area will want their young children to attend Birchwood Grove it is inconceivable that the school could accommodate them. Children from the proposed sites SA12 and SA13 would find securing a place at the school impossible, being even further behind in the queue. It should also be pointed out that other than the private Girls School, there is no provision for secondary education on this side of Burgess Hill.
- 1.64 There are plans to build a new school as part of the Clayton Mills development in Hassocks, with access to be onto Ockley Lane (the southern part of Keymer Road). As schools in Burgess Hill are at capacity, it is likely that children from Burgess Hill will attend this new school. The distance, together with the fact that Keymer Road / Ockley Lane is a 60mph road with no pavement for a considerable part of it means it is not a realistic prospect for cycling or walking to school. This will further add to congestion and is not sustainable.

²⁶ Mid Sussex Adopted District Plan 2014 – 2031, page 65

1.65 **Doctors' Surgeries**

The nearest surgery to sites SA12 and SA13, and the only one in the immediate area, is the Silverdale Practice in Silverdale Road Burgess Hill. It has taken on 2,000 new patients in the last 7 years. The flow of new patients continues to build up as the more than 800 homes in the area are built and occupied. Once residents from these homes are added to the doctor's lists then it is difficult to see there is any capacity to deal with patients that would come from sites SA12 and SA13 as well. Some patients are already being sent to an overflow surgery in Hurstpierpoint – not a sustainable situation.

Traffic

- 1.66 As covered in detail elsewhere in this paper, traffic is a major issue and concern in this area. The large majority of the schoolchildren and those requiring a GP surgery appointment are going to have to find the facilities they need outside the immediate area and on the western side of the railway. Very few will want or indeed be able to walk. This lack of provision of the desperately needed schools and surgeries is therefore going to exacerbate an already insurmountable problem.
- 1.67 In Sites SA12 & SA13 MSDC are allocating an unsuitable option without provision of sufficient infrastructure while other options have been rejected that would have infrastructure built on site – thus making them more sustainable and deliverable choices.

APPENDIX 1 A

Summary of Site Unsuitability from MSDC Housing / Traffic Data

Since this site was deemed unsuitable and undeliverable by MSDC in 2007, 670 houses have been built and occupied = 817 vehicle movements per day = 298,000 per year

Add the 730 currently under construction, plus potential 500 at Clayton Mills:

TOTAL 2217 extra houses = 2704 daily / 987,000 annual vehicle movements

2007

Small Scale Housing Allocations Development Plan Document

Schedule C to the Inspector's Report - Alternative Sites that are **NOT** suitable to be included in the DPD

Site then known as ALT45 Land South of Folders Lane:

"To develop this site in addition would risk adding unacceptably to pressures on infrastructure including the local road network" (page 30, para 1.214)

2007 – 2012: 173 occupied houses added to Folders Lane / Keymer Rd area = 211 vehicle trips per day

2013

Housing Land Supply Burgess Hill Assessed Sites 2013

Site 557 Land south of Folders Lane and east of Keymer Road, Burgess Hill (Site H, west)

"There are potential significant transport impacts on the road network as a result of developing this site (in particular the east-west link issues in Burgess Hill). It is currently assumed that this will severely limit the ability of this site to be delivered unless detailed transport assessment evidence suggests otherwise"

2013 – 2015: 101 occupied houses added to Folders Lane / Keymer Rd area = 123 vehicle trips per day

2016

Housing Land Supply Burgess Hill Assessed Sites 2016

557 Land south of Folders Lane and east of Keymer Road, Burgess Hill (excluding site 738)

"There are potential significant transport impacts on the road network as a result of developing this site (in particular the east-west link issues in Burgess Hill). It is currently assumed that this will severely limit the ability of this site to be delivered unless detailed transport assessment evidence suggests otherwise" [the identical issue as identified in 2013]

2016 – 2019: 396 occupied houses added to Folders Lane / Keymer Rd area = 483 vehicle trips per day

Vehicle trip data taken from MSDC transport survey September 2019

<https://www.midsussex.gov.uk/media/4419/mid-sussex-transport-study-transport-impact-of-scenario-2-3.pdf>

<https://www.midsussex.gov.uk/media/4418/mid-sussex-transport-study-transport-impact-of-scenario-1.pdf>

Site	Houses	Trip Rate AM O	Trip Rate AM D	Trip Rate PM O	Trip Rate PM D	Trips AM O	Trips AM D	Trips PM O	Trips PM D	TOTAL DAILY TRIPS
Kingsway	406	0.397	0.191	0.143	0.486	161	78	58	197	494
Keymer Tiles	379	0.397	0.191	0.143	0.486	150	72	54	184	460
Kingsway	66	0.397	0.191	0.143	0.486	26	13	9	32	80
Jones	76	0.397	0.191	0.143	0.486	30	15	11	37	93
TOTAL	927					367	178	132	450	1127

This survey lists among its "Junctions with SIGNIFICANT or SEVERE impact in either AM or PM Peak Hour"

Burgess Hill: Junction Road / B2113, Burgess Hill (Hoadleys Corner roundabout) **SEVERE**

The Strategic Allocation at Clayton Mills Hassocks (NOT INCLUDED IN THIS STUDY) will have one vehicular exit onto the southern end of Keymer Road (called Ockley Lane).

Site	Houses	Trip Rate AM O	Trip Rate AM D	Trip Rate PM O	Trip Rate PM D	Trips AM O	Trips AM D	Trips PM O	Trips PM D	TOTAL DAILY TRIPS
Clayton Mills	500	0.397	0.191	0.143	0.486	199	96	71	243	609
= HALF AS MANY AGAIN NOT COUNTED										
TOTAL	1427					566	274	203	693	1736

MSDC uses Total trip rate per dwelling per day = 1.22

These additional uncompleted houses produce 1736 daily trips (>630,000 per year), traffic not yet seen on Folders Lane / Keymer Road

Appendix 1 B

Disruptive traffic congestion on Folders Lane / Keymer Road, morning peak

Photographs of traffic



6/11/2019
Keymer Road
looking south



01/10/2019
Folders Lane
looking east

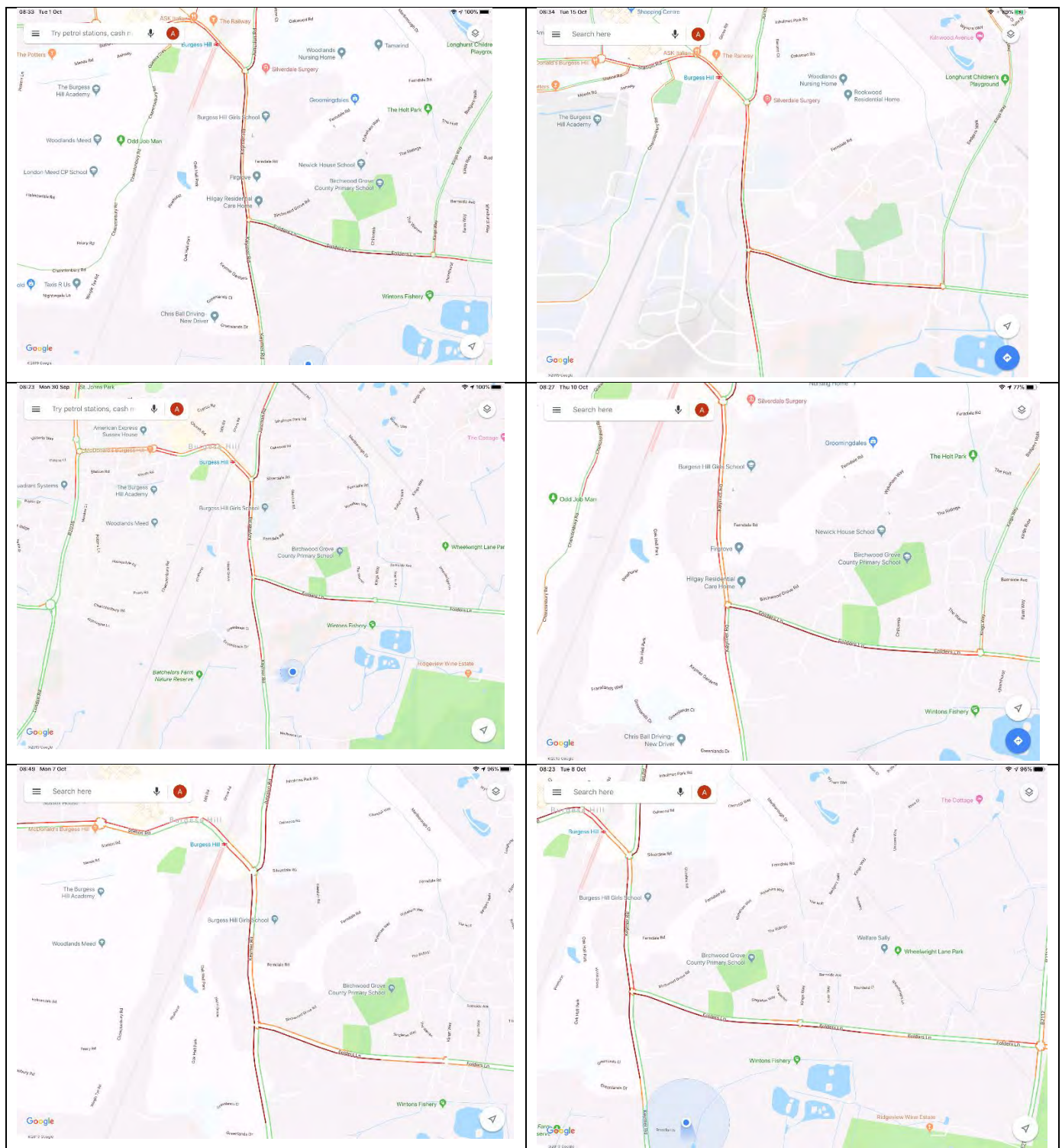


01/10/2019
Keymer Road
looking north



01/10/2019
Keymer Road
looking south

Daily morning congestion reported by Google, October 2019



Appendix 1 C

Mid Sussex Sites DPD – GTA Civils Review of Highway Impacts - SUMMARY

- The Mid Sussex Strategic Highway Model (MSSHM) has been used by MSDC to assess the transport impacts of the Sites DPD.
- The comparison of existing observed and modelled flows for road links in the vicinity of Folders Lane appears generally acceptable. However, there may be an issue with the way in which the B2112 from Janes Lane to Ditchling crossroads is described in the model which would affect the model's determination of route shares for all north/south traffic in the southern and central parts of the district.
- Folders Lane currently carries traffic flows that are well within its capacity in link terms. Traffic generated by both the Local Plan and the Sites DPD allocations for sites served from Folders Lane would not compromise that.
- Highway network impacts are assessed in the study reports by reference to their severity, but there are concerns about the criteria adopted to define 'severe' and 'significant' (which is a lower level of impact used in the MSSHM reporting). The incremental impact approach used under-represents cumulative impacts with the Sites DPD allocations added. There is also no assessment of impacts on highway safety as required by NPPF para 109.
- At the western junction of Folders Lane with Keymer Road (Junction S27), the Sites DPD assessment misrepresents the way that the junction works in conjunction with the much more heavily impacted junction (Junction S6) of Keymer Road / Station Road / Junction Road / Silverdale Road to the north.
- Junction S6 would operate at well over capacity with excessive RFCs, queues and delays, in all Scenarios greater than in the base year, and the operation of the Folders Lane/ Keymer Road junction (junction S27) would increasingly be impacted by the inadequacies of Junction S6. This could only be exacerbated by new traffic generated by the Folders Lane area allocations in the Sites DPD.
- Modelling of the 2031 end-of-plan-period forecast year clearly shows that the package of highway improvements already committed and included in the Reference Case (RC) Scenario (including the Local Plan development) is not sufficient on its own to enable the level of development included in the RC alone to be delivered without widespread 'severe' highway network impacts.
- As set out in the Sites DPD testing report, the contribution of sustainable transport initiatives to resolving the additional impacts of additional Sites DPD sites would be marginal at best.
- The Sites DPD additional highway mitigation, focussed on the A23 and its junction with A2300, is clearly not only important to mitigate the additional traffic demands of the Sites DPD sites, but is also essential to enable the impacts of the RC itself (i.e. the local plan without any additional Sites DPD sites) to be potentially considered tolerable.

Appendix 1 D

COALESCENCE

MSDC are knowingly causing coalescence between Burgess Hill and Keymer / Hassocks by allocating Sites SA12 & SA13 in addition to the Strategic Allocation at Clayton Mills

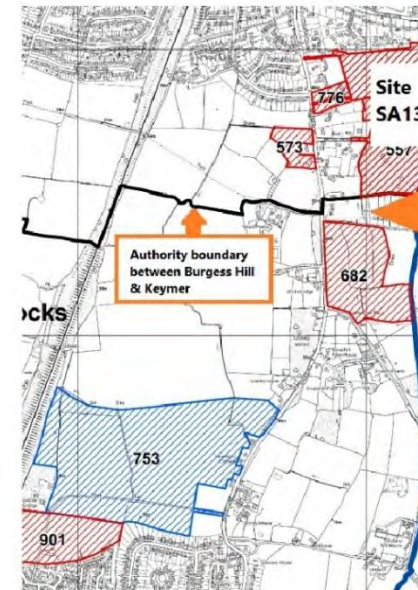
2020



2022...



2023...



Gap between Burgess Hill
and Keymer is gone.

Allocation of SA12 / SA13
causes coalescence

Map from MSDC 2020 SHELAA

If Sites SA12 / SA13 are allocated by the DPD, MSDC planning policy states that the boundary of Burgess Hill moves to the southern edge of the built up area - Wellhouse Lane.

This makes site 682, (proposed by a developer in the 2020 SHELAA), contiguous so it cannot be refused.

APPENDIX 1 E

Neighbouring Authority Consultation

SDNP/19/03508/ADJAUT Roy Little
07872 410433

5th August 2019

Proposal: Adjacent Authority Consultation - DM/19/0276 - Proposed erection of 43 dwellings and associated works. Amended plans and Transport Statement received 12th and 15th July 2019.
Address: Land rear of 96 Folders Lane, Burgess Hill, West Sussex

Thank you for your correspondence received 17 July 2019, consulting us as a neighbouring authority on the above noted development proposals.

The National Park's comments on the development are as follows:

*'The Environment Act 1995 sets out the two statutory purposes for National Parks in England and Wales:
Conserve and enhance the natural beauty, wildlife and cultural heritage
Promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the Public
which relevant authorities (which includes local authorities) must have regard to in exercising their functions.
National Parks Authorities have the duty to:
'Seek to foster the economic and social well-being of local communities within the National Parks' in pursuit of the twin purposes above.*

Following is the formal consultation response of the South Downs National Park Authority (SDNPA) on the above application.

The site for the proposed development for 43 units and associated infrastructure works would be approximately 350-400 metres from the southern and eastern boundaries of the South Downs National Park.

*Notwithstanding the allowed appeal for 73 dwellings and associated infrastructure under reference 14/04492/FUL by Inquiry held on 14 and 15 March 2017, on land adjacent and to the west of this site and currently under construction, **the proposed development under DM/19/0276 would extend well beyond the existing residential boundary of Folders Lane in Burgess Hill. The further expansion of residential development in this locality on open rural land outside the settlement boundary together with its associated infrastructure, would significantly reduce the landscape buffer up to the boundary of the National Park. In turn, such development is likely to detrimentally exacerbate the further urbanisation of this predominantly rural location, which is likely to be harmful to the special qualities and landscape character of the setting of the South Downs National Park.***

It is further considered that even with the combination of existing trees and planting, together with the proposed new landscaping would not mitigate for the loss and erosion of this valuable landscape buffer as an essential and effective soft-scape transition from the urban form to open rural countryside, in particular the South Downs National Park. Therefore, the proposed development would result in substantial urban built form impact, extending out from the built-up area of Burgess Hill, on a valuable and essential open green countryside location, in an incongruous and unnatural way, on the fringe of the wider countryside setting, harmful to the setting of the South Downs National Park.

Furthermore, the proposed housing development would bring with it the resultant and associated traffic movements that would not complement the tranquillity of the nearby National Park. In particular, the South Downs National Park Authority raise concerns about the potential for increased traffic in and through the village of Ditchling, and other parts of the National Park, that are likely to be generated from the proposed development, including its contribution to the cumulative increase in traffic movements and the subsequent detrimental impact this could have

on the peace and tranquillity on both the setting of and within the South Downs National Park. For the reasons given, the South Downs National Park Authority have serious concerns about the proposed development in this location.

In addition, internal and external infrastructure lighting required in connection with this proposal, including domestic lighting from windows of the proposed dwellings, have the potential to have significant effects on the dark skies of the National Park. In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). Therefore the development should include a full appraisal of both internal and external lighting to consider what impact it may have on the dark skies of the nearby National Park and if it is appropriate, if/how it can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for this zone.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park; this document can be found at: <http://www.southdowns.gov.uk/about-us/integrated-landscape-character-assessment>

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Mid Sussex District Council, as a relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at: <http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf

The SDNPA trust that the above comments are helpful to Mid Sussex District Council in the appraisal and determination of this planning application, in consideration of the setting and special qualities of the South Downs National Park.

Yours faithfully

TIM SLANEY

*Director of Planning
South Downs National Park Authority*

SECTION 2

MSDC FAILED TO APPLY ADOPTED DISTRICT PLAN SELECTION CRITERIA TO THE SITE ALLOCATIONS WHICH ARE THEREFORE UNSOUND

The Site Selection DPD and its inclusion of Sites SA12 & SA13 is unsound due to MSDC's deliberate omission and disregarding of key adopted District Plan selection criteria from the site selection process, and the disregarding of relevant requirements of the NPPF. If applied correctly to Sites SA12 & SA13, they would be clearly assessed as unsuitable & undeliverable.

- 2-1 MSDC site assessments did not consider whether settlements had already taken sufficient housing numbers to meet their District Plan requirement.
 - 2-2 MSDC site assessments did not give due consideration to the risk of coalescence between settlements, contravening District Plan and national planning policies
 - 2-3 MSDC did not apply other District Plan policies to the site selection process, leading to the allocation of sites they knew would be undeliverable
-

2-1 MSDC SITE ASSESSMENTS DID NOT CONSIDER WHETHER SETTLEMENTS HAD ALREADY TAKEN SUFFICIENT HOUSING NUMBERS TO MEET THEIR DISTRICT PLAN REQUIREMENT

This contravenes both the Mid Sussex District Plan and the terms of the Site Allocations DPD itself. Had this been correctly applied, Sites SA12 & SA13 would not have been allocated.

- 2.1 Development in Mid Sussex is governed by the adopted Mid Sussex District Plan, to which this Site Allocations DPD will contribute. Whilst the current site selection process is not itself making final planning decisions, it is the precursor to that and those sites selected will then have a presumption in favour of approval when an application for development is made. This means the site selection process must take into consideration the requirements and policies of the local development plan which, in this case, is the Mid Sussex District Plan.
- 2.2 Sites SA12 & SA13 are located in Burgess Hill, a settlement that has already taken its required housing allocation according to the District Plan, which is the legally binding planning framework for Mid Sussex. Additional sites are required in the District, and the Site Allocations Development Plan Document outlines the way in which they are to be allocated:
"The Sites DPD allocates additional development sites to meet the residual necessary to meet the agreed housing requirement for the plan period as reflected in the District Plan 2014-2031."

*The additional allocations are in accordance with the Spatial Strategy and Strategic Policies set out in the District Plan.*²⁷

- 2.3 The Spatial Strategy of the District Plan when it was drawn up was to *"focus the majority of housing and employment development at Burgess Hill"*²⁸ This has been achieved with the Northern Arc Strategic Allocation which will bring 3,500 new homes to Burgess Hill. District Plan policy DP4 (Housing) goes on to state *"The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*²⁹
To allocate 300+ additional houses at Sites SA12 & SA13 in Burgess Hill conflicts with the Spatial Strategy.
- 2.4 Adopted District Plan Policy DP6 deals with settlement hierarchy, and it could not be clearer: *"Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments / completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."*³⁰
- 2.5 While Sites SA12 & SA13 are not within the Burgess Hill Neighbourhood Plan boundary (which on the south side of town coincides with the existing edge of housing development), they are being considered a part of the Burgess Hill settlement hierarchy in the same way as the Northern Arc sites which are also outside the Neighbourhood Plan area.
- 2.6 It would be logical to assume that DP6 would be a consideration when MSDC assessed potential housing sites. However, this did not happen. While the MSDC Sustainability Appraisal does mention in passing that *"Burgess Hill has met its residual need"*³¹ whether or not a site is in a settlement that has already met its housing requirement did not appear to be a consideration.
- 2.7 SOFLAG asked for clarification of this under FOI and the correspondence is attached at Appendix 2 A.
MSDC were asked specifically if any weighting was given to whether settlements had already met their housing requirements when assessing site allocations. MSDC did not provide any evidence that any such weighting was given, referring the questioner to the Site Selection Proformas and Methodology posted on their website. Whether or not the site is in a location that has already met its housing requirement is not mentioned at all in these papers, suggesting this was not considered one of the criteria.

²⁷ Submission Draft Site Allocations DPD page 8

²⁸ Mid Sussex Adopted District Plan page 30

²⁹ Ibid.

³⁰ Ibid. page 38

³¹ Site Allocations DPD Sustainability Appraisal (Incorporating Strategic Environmental Assessment) Regulation 18, page 56

Allocating Sites SA12 & SA13 conflicts with District Plan policy DP6. MSDC have failed to take this into account making the Site Allocations DPD unsound. Sites SA12 & SA13 should be removed.

2-2 MSDC SITE ASSESSMENTS DID NOT GIVE DUE CONSIDERATION TO THE RISK OF COALESCENCE BETWEEN SETTLEMENTS

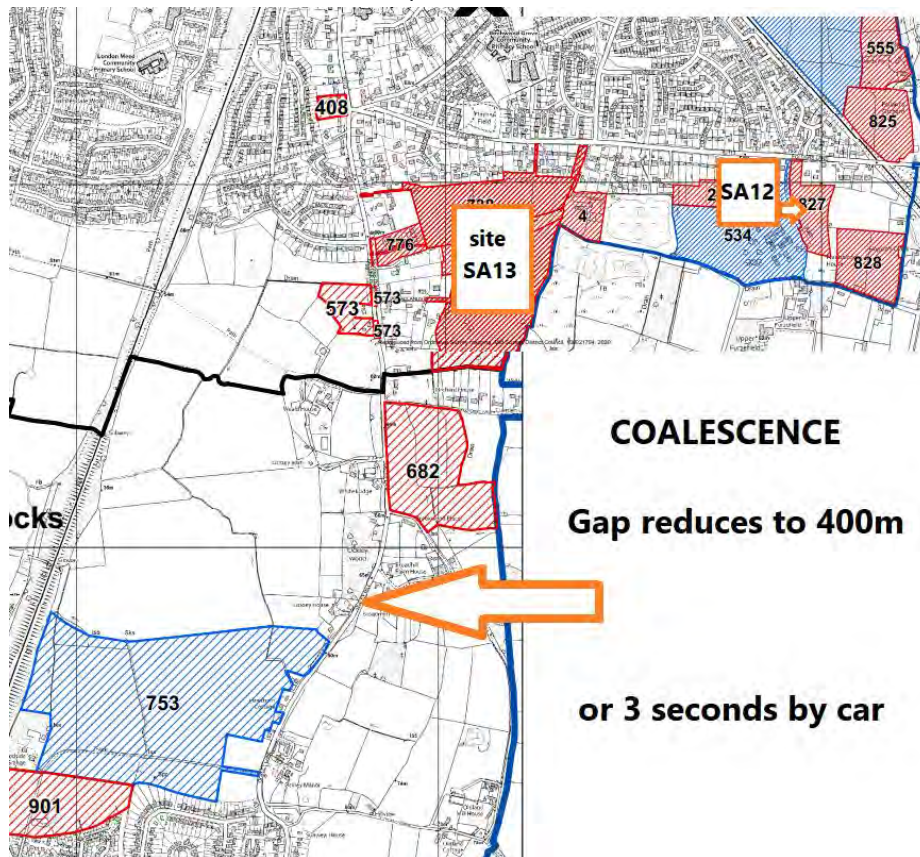
This contravenes District Plan and national planning policies. Allocation of Sites SA12 & SA13 will lead to coalescence and their inclusion makes the Sites Allocations DPD unsound.

- 2.8 As already outlined in Section 1.3, the allocation of these sites will lead to coalescence contravening District Plan policy DP13. The trajectory of coalescence is shown at Appendix 1 D. District Plan policy DP13 is a strategic objective to prevent the towns and villages in Mid Sussex from merging, and should have been part of the site selection criteria.
- 2.9 SOFLAG sought clarification from MSDC under FOI whether weighting was given to coalescence when assessing sites. MSDC did not provide evidence of any such weighting. Their answer is at Appendix 2 A – a referral to the methodology and site selection proformas in Site Selection Papers 1, 2, 3 and 4 on the MSDC website.
- 2.10 These Site Selection Papers do not contain much at all on “coalescence”. In *Paper 1: Site Allocations Development Plan Document Site Selection Paper 1 – Assessment of Housing Sites against District Plan Strategy*, the term “Coalescence” appears once in Appendix 4 as part of the “Detailed assessment of constraints and Opportunities - Further desk-top assessment of site opportunities and constraints, and mitigation measures”³² which lists the following:
- Flooding
 - Landscape
 - Heritage
 - Biodiversity
 - Employment
 - Accessibility
 - Transport
 - Pollution/contamination
 - Relationship to built up area/adjacent settlements
 - Impact on coalescence**
 - Capacity to provide infrastructure
 - AONB

The “output” from these is to be “SHELAA proformas with commentary”. In the proformas that appear in *Paper 3 Housing – Appendix B: Housing Site Proformas*, all of the items on that list appear as categories EXCEPT “Relationship to built up area/adjacent settlements” and “Impact on coalescence” indicating that these two were NOT used as selection criteria.

³² Site Allocations Development Plan Document Site Selection Paper 1 – Assessment of Housing Sites against District Plan Strategy, Appendix 4, page 14

- 2.11 In the proformas in Paper 3, the word "coalescence" does not appear at all in relation to either Sites SA12/13 – **see Appendix 2 B**. It is only mentioned in any of the site selection proformas as a Neighbourhood Plan policy - for example as EG2(a) with reference to Site ID 733 Land between 43 and 59 Hurst Farm Road, East Grinstead.
- 2.12 The word "coalescence" does not occur at all in *Site Selection Paper 2: Methodology for Site Selection* - suggesting it did not feature as a consideration.
- 2.13 Had Coalescence been correctly assessed as a selection criterion, Sites SA12 and SA13 could not legitimately have been included in the DPD. The southern boundary of Site SA13 is the northern edge of the gardens of the houses on Wellhouse Lane. These houses are not in Burgess Hill. They are in Keymer parish, and in fact a different parliamentary constituency from Burgess Hill (Arundel and South Downs rather than Mid Sussex). If Site SA13 is developed Burgess Hill and Keymer will have joined.
- 2.14 MSDC are fully aware of the likelihood of coalescence between Burgess Hill and Hassocks / Keymer. The latest SHELAA maps show all those sites being proposed for housing, including south of Site SA13 at Wellhouse Lane – the consequence is clear:



(The trajectory of coalescence is shown at Appendix 1 D).

- 2.15 District Plan DP 13, the strategic objective to avoid coalescence, was not given sufficient (if any) weighting as a selection criterion, making the Site Allocations DPD and in particular the inclusion of sites SA12 & SA13, unsound.

2-3 MSDC DID NOT APPLY OTHER DISTRICT PLAN POLICIES TO THE SITE SELECTION PROCESS, LEADING TO THE ALLOCATION OF SITES THEY KNEW WOULD BE UNDELIVERABLE

- 2.16 Planning policy making in England is governed by the NPPF, providing the framework within which local plans such as the Mid Sussex District Plan and this Site Allocations DPD must be produced: *"Planning law requires that applications for planning permission must be determined in accordance with the development plan ², unless material considerations indicate otherwise ³. **The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.**"³³*
- 2.17 Therefore, MSDC should have taken both NPPF and their own development plan (adopted District Plan) policies into account when selecting housing sites. However, MSDC did not do this, particularly with reference to Sites SA12 & SA13, rendering the DPD unsound.
- 2.18 On many occasions during the Site Allocations DPD process, councillors and officers have stressed that any future planning applications will be considered against District Plan policies. By failing to adequately apply District Plan policies when assessing sites, MSDC have in Sites SA12 and SA13, knowingly allocated sites that would fail at planning when assessed against District Plan policies.
- 2.19 For example, in answer to a written question from Councillor Janice Henwood to The Scrutiny Committee for Planning, Housing and Economic Growth on 11 March 2020, about disregarded District Plan policies, Committee Chair Councillor Neville Walker responded: *"The Council has not disregarded the policies listed by Cllr Henwood. These policies are however, used to determine planning applications and are not to determine the allocation of a site, this is a separate process.. When considering allocating sites the Council must have regard to Government national policy. The Council does not have a choice in this matter."* See Appendix 2 C for full question / answer.
- 2.20 This answer contradicts what is legally required of the DPD. "Government national policy" in the form of the NPPF explains in detail in paras 15-37 how local development plans **and their policies** govern the locations selected for development. By not taking District Plan policies properly into account, the Site Selection DPD as presented is unsound.
- 2.21 **The allocation of Sites SA12 and SA13 conflicts with the following District Plan and NPPF policies:**
Policy DP6 "Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments / completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."
Policy DP37 for strategic development at Burgess Hill, to "Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity "
Policy DP12 concerns protection and enhancement of the countryside and states: "The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising

³³ National Planning Policy Framework, 2019, para 2

the amount of land taken for development and preventing development that does not need to be there.” There is a sufficient buffer without Sites SA12 & SA13 (see Section 5.5)

Policy DP13 preventing coalescence (see Section 2.2)

Policy DP15 New homes in the countryside only permitted if no conflict with DP12

Policy DP18 Setting of the South Downs National Park (see Section 1.4)

Policy DP37 protecting trees, woodland and hedgerows (see Section 3)

Policy DP38 increasing and preserving biodiversity

- 2.22 **Para 17 of the NPPF** states that planning decisions must *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.”* To select Sites SA12 and SA13 for development would conflict with this.
- 2.23 **Para 109** of the NPPF refers to 'protecting and enhancing valued landscapes' and MSDC Case Officer Stuart Malcolm made a relevant point in 2018 when refusing an application in the area:
*“case law has suggested that land does not have to lie within a designated area to be 'valued' and that landscape value accrues separate to designated status and that such value is derived from some physical attributes”*³⁴
- 2.24 MSDC’s failure to consider District Plan and NPPF policies when assessing sites for allocation renders the DPD unsound.

³⁴ DM/16/3959, February 2018, Delegated Report, p 9

Appendix 2 A

Freedom of Information <foi@midsussex.gov.uk>

To: Amanda Green

Fri, Aug 28 at 3:55 PM

Dear Ms Green,

Thank you for your request. Please find our response below.

In response to Q1 and Q2, the Site Selection process (including methodology and site assessment proformas) is fully documented in Site Selection Papers 1, 2, 3 and 4 available on the Council's website at <https://www.midsussex.gov.uk/planning-building/development-plan-documents/site-allocations-dpd-evidence-library/>.

If for whatever reason you are unhappy with our response you are entitled to pursue any dissatisfaction, in the first instance, by contacting Tom Clark, Solicitor to the Council, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS, email: tom.clark@midsussex.gov.uk, quoting your Reference Number.

If you still remain dissatisfied with the response you can complain to the Information Commissioner - details available at: <https://ico.org.uk/concerns/>.

Information provided under the FOI Act 2000 or the Environmental Information Regulations 2004 may be not be re-used, except for personal study and non-commercial research or for news reporting and reviews, without the permission of the Council. Please see the Council website <https://www.midsussex.gov.uk/about-us/open-government-licence/>, for further information or contact the FOI Team on 01444 477422.

yours sincerely,

FOI/DPA Team

Digital and Technology
01444 477422
foi@midsussex.gov.uk
<http://www.midsussex.gov.uk/my-council/freedom-of-information/>

Working together for a better Mid Sussex

OFFICIAL

From: Amanda Green <amandagreen30@yahoo.com>
Sent: 05 August 2020 12:43
To: Freedom of Information <foi@midsussex.gov.uk>
Subject: Freedom of Information request

I am making this request for information under FOI, regarding the selection of housing sites for the Site Selection DPD.

When assessing housing sites for the Site Selection DPD, both from the "long list" and when making the final selection from 40 to 22:

1. What if any weighting was given to whether the settlement in which the housing site was located had already met their housing requirement from the District Plan?

Was this taken into account, and if so, how did affect the "score" given to each site?

Please provide copies of proformas, guidance notes or other papers showing how sites were assessed against this, and copies of any assessments made against this criteria for Sites SA12, SA13 and Haywards Heath Golf Course.

2. What, if any, weighting was given to whether development of the sites being considered would lead to coalescence as defined in District Plan policy DP13?

Was this taken into account, and if so, how did affect the "score" given to each site?


Please provide copies of proformas, guidance notes or other papers showing how sites were assessed against risk of coalescence - for example distances between the sites and neighbouring settlements etc, together with copies of any assessments made against this criteria for Sites SA12, SA13 and Haywards Heath Golf Course.

Thank you.

Kind regards,

Amanda Green

Appendix 2 B

Site Selection - Housing		
Burgess Hill		
ID	976	Land East of Keymer Road and South of Folders Lane, Burgess Hill.
		
Site Details Units: 300 Site Area (ha):		
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	Listed Building - Less Than Substantial Harm (Medium)	High Chimneys - the gardens to the house currently back onto open countryside. Development on the site could have some potential to affect the setting of High Chimneys, though there could be potential to limit harm through design and layout of a future scheme. NPPF: LSH, MID
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	Moderate - Mitigation	No objection subject to archaeological assessment and mitigation. Before submission of planning application: Geophysical survey, mitigation strategy arising if appropriate.
8 - Landscape	Medium	The site has moderate landscape sensitivity and moderate landscape value. This site is surrounded by countryside and it could be viewed from the South Downs National Park. There could be loss of trees and hedgerows.
9 - Trees/TPOs	Low/Medium	TPO trees to the north of the site. TPO trees also line northern border of the site.
Part 2 - Deliverability Considerations		

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

Site Selection - Housing		
10 - Highways		
11 - Local Road/Access	Moderate - Improve	Various potential points of access to the site; two from Keymer Road and the from Folders Lane would require the removal of a number of TPO trees. Both accesses are narrow.
12 - Deliverability	Developable	Site is control of two house builders who are able to demonstrate a coordinated approach to the development of the site.
13 - Infrastructure	Infrastructure capacity	Developer questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	Less Than 10 Minute Walk	There is a requirement for improvements to the bus and rail interchange at Burgess Hill station. Contributions towards the new enhanced bus infrastructure in Burgess Hill as well as provision of additional and enhancement of cycle parking provision at the station. There is also an opportunity to tie-in with the work being undertaken through the Burgess Hill Road Space Audit that could enable the switch of highway provision from parking to bus priority infrastructure. Requirement for cycle path links into Burgess Hill town centre and towards the station.
15 - Health	10-15 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Good	
Part 4 - Other Considerations		
Neighbourhood Plan		Minerals
		No minerals considerations identified.
Waste		Environmental Health
May require reinforcement of the sewerage network		No environmental health considerations identified.
Sustainability Appraisal		Notes
Positive effects are anticipated in relation to housing and the suite of social SA objectives.		
Part 5 - Conclusion		
Summary	The site performs well in the assessment and the SA, with no biodiversity, heritage, townscape or access constraints identified. Additionally, the site's location near to services, facilities and transport suggest it is a sustainable location for growth. Furthermore, input from the Highways Authority identifies an opportunity for development of the site to contribute towards improvements to the bus and rail interchange at Burgess Hill.	
Recommendation	Site is proposed for allocation.	

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

SCRUTINY COMMITTEE FOR HOUSING, PLANNING & ECONOMIC GROWTH – 11 MARCH 2020

Question 4 from Councillor Henwood:

NPPF, para 17 states "recognizing the intrinsic character and beauty of the countryside"
para 109 "protecting and enhancing valued landscapes"

MSDC

Policy DP7 -"Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity "

Policy DP12- "the countryside will be protected in recognition of its intrinsic character and beauty"

Policy DP 15 "provided that they would not be in conflict with Policy DP12

Policy DP18 "to protect valued landscapes for their visual, historic and biodiversity qualities"

Policy DP 37 " development that will damage or lead to loss of trees, woodland or

hedgerows ...will not normally be permitted"

Policy DP 38 "protects existing biodiversity .."

What justification can MSDC give to disregard the above policies?

Response of Councillor Neville Walker

Chairman of Scrutiny for Housing, Planning and Economic Growth

The Council has not disregarded the policies listed by Cllr Henwood.

These policies are used to determine planning applications and are not to determine the allocation of a site, this is a separate process..

When considering allocating sites the Council must have regard to Government national policy.
The Council does not have a choice in this matter. .

The Site Selection Methodology is a separate matter and includes criteria regarding an assessment of sites in the Area of Outstanding National Beauty (AONB); landscape capacity and suitability for sites outside of the AONB; and biodiversity and trees.

SECTION 3

ALLOCATING SITES SA12 & SA13 FOR HOUSING WILL CAUSE AN IRREVERSIBLE LOSS IN BIODIVERSITY AND ECOLOGICAL DAMAGE

The loss of biodiversity and ecological damage caused by the development of Sites SA12 & SA13 makes them unsustainable, unsuitable, and undeliverable without contravening MSDC Planning Policy and national planning law. Their inclusion makes the Site Allocations DPD unsound.

- 3-1 Introduction to Section 3
 - 3-2 Overview of Sites
 - 3-3 Statutory requirement on biodiversity
 - 3-4 Protected wildlife in Site SA13
 - 3-5 Irreplaceable historic field system
 - 3-6 Trees and vegetation
-

3-1 INTRODUCTION

- 3.1 Sites SA12 & SA13 form one of the last remaining parts of a historic field system, bounded by ancient hedgerows, between Burgess Hill and the villages to the south. Untouched by modern farming methods, they have become an incredibly bio-diverse area containing many important species that must be protected from future development.
- 3.2 The data in the report provided by the Sussex Biodiversity Records Centre detailed in sub-section 3.4, (see summary attached at Appendix 3A), is unequivocal. It clearly demonstrates that Site SA13 is of great ecological importance, as the lists of threatened species included in this section show. Sussex Biodiversity Records Centre is part of the Sussex Wildlife Trust, the acknowledged expert on this subject in Mid Sussex. It is most unlikely that there is anywhere within miles, or possibly even within Sussex, where such an ancient field pattern containing such important flora and fauna currently exist in peaceful harmony.
- 3.3 The site itself is also environmentally unsuited to development as it is relatively low lying and the heavy clay weald leaves many parts of it prone to flooding.
- 3.4 The District Plan policy DP38 requires MSDC to ensure development:
"Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity..."

*Protects existing biodiversity, so that there is no net loss of biodiversity...*³⁵

There can only be a severe loss of biodiversity should Sites SA12 & SA13 be allocated for development.

- 3.5 This section provides comprehensive expert evidence that any benefits from the addition to the housing supply in Mid Sussex are far outweighed by the environmental and ecological damage caused by development. This site is unsuitable for development from an ecological and environmental perspective.
- 3.6 To allow development on sites SA12 & SA13 would contravene planning legislation (including the NPPF), and environmental protection laws, and would cause a devastating and irreversible loss of habitat to a host of protected species. Their inclusion in the Site Allocations DPD makes the plan unsound.

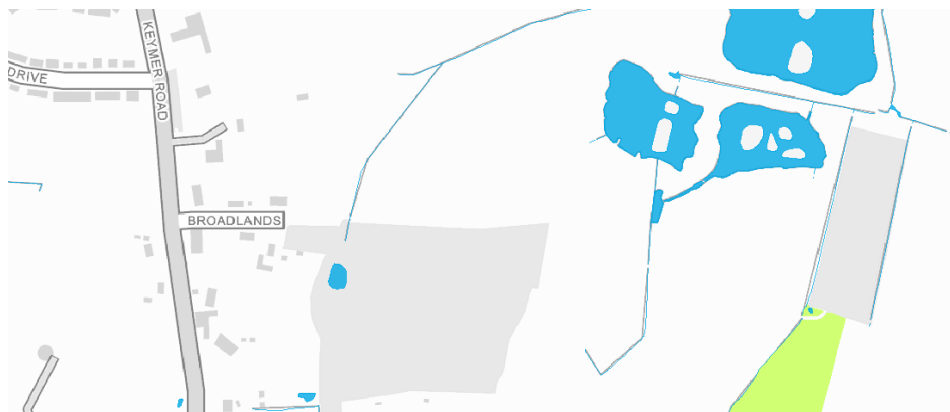
3-2 **OVERVIEW OF SITE**

- 3.7 Site SA13 contains an ancient established field pattern with hedgerows that contain many large mature trees. The site is directly adjacent to and clearly visible from the nearby South Downs National Park. A stream, which is one of the sources of the River Adur, runs through the site, firstly from south to north near the western boundary and then across the centre of the site from west to east through a low-lying meadow which floods frequently.
- 3.8 The fields that make up Site SA13 form a small area of rare Sussex pasture that has not been ploughed or subjected to selective herbicides for a very long time. It harbours rare plant species including wild orchids and it forms the habitat for a large variety of wild animals, reptiles and birds.
- 3.9 The site is protected by law as is it within Mid Sussex's own Countryside Area of Development Restraint. It contains vegetation with legal protection, as evidenced by the Enforcement action taken by MSDC against Thakeham Homes for illegal damage to hedgerows in 2015, and Thakeham Homes subsequent loss of their Appeal case³⁶.
- 3.10 In addition, the rich and varied wildlife it contains is also protected, both by UK and International Law. While it is accepted that when protected species of animals and plants are found within a site that is wanted for development, it may sometimes be possible to deal with this either by an approved method of relocation or by adapting the plans to ensure the protected species can live in harmony with the new development. In other cases, however, this is not possible and this is especially the case where the site is effectively surrounded by existing development and there is no natural escape route for wildlife. This applies to Site SA13 – the only way to comply with the law and protect the wildlife is designate this site unsuitable for development.

³⁵ Mid Sussex District Plan, DP38, page 93

³⁶ MSDC case reference AP/15/0012 & EF/15/0019

- 3.11 As well as its exceptional biodiversity, the site is crossed by a stream that is the source of important local river, The Adur – see plan below. The stream runs through the lower meadow at the southern end of the site, which is boggy from autumn to late spring, and floods after any heavy rainfall.



- 3.12 The soil in this part of Sussex is heavy clay and this together with the boggy landscape offer a home to a different variety of plants and animal life from that of the adjacent chalk South Downs.
- 3.13 This wet landscape is unsuitable for building, or for the “play area” that is proposed for the dampest central and lowest lying part of the site. What would happen to the water run-off from so many houses, patios, drives and roads? What effect would this have on existing properties, as well as the new build properties and land?
- 3.14 In addition, because of the artesian effect of the Downs it is almost certain that there are underground streams in these fields that could be affected by building foundations (British Geological Survey – Wells and Springs of Sussex). This potential problem has not been investigated.

3-3 STATUTORY REQUIREMENT ON BIODIVERSITY

- 3.15 The sites selection process is a requirement for updating the Mid Sussex District Plan. It should be remembered that the primary document that governs the planning and development process is the National Planning Policy Framework (NPPF). In its introduction it states that:
- “The framework must be taken into account in preparing the development plan [which in this case is the Mid Sussex District Plan] and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements..”*
- And earlier in the same paragraph states:
- “Planning decisions should be determined in accordance with the development plan unless material considerations determine otherwise...”³⁷*

³⁷ National Planning Policy Framework, Feb 2019, para 2, page 4

3.16 Whilst the current site selection process is not itself making final planning decisions, it is the precursor to that and those sites selected will then have a presumption in favour of approval when an application for development is made. This means the site selection process must take into consideration the requirements and policies of the local development plan which, in this case, is the Mid Sussex District Plan.

3.17 The existing Mid Sussex District Plan has a clear and unequivocal policy, DP38 – Biodiversity, relating to the protection of biodiversity in the planning process. The stated principal objective of the policy is as follows:

To protect valued landscapes for their visual, historical and biodiversity qualities and To create and maintain easily accessible green infrastructure, green corridors³⁸

Most importantly, it is stated that:

Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- ***Protects existing biodiversity, so that there is no net loss of biodiversity.*** *Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*³⁹

3-4 PROTECTED WILDLIFE IN SITE SA13

3.18 There is indisputable evidence that many protected and highly valued species inhabit Site SA13 either throughout the year or during their particular migratory season. It is known that some private ecological surveys have been made on this land over the last 20 years. Whilst the detailed results of these have not been made publicly available, conversations with those carrying out the surveys as well as people living directly adjacent to the site have confirmed that the protected species listed below have been found to inhabit the area.

³⁸ Mid Sussex District Plan, DP38, page 93

³⁹ Ibid.

3.19 However, of much greater importance (and providing much more 'weight' to this submission) is the list of species detailed below and verified by the Sussex Biodiversity Records Centre as being found within the Site. SOFLAG is very grateful to the Sussex Biodiversity Records Centre for providing their report on Site SA13 (Report No. SxBRC/19/633) from which the following information has been taken. It should also be noted that the non-inclusion of any species does not actually mean they are not present in the site. For example, it is known that there are adders present within the site but these have yet to be recorded formally.

3.20 Every one of the following species has been shown to be present at Site SA13 by the Sussex Biodiversity Records Centre. Each of the species listed is either protected under International or National legislation as detailed. Those protected by international legislation are shown in **bold type**. The remaining legislation is UK law.

3.21	Species	Legal Protection
	Bats	
	<ul style="list-style-type: none"> • Chiroptera 	Hab Dir A2 NP, Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> • Serotine 	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a
	<ul style="list-style-type: none"> • Myotis 	Hab Dir A2 NP , Hab Dir A4, Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> • Noctule 	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> • Common Pipistrelle 	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> • Soprano Pipistrelle 	Hab Dir A4 , Hab Reg Sch2, WCA Sch5, s9.4b, s9.4c/s9.5a, NERC S41
	<ul style="list-style-type: none"> • Brown Long Eared 	Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b, s9.4c/s9.5a, NERC S41
	Amphibians	
	<ul style="list-style-type: none"> • Common Toads 	WCA Sch5 s9.5a, NERC S41, UK BAP Priority
	<ul style="list-style-type: none"> • Palmate Newts 	WCA Sch5 s9.5a
	<ul style="list-style-type: none"> • Smooth Newts 	WCA Sch5 s9.5a
	<ul style="list-style-type: none"> • Common Frogs 	WCA Sch5 s9.5a
	<ul style="list-style-type: none"> • Great Crested Newts 	Hab Dir A2 NP, Hab Dir A4 , Hab Reg Sch2, WCA Sch5 s9.4b/s9.4c/s9.5a, NERC S41, UK BAP Priority
	Butterflies & Moths	
	<ul style="list-style-type: none"> • Brown Hairstreaks 	WCA Sch5 s9.5a, NERC S41, UK BAP Priority, RedList GB post2001 VU
	<ul style="list-style-type: none"> • Large Clothes 	Sussex Rare
	Mammals	
	<ul style="list-style-type: none"> • West European Hedgehogs 	NERC S41, UK BAP Priority UK, RedList GB post2001 VU

- **Hazel Dormice**
s9.4b/s9.4c/s9.5a/, NERC s41

Hab Dir A4, Hab Reg Sch2, WCA Sch5,

Reptiles

- Slow Worms WCA Sch5 s9.1/s9.1 kill, s9.5a, NERC s41
- Grass Snakes WCA Sch5 s9.1/s9.1 kill, s9.5a, NERC s41
- Common Lizards WCA Sch5 s9.1/s9.1 kill, s9.5a, NERC s41

Birds

- **Little Egret** **Birds Dir A1**
- **Bittern** **Birds Dir A1**, WCA Sch1 Pt1, NERC S41
- **Honey-Buzzard** **Birds Dir A1**, WCA Sch1 Pt1
- **Red Kite** **Birds Dir A1**, WCA Sch1 Pt1
- **Osprey** **Birds Dir A1**, WCA Sch1 Pt1
- **Merlin Falcon** **Birds Dir A1**, WCA Sch1 Pt1
- **Peregrine Falcon** **Birds Dir A1**, WCA Sch1 Pt1
- Lapwing NERC S41
- Green Sandpiper WCA Sch1 Pt1
- Herring Gull NERC S41
- Turtle Dove NERC S41
- Cuckoo NERC s41
- Barn Owl WCA Sch1 Pt1
- **Kingfisher** **Birds Dir A1**, WCA Sch1 Pt1
- Lesser Spotted Woodpecker NERC S41
- Grasshopper Warbler NERC S41
- Skylark NERC S41
- Dunnock NERC S41
- Black Redstart WCA Sch1 Pt
- Ring Ouzel NERC S41
- Fieldfare WCA Sch1 Pt
- Song Thrush NERC S41
- Redwing WCA Sch1 Pt
- Willow Tit NERC S41
- Marsh Tit NERC S41
- Starling NERC S41
- House Sparrow NERC S41
- Tree Sparrow NERC S41
- Lesser Redpoll NERC S41
- Linnet NERC S41
- Common Crossbill WCA Sch1 Pt
- Bullfinch NERC S41
- Hawfinch NERC S41
- Yellowhammer NERC S41
- Reed Bunting NERC S41
- Corn Bunting NERC S41

3.22

In addition to the above listed birds that are internationally or nationally protected there are many other species, known to inhabit the site that are designated with a “notable status” including “Bird Red”, “Bird Amber”, “Notable Bird” and/or UK BAP Priority. These include:

- Mute Swan
- Greylag Goose
- Mallard
- Pintail
- Tufted Duck
- Little Grebe
- Tawny Owl
- Swift
- Green Woodpecker
- Willow Warbler
- Swallow
- House Martin
- Meadow Pipit
- Grey Wagtail
- Kestrel
- Common Sandpiper
- Snipe
- Woodcock
- Turnstone
- Common Gull
- Lesser Black-backed Gull
- Black Headed Gull
- Stock Dove
- Nightingale
- Redstart
- Mistle Thrush
- Whitethroat

3.23

Finally, even though they are not technically classed as protected, there are several other species of birds that have been recently recorded by the Sussex Biodiversity Records Centre as being found on the site and these include:

- Black-cheeked lovebird
- Canada Goose
- Goosander
- Mandarin Duck
- Grey Heron
- Pheasant
- Collared Dove
- Little Owl
- Great Spotted Woodpecker
- Sedge Warbler
- Reed Warbler
- White/Pied Wagtail
- Pied Wagtail
- Waxwing
- Sparrowhawk
- Buzzard
- Moorhen
- Water Rail
- Coot
- Feral Pigeon
- Wood Pigeon
- Wren
- Robin
- Stonechat
- Blackbird
- Blackcap
- Garden Warbler
- Lesser Whitethroat
- Goldcrest
- Long-tailed Tit
- Blue Tit
- Great Tit
- Coal Tit
- Nuthatch
- Tree Creeper
- Jay
- Magpie
- Jackdaw
- Rook
- Carrion Crow
- Greenfinch
- Siskin
- Chaffinch
- Goldfinch

3.24 To destroy this precious habitat that is home to more than 100 different species of birds when there are other more suitable sites for development available in the district would be an ecological disaster.

3.25 As well as the above listed protected species the fields are also home to a diverse variety of wildlife which enhance its value as an ecological sanctuary. The species include:

- Foxes
- Deer
- Squirrels
- Rabbits
- Voles
- A wide variety of butterflies & moths

3-5 IRREPLACEABLE HISTORIC FIELD SYSTEM

3.26 The site currently consists of an ancient field system that has remained unchanged for at least 150 years as demonstrated in the three images shown below:

3.27 **Map published 1879 from survey taken in 1873**



Aerial photograph taken in 1952



Recent Google Earth image



- 3.28 The historic and ecological value of the central field, which will be lost to create access across the site if SA13 is allocated, was formally recorded in 2009 in the Folders Lane Field Survey attached at Appendix 3 B.
This will be lost forever if the development is allowed to go ahead.

3-6 TREES AND VEGETATION

- 3.29 The Sussex Biodiversity Records Centre has confirmed that the following list of plants that are all on the International Union for the Conservation of Nature Red List have been found in the field system making up Site SA13.

- | | |
|--------------------|------------------------|
| • Quaking Grass | • Marsh Pennywort |
| • Box | • Lesser Spearwort |
| • Bell Heather | • Creeping Willow |
| • Dwarf Sponge | • Devil's-bit Scabious |
| • Wild Strawberry | • Strawberry Clover |
| • Dyer's Greenweed | |

There is no possibility of retaining these plants in their natural environment if the fields are turned into a housing estate.

- 3.30 In addition, there are many very old and healthy trees in the hedgerows around and within the site. Several of these have already been cut down by one of the potential developers. All of these trees are visible from the South Downs National Park and go a long way towards protecting and enhancing the views from the ridge between the Jack and Jill Windmills and Ditchling Beacon. There is no question that if development were allowed in the fields these trees would be threatened.



Ecological Data Search SxBRC/19/633 - Summary Report

An ecological data search was carried out for land at Site SA13, Burgess Hill on behalf of Jerry Batte (South of Folders Lane Action Group) on 05/11/2019.

The following datasets were consulted for this report:

	Requested	Radius/buffer size
Designated sites, habitats & ownership maps	Yes	0.5km
Protected, designated and invasive species	Yes	0.5km

Summary of results

Sites and habitats

Statutory sites	1 National Park
Non-statutory sites	None present
Section 41 habitats	1 habitat
Ancient and/or ghyll woodland	None present

Protected and designated species

International designations	17 species	47 records
National designations	55 species	516 records
Other designations	81 species	781 records
Total	90 species	830 records
Invasive non-native	16 species	64 records

The report is compiled using data held by Sussex Biodiversity Record Centre (SxBRC) at the time of the request. SxBRC does not hold comprehensive species data for all areas. Even where data are held, a lack of records for a species in a defined geographical area does not necessarily mean that the species does not occur there – the area may simply not have been surveyed.

This summary page may be published.
The full report and maps may not be published or otherwise shared.

The data search report is valid until 05/11/2020 for the site named above.

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Survey of field about 200m south of Folders Lane

Date of Current Survey 3 August 2009

Location of field Approx. 200m south of Folders Lane in the High Chimneys
(previously Woodwards) area of Burgess Hill, West Sussex.
Short, eastern boundary coterminous with Wintons.
Field centre OS grid ref. TQ321178

Size of field Area ca. 0.15 hectare. Overall dimensions ca. 350m x 50m.

Background

The conservation significance of this field was first identified in 1996 during a Phase 1 Habitat Survey of Burgess Hill conducted by a team from the Environmental Issues Forum of Burgess Hill Town Council. In Target Note F7 of the survey map this field was described as "Grassland with anthills; tendency to wetness. Variety of trees and herbaceous species." The standard mapping colour codes used on the map indicate unimproved neutral grassland (code B2.1) with a boundary rich in native trees and shrubs (J2.3.1), a dry ditch (J2.6) crossing the field and an eastern area of marsh/marshy grassland (B5). The detailed target notes (20 to 25 July 1996) by the surveyor (John Newton) were "Neutral grassland (possibly unimproved), probably prone to wetness, particularly towards northeast end which finishes in small dried up pond (with bed of dead leaves). Small trees and shrubs encroaching from hedges. Ground with many hummocks (some are ant-hills). Long grasses, soft rush, small fleabane, patch of iris, sedge, scattered betony, large area of lesser stitchwort to northeast. Thistles at southwest. Butterflies, skippers, burnet moth. Southwest boundary is dry ditch with umbellifers and nettles. *THIS AREA MERITS FURTHER STUDY.*"

The following information was gathered during the current survey, and extended a short distance westwards beyond the dry ditch mentioned above.

Description of field

Narrow field running roughly east-west. No easy access from nearby roads. An almost-dry drainage ditch runs south-west to north-east (demarcating the western third of the field), then runs eastwards (carrying water) along northern boundary to Wintons (presumably contributing to the source of the River Adur). Field surface uneven, hummocky. Some of hummocks are anthills. Small trees, bushes, brambles and dog-rose encroaching from field margins. Field damp in places. Almost certainly standing water in places in wet winters. Water table is probably fairly close to the surface throughout the year.

Flora

Trees and bushes along margins include pedunculate oak, blackthorn, field maple, hornbeam, goat willow.

Herbaceous plants include sedge (*Carex* sp.), , rush (*Juncus* sp. **w**), nettle, dog's mercury (*Mercurialis perennis*), yellow iris (*Iris pseudacorus* **w**), betony (*Betonica officinalis*), sneezewort (*Achillea ptarmica* **w, u**), bird's-foot-trefoil (*Lotus* sp.), creeping cinquefoil (*Potentilla reptans*), purple-loosestrife (*Lythrum salicaria* **w**), tufted vetch (*Vicia cracca*), devil's-bit scabious (*Succisa pratensis* **w, u**), common fleabane (*Pulicaria dysenterica* **w**) and Creeping thistle (*Cirsium arvense*).

w - a species associated with damp or wet conditions.

u - a species seldom found outside unimproved grassland or indicative of a long period of uninterrupted grassland management

Fauna

Butterflies include common blue (abundant), painted lady, gatekeeper.

Overall impression

This field appears to be unimproved neutral grassland. The hummocks and clear signs of dampness suggest that the surface has been little disturbed by agricultural practices (apart from mowing and grazing). The presence of certain species (indicated by "u") tends to confirm this view. The subject surveyed may be a very old meadow.

Recommendation

This field requires a full survey by a team of trained botanists. It merits some degree of protection from development.

Author John Newton, BSc Zoology (Hons), FRES

Location of Field



View looking east
(towards damp area)

	<p>View looking west (note hummocks)</p>
	
	<p>Dried out pond near north boundary (devil's-bit scabious in foreground)</p>

SECTION 4

OPPOSITION TO SITES SA12 / SA13 FROM LOCAL AUTHORITIES AND STATUTORY BODIES MAKES THEM UNDELIVERABLE

4-1 Opposition from local authorities

4-2 Opposition from statutory bodies

4-1 SIGNIFICANT OPPOSITION TO SITES SA12 & SA13 FROM NEIGHBOURING LOCAL AUTHORITIES WAS RAISED AT REGULATION 18 STAGE

But MSDC reported “No opposition from neighbouring authorities” at a subsequent Council Committee meeting which was not true.

4.1 Among more than 800 objections to the allocation of Sites SA12 & SA13 submitted during the Regulation 18 Consultation in 2019 were objections from local authorities including:

- Burgess Hill Town Council
- Haywards Heath Town Council
- Lewes & Eastbourne Borough Council
- Ditchling Parish Council
- Hassocks Parish Council

4.2 **Burgess Hill Town Council** objection included the following statements:

- “There are a significant number of problems with this site which make it unsustainable⁴⁰
- “The sites contravene District Plan policies DP7, DP12, DP13, DP18, DP20, DP21, DP26, DP37, DP38, and Neighbourhood Plan core objective 5, and policy H3”⁴¹
- “Of great concern to both the Council and residents is the amount of traffic congestion which will result from developing this area to the degree anticipated. The mini roundabout at the junction of Keymer Road and Junction road is already congested and previous developments of the area south of Folders Lane have identified roundabouts at Folders lane and Keymer road as at or near capacity. The traffic consultants have not considered this junction as part of their assessment on the impact of the proposals. The only mention of

⁴⁰ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 399

⁴¹ Ibid.

east Burgess Hill was their suggestion to convert Hoadleys Corner roundabout to a set of traffic lights, which would result in a reduced traffic flow and increased pollution”⁴²

4.3 **Haywards Heath Town Council** objected due to the significant north-south traffic movements between Haywards Heath and Burgess Hill generated by the increase in housing numbers. Their comments are attached at Appendix 4 A

4.4 **Lewes and Eastbourne Borough Council** objected with concerns about the ability of the road network to cope with additional housing in this area, stating:

- “in relation to Policies SA12, SA13 and SA21, the District Council wishes to have the confidence that the transport impacts arising from the proposed housing growth can be satisfactorily accommodated by the highway network within Lewes District. In particular, the timing, funding and feasibility of any necessary mitigation measures need to be fully understood before we are convinced that Policies SA12, SA13 and SA21 are sound”⁴³

4.5 **Ditchling Parish Council** objected, with reasons including:

- The development would cause further traffic implications into an already struggling road infrastructure system
- Development on these sites would cause irreparable harm to the setting of the South Downs National Park, including destroying habitats for many protected wildlife species such as adders, bats, cuckoos, barn owls 1 great crested newts and slow worms
- The sites contravene Policy CONS 7 of the Ditchling, Streat & Westmeston Neighbourhood Plan — Protect important gaps between settlements

The Ditchling Parish Council letter of objection is attached at Appendix 4 B.

4.6 **Hassocks Parish Council** objected citing the inadequacies of the SYSTRA transport study, which did not assess the inevitable negative impact on all the affected parts of local road network.

The Hassocks Parish Council objection is attached at Appendix 4 C

4.7 MSDC sought to play down, if not actually conceal the level of opposition from neighbouring authorities to Sites SA12 & SA13. This incident is dealt with further in Section 5. At MSDC Scrutiny Committee for Housing, Planning & Economic Growth on 22 January 2020, Officer Andrew Marsh stated

“Objections were predominantly from residents to the proposed sites” [and there were] “indeed no objections from neighbouring authorities”⁴⁴

This was untrue, and misled the Councillors who were voting on whether to accept the proposed sites at that meeting, making the process unsound.

4.8 As well as these strong objections to sites SA12 / 13 made by the neighbouring authorities, the following also had various objection to other parts of the Site Allocations DPD:

- Wealden District Council objected to SA20 / SA26
- Horsham District Council & West Sussex County Council objected to SA9

⁴² Ibid. page 401

⁴³ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 397

⁴⁴ Printed Minutes of Meeting, Section 7, page 3

- Felbridge Parish Council & East Grinstead Town Council also made objections

4.9 An objection was also made by **East Sussex County Council** to Site SA12 when Jones Homes put in their (now withdrawn) application for 43 houses in January 2019 (application ref 19/0276). In recommending the application for refusal, County Landscape Architect Virginia Pullen concluded:

*"it would have an unacceptable impact on local landscape character and views. It is acknowledged that the principal of development to the south of Folders Lane has been established due to the appeal decision for the neighbouring site. The scale and extent of the development proposed in this application would however make it difficult to properly mitigate the impact on local landscape character and views. The proposed layout would compromise the requirement to establish a well-defined settlement boundary to the east of the site."*⁴⁵

4.10 The ESCC objection explained how developing Site SA12, as proposed by the Site Allocations DPD, would contravene the NPPF:

"The proposal would not comply with NPPF Section 15 policies for conserving and enhancing the natural environment. The proposal would not comply with Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"*⁴⁶

4.11 As none of the concerns raised have been adequately addressed – perhaps because MSDC chose to suggest there were "no objections" from neighbouring authorities - these objections are likely to be repeated at this Regulation 19 stage, and indeed for any subsequent planning applications. This level of objection makes Sites SA12 & SA13 unsuitable and undeliverable.

4-2 SIGNIFICANT OPPOSITION TO THE ALLOCATION OF SITES SA12 & SA13 FROM STATUTORY BODIES DEMONSTRATING THEIR UNSUITABILITY & UNDELIVERABILITY

4.12 Objections to the selection of Sites SA12 & SA13 were made by:

- South Downs National Park Authority
- Sussex Wildlife Trust
- Woodland Flora & Fauna Group

⁴⁵ Objection to application 19/0276, 19 April 2019 <https://padocs.midsussex.gov.uk/PublicDocuments/00638051.pdf>

⁴⁶ Ibid.

With additional objections to Biodiversity and Air Quality provisions in the Site Allocations DPD by

- Natural England
- CPRE

- 4.13 **South Downs National Park Authority** demonstrated their opposition to Site SA12 when objecting to the now withdrawn planning application for the site – discussed in Section 1 para 1.62. Their objections to the allocation of Sites SA12 & SA13 were raised at Regulation 18 Consultation:
- this is a highly sensitive site likely to have high ecological value and whose character is shared with land in the SDNP
 - the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP, which is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
 - the potential for increased traffic in and through the village of Ditchling, and other parts of the SDNP, and its impact on tranquillity
 - the proposed allocations would erode the rural buffer between Burgess Hill and the SDNP. This is likely to be harmful to the special qualities and landscape character of the setting of the SDNP
 - in May 2016 the SDNP became an International Dark Sky Reserve (IDSR). Lighting as part of development of these sites has the potential for significant effects on the dark skies of the Reserve, particularly as a result of increases in light spill/ambient lighting⁴⁷

Their continuing concern is highlighted in the Statement of Common Ground dated 7 August 2020 – see Section 1 para 1.65

- 4.14 **Sussex Wildlife Trust** is the acknowledged expert for the Mid Sussex area, and their Sussex Biodiversity Records Centre has provided a comprehensive list of the many protected species of flora and fauna that would be lost (with no prospect of adequate mitigation) if Sites SA12 & SA13 remain allocated for housing. Their objection is at Appendix 4 D, but can be summarised in this quote:

*SWT objects to the allocation of this greenfield site. It is not justified by MSDC's own evidence base and does not represent sustainable development.*⁴⁸

- 4.15 The **Woodland Flora & Fauna Group** also objected to the site allocation, raising the issue that any mitigation that may be proposed to compensate for the loss of this valuable greenfield site rarely works:

*"However, many compensatory measures like wildlife corridors etc. the development includes, our experience is that the close proximity of human habitation renders them mostly ineffective and offers very few long-term survival prospects for indigenous wildlife and flora due to human recreational activities."*⁴⁹

The full objection is at Appendix 4 E.

- 4.16 Objections were also made to the wider Site Allocations DPD that have direct implications on the suitability of Sites SA12 & SA13. **Natural England** stressed the requirement for biodiversity net gain

⁴⁷ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 398

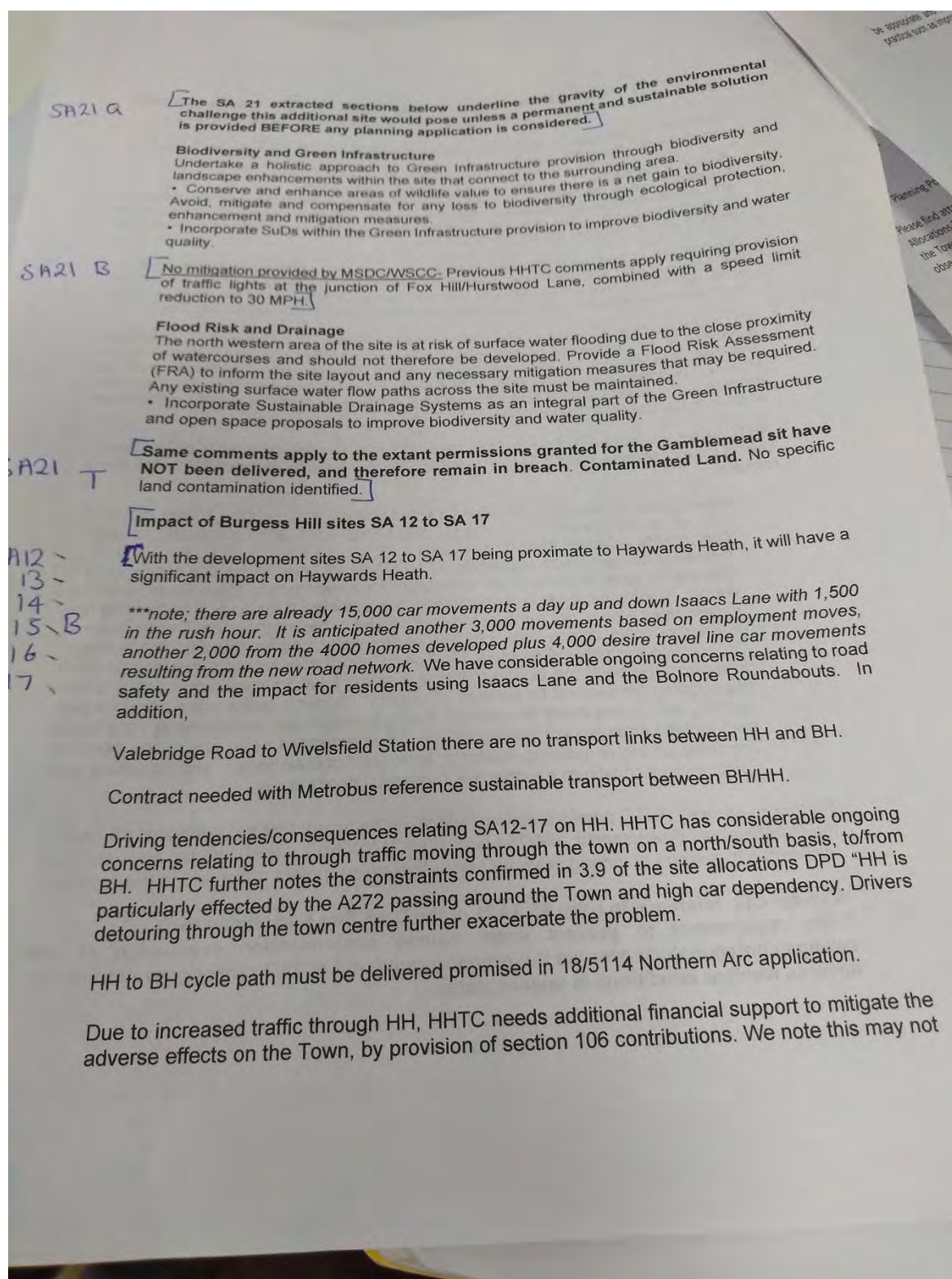
⁴⁸ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 397

⁴⁹ Site Allocations DPD – Regulation 18 9th October – 20th November 2019 Consultation Report, page 412

as a principle of development, and in their response MSDC committed to making this principle clearer. It is difficult to see how any development on the unique habitat at SA13 can ever comply with the principle of biodiversity net gain.

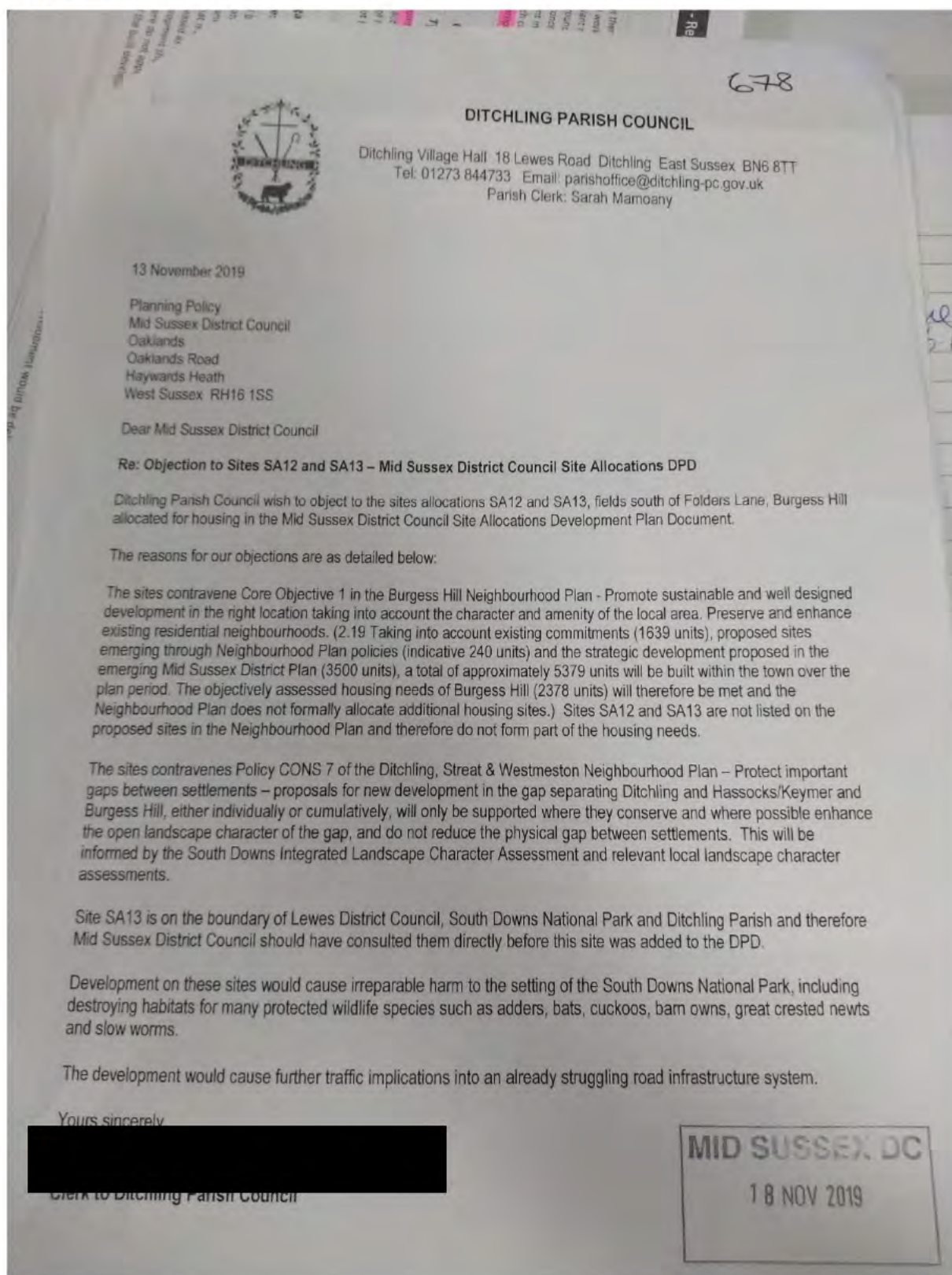
4.17 All these objections from local authorities, statutory bodies and expert groups demonstrate that Sites SA12 & SA13 are unsustainable, unsuitable and undeliverable.

Appendix 4 A



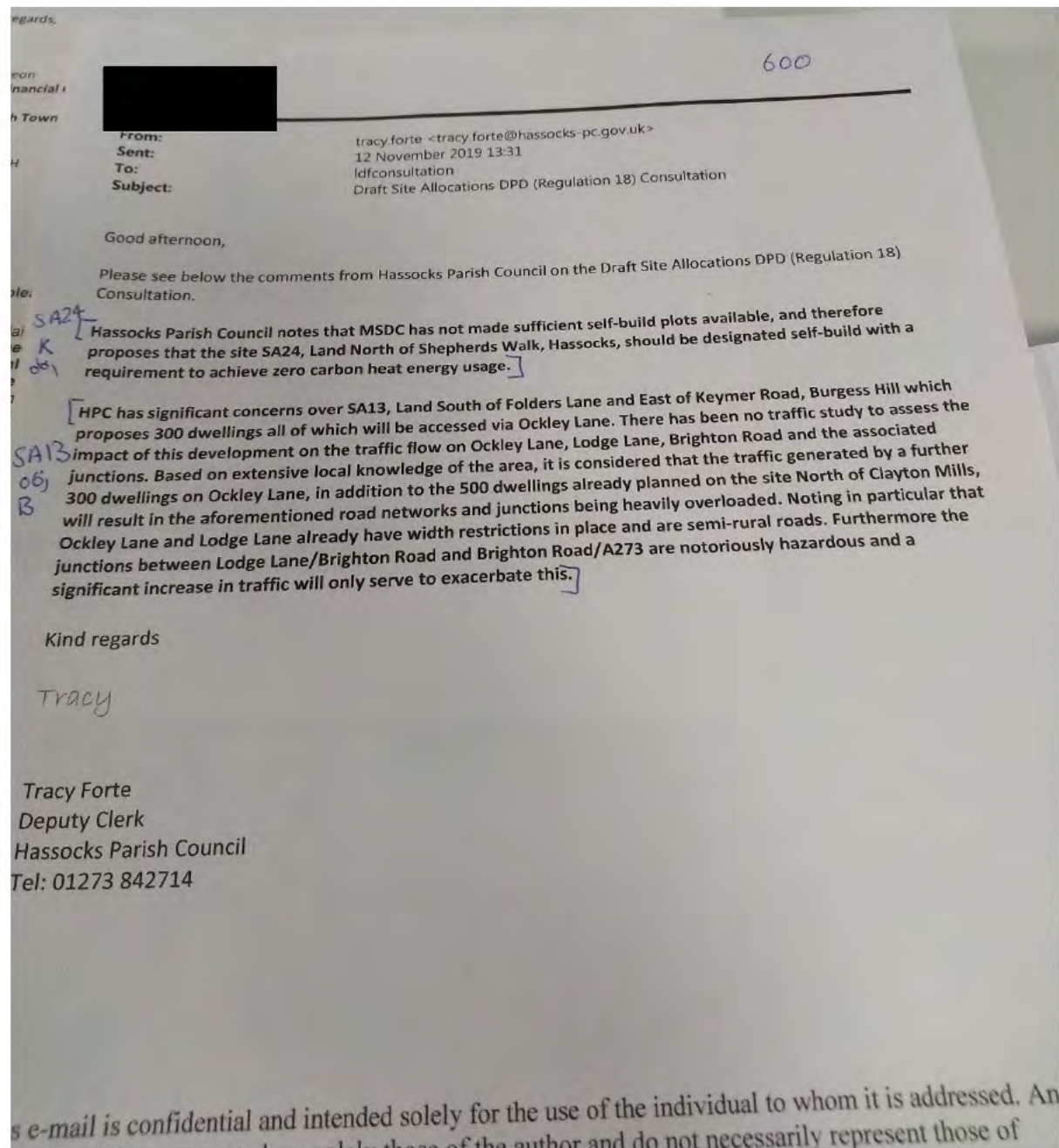
Objection by Haywards Heath Town Council

Appendix 4 B



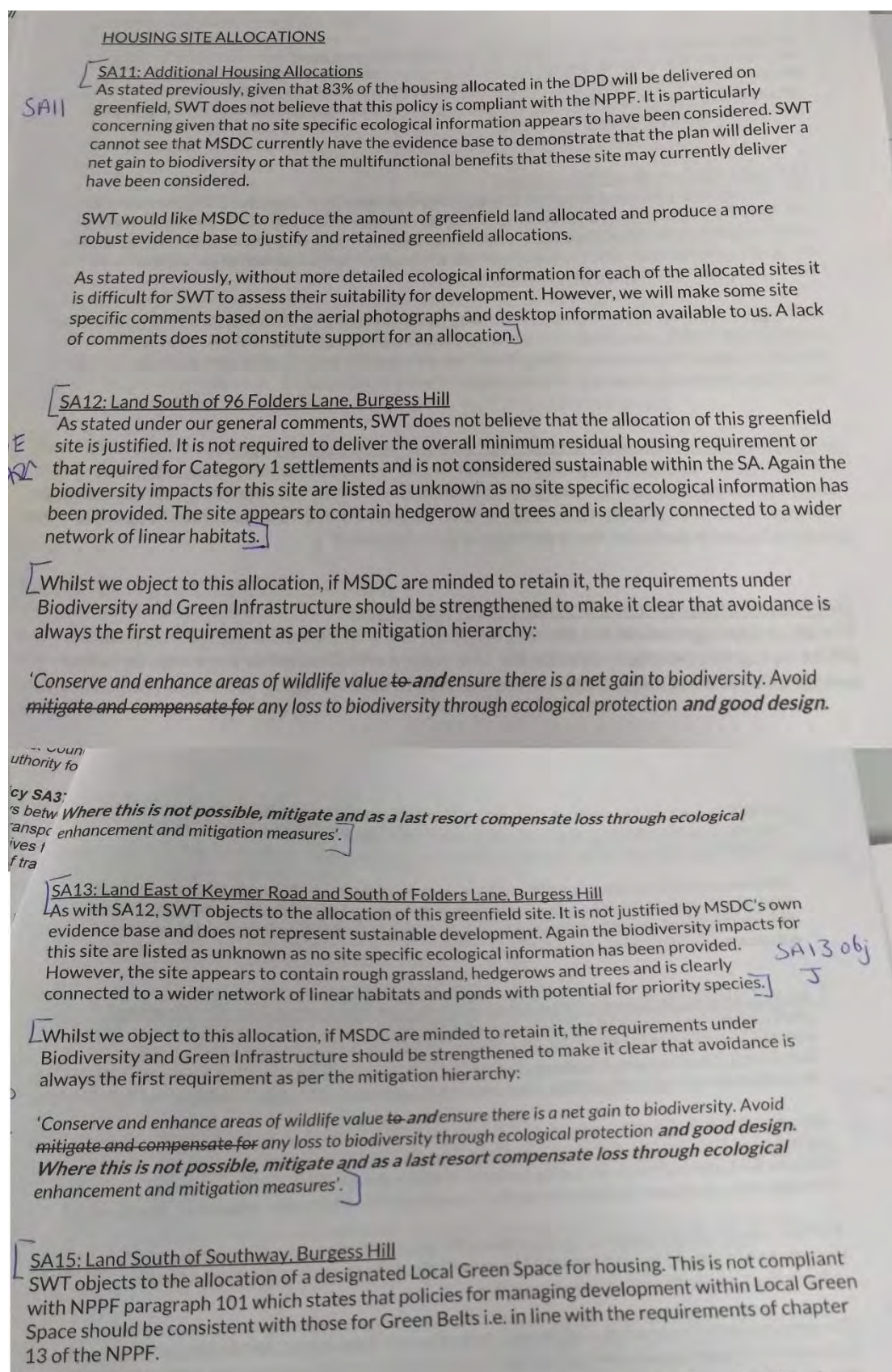
Objection from Ditchling Parish Council

Appendix 4 C



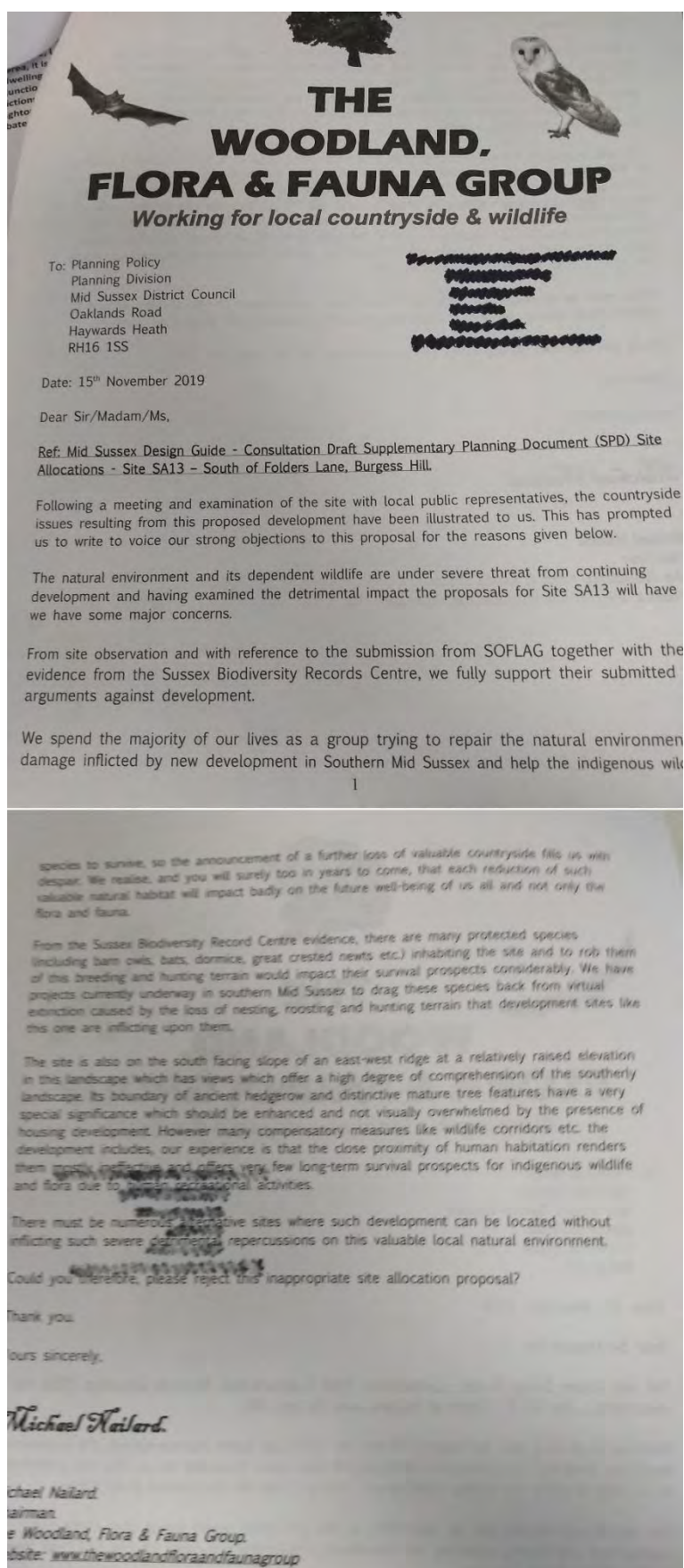
Objection from Hassocks Parish Council

Appendix 4 D



Extract from objection by Sussex Wildlife Trust

Appendix 4 E



SECTION 5

THE SITE SELECTION PROCESS WAS ILLEGITIMATE AND THE DPD IS THEREFORE UNSOUND.

In preparing the DPD the site selection process, particularly with reference to sites SA12 & SA13, was not carried out in accordance with planning policy nor within the legal framework, making the DPD unsound.

- 5-1 MSDC relied on a flawed Transport study containing errors and omissions that did not produce an accurate assessment of the implications of Sites SA12 & SA13
 - 5-2 Site selection criteria were applied inconsistently to different sites during the process, leading to incorrect decision making
 - 5-3 The Site Allocations DPD Sustainability appraisal contains errors & inconsistencies and is unsound
 - 5-4 MSDC mishandled the Regulation 18 Consultation with objections and evidence omitted at a crucial stage in the process
 - 5-5 MSDC officers and Councillors misled Council and Committees at key decision-making meetings
 - 5-6 MSDC applied the housing buffer incorrectly, leading to unsound decision making
 - 5-7 A serious cloud remains over the final site selection shortlisting decision
-

5-1 MSDC RELIED ON FLAWED TRANSPORT STUDY CONTAINING ERRORS AND OMISSIONS THAT DID NOT PRODUCE AN ACCURATE ASSESSMENT OF THE IMPLICATIONS OF SITES SA12 & SA13

MSDC continue to rely on the inaccurate and misleading SYSTRA transport study to “prove” that these sites won’t exacerbate severe traffic problems in the local area, despite other evidence to the contrary, making the selection process unsound

- 5.1 As already detailed in Section 1-2 of this report, Sites SA12 and SA13 are unsuitable for inclusion in the Draft Site Allocations DPD. To develop them would lead to further and unacceptable traffic gridlock in Burgess Hill, stemming from the site access onto Folders Lane and Keymer Road. MSDC rely totally on the findings of their SYSTRA Transport Study to counter this finding. However, the SYSTRA study is fatally flawed, does not comply with the legally binding NPPF and cannot be relied upon.

- 5.2 Questions have been raised with MSDC officers and councillors about the veracity of the SYSTRA study and its findings since it was published at Regulation 18 stage. At Scrutiny Committee for Housing, Planning and Economic Growth on 22nd January 2020 Councillor Janice Henwood asked: *"How will this assessment address the east-west, north-south traffic flows in BH, with particular reference to the roundabouts at Keymer Rd/ Folders Lane?"*
- Assistant Chief-Executive Judy Holmes read out a written response which included "The study concludes that the junctions at Folders Lane and Keymer Road, even without any mitigation, are not identified as being severely impacted by the site allocations DPD."
- In fact, in the Regulation 18 version of the SYSTRA study, which was the only version in use at this point, the junction of Folders Lane and Keymer Road was not even mentioned.
- 5.3 SOFLAG engaged expert consultant GTA Civils to examine the SYSTRA study who found several key flaws with it. GTA Civils produced a comprehensive report which accompanies this submission, with the summary attached at Appendix 1 C
- 5.4 The key faults found with the SYSTRA study included:
- concerns about the criteria adopted to define 'severe' and 'significant'
 - the incremental impact approach used under-represents cumulative impacts with the Sites DPD allocations added
 - incorrect use of Reference Case rather than Base Year in modelling
 - no assessment of impacts on highway safety as required by NPPF para 109
- 5.5 SOFLAG wrote to Sally Blomfield, MSDC Divisional Leader for Planning and Economy on 15 May 2020 to ask 6 urgent questions based on the GTA Civils findings, and received the response 8 weeks later on 9 July. The answers provided to our questions were inadequate. The email of 15 May is at Appendix 5A, and the MSDC responses with an explanatory commentary for each response are at Appendix 5B.
- 5.6 It appears that MSDC's continued acceptance of the flawed SYSTRA traffic study is based on an assumption that new development "cannot be responsible for solving pre-existing conditions and issues" and agrees with the fact that it only considers *additional* "severe" impacts to be relevant.
- This is like saying if a glass of water is full, pouring in more water can't make it fuller, therefore it has no impact on the "fullness".
- 5.7 West Sussex County Council also pointed out this fundamental flaw in methodology of the SYSTRA study in their response to the Regulation 18 Consultation, (in this case the A22 / A264 Felbridge Junction)
- "The Mid Sussex Transport Study indicates that although the DPD site allocations do not result in a severe impact, this is because the junction is already overcapacity in the reference case"* (See Appendix 5 C for the full WSCC critique of the study) The SYSTRA methodology is thus not fit for purpose.
- 5.8 MSDC Business Unit Leader for Planning Policy Andrew Marsh explained this at the Scrutiny Committee on 11 March 2020 where he said: *"What the transport model was doing, and what the results are showing which is that the additionality of the sites within the sites DPD, and that's all 22 housing sites, employment sites and the science and technology park don't cause a severe impact on that junction by virtue of the sites DPD itself"* In other words, MSDC knowingly pushing more traffic out onto local roads that are already

severely congested, because this situation is already so bad, that any worsening can't be measured in the model.

- 5.9 MSDC Officers have made false statements about the SYSTRA study at Committee Meetings. On 22nd January Divisional Leader for Planning and Economy Sally Blomfield described the study: *"it is a JOINT COMMISSION with the highways authority, West Sussex County Council (WSCC)"* MSDC Assistant Chief Executive Judy Holmes said of SYSTRA at that same committee: *"They were commissioned by MSDC AND WSCC to produce the Mid Sussex Transport study"* SOFLAG asked WSCC to see the relevant documents under FOI. WSCC responded on 9 February 2020, including the following statement: *"The Mid Sussex Transport Study was NOT jointly commissioned"*
- 5.10 Also, at the Committee Meeting on 22nd January, Sally Blomfield stated: *"We've had comments from the Department of Transport who are substantially content with it [the SYSTRA study]"* In response to an FOI request, MSDC stated on February 27th *"We have nothing on file from the Department of Transport related to the Systra study/methodology."* (See Appendix 5 D)
- 5.11 Answers provided under FOI contradict what MSDC officers stated at Committee Meetings. Misleading information was provided to Councillors making the process unsound.
- 5.12 SYSTRA relied on modelling rather than measuring of current traffic levels at key junctions. Evidence of traffic congestion missed by this approach is provided in Section 1, Appendix 1B. Highways England also flagged their concern with this approach in a document obtained by SOFLAG under FOI, stating that their modelling of a key M23 junction ***"the model indicates notably more capacity than is actually observed"***⁵⁰ MSDC have known the issues with the SYSTRA approach since 2018, therefore to rely upon it for the housing site allocations is unsound.
- 5.13 At the Scrutiny Committee for Housing, Planning and Economic Growth on March 11th during discussion of the viability of sites as determined by SYSTRA. Sally Blomfield, MSDC Divisional Leader for Planning and Economy made the following statement: *"I think we need to remember that there's a difference between plan making and deciding on a planning application. For plan making, the transport model that SYSTRA has prepared has demonstrated that these sites can be delivered. Obviously at planning application stage as is made clear in each of the site applications and is made clear within DP policies relating to transport impact, we would expect separate assessments to be undertaken"* This indicates that MSDC are aware that they are accepting a flawed model at plan making stage, which recommends sites that are likely to be refused, after further transport impact assessments are undertaken, at planning application stage. This is unsound.

⁵⁰ Email Highways England to MSDC, 22nd October 2018, attached at Appendix 5 D

5-2 SITE SELECTION CRITERIA WERE APPLIED INCONSISTENTLY TO DIFFERENT SITES DURING THE PROCESS, LEADING TO INCORRECT DECISION MAKING

Analysis of the Site Selection Proformas, shows errors in assessment and inconsistencies meaning Sites SA12 & SA13 were allocated following an unsound process, with a predetermined outcome

- 5.14 Site Selection Proformas published at Regulation 18 stage raise questions about how and why sites were chosen, particularly with reference to Sites SA12 & SA13. This can be illustrated by comparing the Proformas for Batchelors Farm (site reference 573) and what became part of Site SA13 (site reference 557).
- 5.15 While Site 557 was put forward, site 573 was not. This could be because, despite the proposed entrances to the sites being opposite each other on Keymer Road, and therefore equidistant from all facilities. In fact, most of site 557 being further away than the whole of 573, two out of three walking distances were assessed by MSDC rather differently⁵¹. Putting together the information from the two site proformas clearly illustrates this error:

Composite illustration showing comparative site locations:



Composite illustration showing comparative walking distances:

⁵¹ MSDC Site Selection Paper 3 Appendix B Housing October 2019, pages 58 (site 557) & 60 (site 573)

557 Land south of Folders Lane and east of Keymer Road,	573 Batchelors Farm, Keymer Road, Burgess Hill
Site Selection - Housing	Site Selection - Housing
Part 3 - Sustainability / Access to Services	Part 3 - Sustainability / Access to Services
14 - Education	Less Than 10 Minute Walk
15 - Health	10-15 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Good

- 5.16 A further comparison between these two sites was made possible when MSDC refused an application to build 33 houses at Batchelors Farm (application reference 19/3334). Many of the reasons given for refusal apply equally to the fields south of Folders Lane (site SA13). Here are some examples from the council report (with our comments in parenthesis):

"The application site is located in designated countryside for which no special justification exists for the construction of a dwelling. (JUST LIKE SA13) The proposal is therefore considered contrary to policies DP12 and DP15 of the District Plan."

"the proposal is likely to result in a high-density cul-de-sac development which would not reflect the existing low-density ribbon development character of Keymer Road." (JUST LIKE THE PROPOSALS FOR SA13)

"the development would result in an urbanising impact upon a relatively un-developed landscape which contributes valuably to the semi-rural character of the area on the edge of Burgess Hill" (JUST LIKE SA13)

"the development is considered to represent a harmful form of development which would not maintain or enhance the quality of the rural and landscape character. The proposal is thereby contrary to policies DP12 and DP15 of the Mid Sussex District Plan and the aims of the NPPF." ⁵²(JUST LIKE SA13)

- 5.17 MSDC did not take into account the reasons for this refusal when deciding to leave Site SA13 in the DPD at Regulation 19 stage, therefore continuing to promote a site that they know is likely to fail at planning and is therefore undeliverable.
- 5.18 The inconsistency of site selection is further illustrated by comparing Sites SA12 & SA13 to a site that was not brought forward from the shortlist, Haywards Heath Golf Course (site reference 503). Using the Site Selection Proformas created by MSDC for the Regulation 18 stage and combining sites 557 and 738 together to create SA13, it is possible to make a direct comparison between the 3 sites. For clarity if the "score" in a category is the same the boxes are yellow, with "winners" green and "losers" red.

Category	Golf Club ID 503	SA13	SA12
AONB	N/A	N/A	N/A
Flood Risk	None	None	None
Ancient Woodland	Partial	None	None
SSSI/SNCI/LNR	Mitigation	None	None
Listed buildings	None	Yes	None
Conservation area	None	None	None

⁵² MSDC Application 19/3334 Decision Notice, 7 Feb 2020, <https://padocs.midsussex.gov.uk/PublicDocuments/00691216.pdf>

Archeology	Moderate	Moderate	Moderate
Landscape	Medium	Medium	Medium
Trees / TPO	None	Low / Medium	Low / Medium
HIGHWAYS	NO RESULT	NO RESULT	NO RESULT
Local road access	Moderate	Moderate	Moderate
Deliverability	Developable	Developable	Developable
Infrastructure	Potential to improve	Capacity	Capacity
Education	Onsite	< 10 mins	10 – 15 mins
Health	Onsite	10 – 15 mins	> 20 mins
Services	< 10 mins	10 – 15 mins	> 20 mins
Public Transport	Poor	Good	Good

5.19 Not only is the Golf Club (ID 503) the “winner” in more categories, but the critical “highways” category is left blank – when even SYSTRA with their flawed study suggest that the impact of developing Sites SA12 and SA13 will be severe.

5.20 The words of MSDC’s own assessments further show the apparent inconsistency of not selecting Haywards Heath Golf Course:

“The site offers an opportunity to deliver sustainable growth at scale, potentially incorporating new services and facilities such as a new local centre, new school and additional healthcare facilities. Traffic and air quality modelling indicates that the site is unlikely to cause adverse effects on the road network... The SA finds that major positive effects are anticipated in relation to the social and economic SA objectives.”⁵³

The most positive thing to be said about Sites SA12 and SA13 on the other hand, was that there would be *“an opportunity for development of the site to contribute towards improvements to the bus and rail interchange at Burgess Hill.”⁵⁴*

5.21 These comparisons of the sites illustrate that the selection process was unsound, which is further demonstrated by evidence that the decision was predetermined, with MSDC having no intention of considering any change to the sites selected at consultation stage, making the whole consultation process a sham.

5.22 In the Planning Policy response to now withdrawn planning application 20/0559 for up to 725 homes at Haywards Heath Golf Course, MSDC state as a major reason for their opposition to the application the fact that the site was not put forward to the Site Allocations DPD.

“The Golf Course was determined to be unnecessary to meet the spatial strategy.”⁵⁵ [because of the selection of Sites SA12 & SA13 instead]

The response also suggested that the meeting of Full Council originally scheduled for 1 April 2020 (but postponed due to Covid) was simply to *“make the final approval of the draft Submission Plan”⁵⁶*

⁵³ Site Selection Paper 3: Housing – Appendix B: Housing Site Proformas

⁵⁴ Ibid.

⁵⁵ MSDC Planning Policy Response, DM/20/0559, 27 March 2020, page 4

<https://padocs.midsussex.gov.uk/PublicDocuments/00701575.pdf>

⁵⁶ Ibid. page 3

5.27 In addition to the above error, this section also fails to assess transport, energy / waste and water for the Burgess Hill sites, with a question mark instead of a rank – not helpful for decision making.

Site Allocations DPD – Sustainability Appraisal – February 2020										
										more than a 20 minute walk. The impact of option (h) on this objective is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.
4 - Retail	+	++	+	++	++	+	-	?	++	Site option (b), (d), (e) and (f) are located less than a 10 minute walk from the nearest convenience store, option (a), (c) and (f) are a 10-15 minute walk while option (g) is more than a 20 minute walk. The impact of option (h) on this objective is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.
5 - Communities	+	+	+	+	+	+	+	+	+	All site options would encourage the growth of communities.
6 - Flood Risk	0	0	0	0	0	0	0	0	0	None of the site options have areas at risk from flooding, or have suffered from flooding in the past.
7 - Land Use	-	++	-	-	+	+	-			Site option (d), (g), (h) and (i) are on green field land, and are relatively small sites. Option (a), (c) and (f) are also on green field land, but are relatively large. Options (b) and (e) are on previously developed land so have the most positive impact on this sustainability objective.
8 - Biodiversity	0	0	0	0	0	0	0	0	0	There are no formal biodiversity designations (Ancient Woodland, SSSI, Local Nature Reserve, etc) on or adjacent to any of the site options.
9 - Countryside	-	0			0	0			0	All site options are outside of the High Weald AONB. Site options (a), (c), (f), and (g) are in areas of medium landscape capacity while option (h) is in an area of low/medium capacity. Site options (b), (d), (e) and (i) are within the built up area settlement boundary of Burgess Hill, hence have a high landscape capacity.
10 - Historic	0	0	0	0	0		-	0	0	All site options have no constraints in terms of listed buildings and conservation areas, apart from option (f) which is not constrained by a conservation area, but would have a less than substantial harm (medium) on High Chimneys (Grade II listed).
11 - Transport	?	?	?	?	?	?	?	?	?	None of the site options on their own are likely to contribute to negative impacts on the highways network or on the sustainability modelling of the package of preferred option sites will be tested as part of the evidence supporting the Site Allocations DPD.
12 - Energy/Waste	?	?	?	?	?	?	?	?	?	All site options are going to impact on the amount of waste generated, due to additional population generated from housing as well as during construction. All options should seek to recycle materials and make best use of resources, including using sustainable construction techniques and renewable energy in accordance with District Plan policies.
13 - Water	?	?	?	?	?	?	?	?	?	All site options are going to impact on the amount of water used and wastewater generated, due to additional population generated from housing as well as during construction. This site option should seek to minimise water use, including using sustainable construction techniques in accordance with District Plan policies.
14 - Regeneration	+	++	+	++	++	+	-	-	++	All site options perform positively against this objective as the sites are in close proximity to the town centre. Sites options (b), (d), (e) and (f) have a significant positive impact as they are very close to the town centre. Options (g) and (h) are remote from the existing town centre, so have a negative impact on this objective.

58

5.28 The excerpt at para 5.27 above also shows a questionable scoring of flood risk. Part of Site SA13 is a low-lying meadow through which a stream flows. The 2009 Folders Lane Field Survey (Section 3 Appendix 3B) describes:

"Field damp in places. Almost certainly standing water in places in wet winters. Water table is probably fairly close to the surface throughout the year."

This area is frequently flooded, as the photographs at Appendix 5E show.

5.29 The Sustainability Appraisal contains inconsistencies in site assessment similar to those outlined in Section 5-2 above, leading to questions over its validity and soundness.

5.30 These are clear when looking at the key social and environmental strands of sustainability used to assess the marginal sites including SA12 & SA13 – as illustrated in the extract below:

⁵⁸ Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 124

Marginal	1	Burgess Hill	557	Land south of Folders Lane and east of Keymer Road, Burgess Hill	200	reason to other objectives can deliver housing with greater certainty, thereby performing more positively than Site 474 overall. Positive effects are anticipated in relation to housing and the suite of social SA objectives.
		Burgess Hill	738	Land east of Greenacres, Keymer Road and south of Folders Lane	100	Positive effects are anticipated in relation to housing and the suite of social SA objectives.
		Burgess Hill	827	Land South of 96 Folders Lane, Burgess Hill	40	Positive effects are anticipated in relation to housing and regeneration SA objectives, whilst minor negative effects are anticipated in relation to the social objectives on the basis that the Northern Arc development will provide new facilities later in the plan period which are not in situ at the current time.
		East Grinstead	998	Old Court House, Blackwell Hollow, East Grinstead	12	The site performs well in relation to the majority of SA objectives as it is a brownfield site in a sustainable location at a Tier 1 settlement.
		Haywards Heath	503	Haywards Heath Golf Course, High Beech Lane, Haywards Heath	630	In light of the potential for significant levels of growth at the site, including delivery of new community infrastructure, schools and healthcare, major positive effects are anticipated in relation to the housing and social SA objectives, and positive effects are

These "negative effects" apply equally to sites 557 & 738 which make up Site SA13

Site Allocations DPD – Sustainability Appraisal – February 2020

SA	Cat	Settlement	SHELAA ID#	Site	Yield	Reasons
						anticipated in relation the economic SA objectives. The potential for major negative effects on land use is identified given that the site is almost entirely greenfield and is a significant scale.
						Positive effects are anticipated in relation to the housing and

Why is the potential for "major negative effects" not mentioned for sites 557, 738 & 827 which are entirely (not "almost entirely" greenfield?

59

- 31 In addition, when considering the 3 Options for additional growth, the assessment of environmental concerns is highly questionable. The extract below shows how building on a man-made golf course was ranked as being worse than building on an untouched historic field system (7-Land Use) while the biodiversity of the natural habitat of SA13 was not even assessed (8-Biodiversity).

Table 19 - Housing Options

Site Selection				
Reasonable Alternatives for Assessment				
Option A: 20 'Constant Sites'. 1,424 dwellings.				
Option B: 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites). 1,764 dwellings				
Option C: 20 'Constant Sites' + Haywards Heath Golf Course. 2,054 dwellings.				
Objective	A	B	C	Assessment
1 - Housing	+	++	++	All options meet the residual housing requirement, therefore impact positively on this objective. Options (b) and (c) provide more certainty that housing need would be met, as they provide a healthy buffer above the minimum amount of development required. This provides a level of contingency should some sites not be delivered as expected (either in entirety, or with a reduced yield).
2 - Health	+	++	+	The 20 constant sites have been selected according to their consistency with the spatial strategy, focusing on higher tier settlements. The collection of sites is largely well connected to health, education and retail facilities. Option (b) performs more positively against these objectives, as the sites at Folders Lane are in close proximity to each of these facilities.
3 - Education	+	++	+	
4 - Retail	+	++	+	
5 - Communities	+	+	+	All options would provide sufficient housing, spread across the district according to the settlement hierarchy and District Plan strategy. This enables families to grow in areas where need is derived from, helping existing communities to grow.
6 - Flood Risk	0	0	0	None of the options are likely to have any negative impacts on flood risk. All sites selected will need to ensure there is no risk from flooding.
7 - Land Use	-	-	---	All options would involve significant development on greenfield sites, and are therefore likely to have negative impacts on this objective. In particular, the yield associated with option (c) is likely to have a greater impact on this objective.
8 - Biodiversity	?	?	-	Options (a) and (b) include sites that may have a negative impact on biodiversity, although policy requirements for mitigation should reduce any negative impacts. Option (c) in particular includes a site that contains ancient woodland and is adjacent to a designated Local Wildlife Site; although these could be mitigated there is a higher prospect of negative impacts upon this objective.
9 - Countryside	-	-	-	Whilst some sites have a greater impact on landscape

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⁵⁹ Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 124

⁶⁰ Site Allocations DPD Sustainability Appraisal (Regulation 19) July 2019, page 59

- 5.32 The Sustainability Appraisal did not provide sound guidance for the Site Allocations process, and contributed to Sites SA12 & SA13 being allocated when they are unsuitable and unsustainable.

5-4 MSDC MISHANDLED THE REGULATION 18 CONSULTATION WITH OBJECTIONS AND EVIDENCE OMITTED AT A CRUCIAL STAGE IN THE PROCESS

MSDC's errors at Regulation 18 stage meant the Councillors did not have the full picture when making a key decision and therefore the process was unsound.

- 5.33 MSDC published their Site Allocations Document in autumn 2019 and it went out for public consultation from 9 October – 20 November 2019. There were over 800 objections to Sites SA12 & SA13, including a comprehensive 36-page submission from SOFLAG.
However, when the full consultation report was published on the MSDC website, the SOFLAG submission and that from the Broadlands Residents Association – also opposing sites SA12 & 13 – were missing.
- 5.34 This error was pointed out to MSDC on 24th January, and on 31st January the missing responses were inserted into the full online report – adding 57 pages to it.
- 5.35 However, the Scrutiny Committee for Housing and Economic Development met on 22nd January – prior to the correction being made – and voted to recommend approving the SSDPD for the next stage following the consultation.
Members of this Committee had been emailed a reports pack with the summary of responses and a committee report. The full consultation report was available to them online – but the SOFLAG and Broadlands Residents Association submissions were missing until after the Committee met.
- 5.36 In their response to a complaint about the missing submissions (See Appendix 5 F) MSDC pointed out that the submissions were not omitted from the **one printed copy** available to members in the Members Room at the Council Offices. However, members had no way of knowing that the online consultation report had 57 pages missing so would not have known they had to visit the Members Room and wait in line to see the correct version.
- 5.37 The key Scrutiny Committee of 22nd January had been scrutinising an incomplete report, which was missing important evidence opposing the selection of Sites SA12 & SA13.
MSDC assured us that this was merely an "oversight", but it renders this part of the process unsound.
- 5.38 SOFLAG raised this issue with the Scrutiny Committee Chair, Councillor Neville Walker, before the Committee Meeting of 11 March 2020 at which the Site Allocations DPD was to be discussed. Councillor Walker sent a response, copied to all committee members, 4 hours before the start of the meeting. This response contained factual errors, stating that *"Once officers were made aware of a technical error with the detailed online Consultation Report a revised version was uploaded the same day"* when in fact they were not uploaded until 28th January.

SOFLAG pointed out the errors in a follow up email and the full correspondence is attached at Appendix 5G.

- .39 Committee Members had been misled before this critical meeting, and therefore this part of the process was unsound.

5-5 MSDC OFFICERS AND COUNCILLORS MISLED COUNCIL AND COMMITTEES AT KEY DECISION-MAKING MEETINGS

Statements made by both Councillors and Officers during the Site Allocations process have been untrue and misleading, making the process unsound.

- 5.40 As mentioned in Section 4, at the Scrutiny Committee for Housing, Planning and Economic Growth on 22nd January 2020, Andrew Marsh, Business Unit Leader for Planning Policy, made an untrue and misleading statement about the site selections. He said in the meeting (as was reported at point 7 in the Minutes):

*"Objections were predominantly from residents to the proposed sites" [and there were] "indeed **no objections from neighbouring authorities**"*

- 5.41 This gave the false impression to Members, that there was no opposition from any councils or statutory consultation authorities. This was not the case, as detailed in Section 4 of this representation.
- 5.42 At the Scrutiny Committee for Housing, Planning and Economic Growth on March 11th, Councillor Robert Eggleston raised this issue. He clarified that contrary to point 7 of the minutes of the previous meeting, there were in fact in the report, detailed objections to Sites SA12 & SA13 from neighbouring authorities, plus other voluntary and statutory consultees. This is not recorded in the printed minutes of the meeting from 11th March – another example of MSDC seeking to hide the considerable opposition to these sites.
- 5.43 Following the delay caused by Covid, the Regulation 18 Site Allocations DPD was then discussed and voted on at Full Council on 22 July 2020:

In his opening remarks, Councillor Andrew MacNaughton, Cabinet Member for Housing, discussed the housing site allocations and stated: ***"it is far too late to remove or add sites in"***

This was untrue and misleading, directing Councillors towards making a decision by suggesting to them that the amendment proposed at the meeting to remove Sites SA12 & SA13 from the DPD was "too late".

The published minutes of the meeting do not mention this statement and the misleading direction it gave to Councillors, but it can be found 30 minutes into the YouTube broadcast of the meeting.

- 5.44 In conjunction with the contradictory statements about the Transport Study highlighted in Section 5-1, this demonstrates another unsound aspect of the Site Allocations DPD process, without which Sites SA12 & SA13 would not have been selected.

5-6 MSDC APPLIED THE HOUSING BUFFER INCORRECTLY, LEADING TO UNSOUND DECISION MAKING

MSDC have applied an excessive “buffer” far beyond that required by law, meaning that Sites SA12 & SA13 are not required

- 5.45 Para 73 of the NPPF sets out that Local Authorities must identify a supply of deliverable housing sites to provide a minimum of five years’ supply, and should include an additional buffer of:
- a) 5% to ensure choice and competition in the market for land or
 - b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply⁶¹
- The 20% figure is only required if a Housing Delivery Test indicates delivery below 85%. In the Annual Position Statement on the MSDC website, the result for Mid Sussex is 110%⁶²
- 5.46 The Position Statement goes on to say “For the purposes of the Housing Delivery Test Mid Sussex is a 5% authority” but will be applied a 10% buffer in accordance with the NPPF.⁶³
- 5.47 The buffer provided by the Site Allocations DPD, if it continues to follow Housing Option 2, which includes Sites SA12 & SA13 is 38%. Without them it is 11%.
- 5.48 The required figure for additional housing is 1280 units. MSDC’s Site Allocations DPD Housing Land Supply Statement reports that the DPD, as it stands, will supply 1764 units⁶⁴, an oversupply of 484 = 38%
- 5.49 At full Council on 22nd July, Leader Jonathan Ashe Edwards, stated that such a large oversupply was required because the Inspector’s hearing “will be held in the depth of a major recession making the delivery of some developments potentially uncertain,” meaning that developers could fail to build, or even go bust. There is no way of predicting with certainty, whether or not a major recession will arrive by the unknown date of the hearing, and no way of predicting what developers would do, if there was. An alternative prediction would be that a recession will lead to less demand for the executive houses that form the major proportion of development in this area, so fewer sites would be needed not more.
- 5.50 If Councillor Ashe Edwards’ predictions are taken as fact, and a large buffer is needed because of the risk of recession, then arguably a larger buffer still, would be advisable. Yet MSDC are not going with the option that provides the biggest, and therefore most secure, buffer. That would be Option 3, which MSDC are not recommending.

⁶¹ National Planning Policy Framework, Feb 2019, para 73 page 21

⁶² MSDC Housing Land Supply Position Statement, para 4.8 page 5

⁶³ Ibid. para 4,9 page 6

⁶⁴ MSDC Site Allocations DPD Housing Land Supply Statement, August 2020, para 2.2 page 1

- 5.51 Either the MSDC buffer requirement is in accordance with the NPPF, in which case Sites SA12 & SA13 are not required, or the most secure buffer possible is needed in which case Option 3 rather than Option 2 should be selected – which does not include Sites SA12 or SA13.

5-7 A SERIOUS CLOUD REMAINS OVER THE FINAL SITE SELECTION SHORTLISTING DECISION

So many questions have been asked about this part of the process, and so few answers given, that it cannot be declared sound and proper.

- 5.52 The final recommendation to put the fields south of Folders Lane into the Site Selection DPD was made at the last meeting of a Working Group of councillors in August 2019. When established, the terms of reference stated that it would comprise **“7 members, politically balanced, comprising six Conservatives and one Liberal Democrat to advise the Scrutiny Committee for Community, Housing and Planning.”**⁶⁵ The Terms of Reference are attached at Appendix 5 H

The original members of the working group were 8 councillors:

Cllr Rod Clarke – HAYWARDS HEATH (Con)	Cllr Gordon Marples - HASSOCKS (Con)
Cllr Ruth De Mierre – HAYWARDS HEATH (Con)	Cllr Pru Moore - BURGESS HILL (Con)
Cllr Lyn Stockwell – HIGH WEALD (Con)	Cllr Antony Watts Williams. – HURSTPIERPOINT (Con)
Cllr Rex Whittaker - EAST GRINSTEAD (Con)	Cllr Sue Hatton – HASSOCKS (Lib Dem)

- 5.53 Following election results in May 2019 the working group was depleted as 3 members lost their seats and it no longer complied with its terms of reference. The Council changed from 53 Conservative and 1 Lib-Dem to 34 Conservative, 13 Lib Dem, 4 Independent and 3 Green (63% Conservative and 37% other).
- 5.54 To comply the working group should then have contained 4 Conservative and 3 others. Instead, those councillors who lost their seats were simply not replaced, leaving the following 5 members:

Cllr Rod Clarke – HAYWARDS HEATH (Con)	Cllr Lyn Stockwell – HIGH WEALD (Con)
Cllr Ruth De Mierre – HAYWARDS HEATH (Con)	Cllr Rex Whittaker - EAST GRINSTEAD (Con)
Cllr Sue Hatton – HASSOCKS (Lib Dem)	

⁶⁵ Site Allocations Document, Members Working Group, Terms of Reference (Appendix 1 to Minutes of Scrutiny Committee for Planning & Housing, 14 November 2017)

- 5.55 Only one councillor from south of Haywards Heath remained – Lib-Dem Sue Hatton from Hassocks. She could not attend the final meeting, arranged at short notice during the summer holiday period (notified on 7th August of meeting on 27th August 2019), meaning that this meeting of the group was not “politically balanced”, with Burgess Hill and villages to the south completely unrepresented.
- 5.56 An FOI enquiry revealed that in addition, Cllr Rod Clarke was also unable to attend that final meeting, leaving it with less than half of its original membership. Despite being in contravention of its terms of reference with too few members and only Conservatives in attendance, it was at this meeting that the fields south of Folders Lane were chosen. We understand from various sources that up until this final meeting Haywards Heath Golf Course was the preferred option.
- 5.57 SOFLAG requested under FOI information on the final meeting of the Working Group in an attempt to find out how the decision to put forward Sites SA12 & SA13 was made. Requests were refused, citing Exemption ‘Section 36 (2) (c) - disclosure of the information would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs’, SOFLAG believes that it is the public interest to understand what happened at this crucial meeting and has escalated the refusal to release the notes to the ICO and latterly by appeal to the First Tier Tribunal of the High Court – the case is yet to be decided.
- 5.58 Council Members expressed concern about this meeting and its outcome at the first opportunity, when the DPD was discussed at Full Council on 25 September 2019, as shown in these extracts from the Minutes:
“Some Members expressed concern regarding the decisions made by the Working Group at the most recent meeting held in August, noting that this meeting was held after the May 2019 election and did not seek to replace Members of the Group who were not re-elected.”
“concerns regarding the openness of the final meeting of the Working Group and the lack of political or geographical balance”
“Councillor Hatton, a Member of the Working Group who was unable to attend the final meeting and raised concern that local knowledge was missed, by not including a geographical balance of those in attendance.”
- 5.59 At that meeting on September 25th an amendment was tabled requesting the setting up of a new, politically balanced Working Group, citing concerns over lack of transparency, but the amendment was defeated. The Amendment is attached at Appendix 5 I
- 5.60 Councillor Sue Hatton, the Member of the Working Group unable to attend the final August meeting, continued to raise her concerns about how the process has been handled. At Scrutiny Committee on 11 March 2020 she made the following statement:
“As a member of the site selection group, and I think I’m the only one in this room that has sat on it from this committee, I was concerned that the final months’ deliberations were severely restricted as a result of last May’s election. The group had been set up specifically for all areas of the district to be represented equally by councillors with an in depth knowledge of their own areas and that was its strength. Unfortunately, the group was depleted after the election, reduced by 3 including its chairman with no substitutes allowed. These were all members representing the south of the district. When its last meeting was called in August when I was away on holiday there were therefore no councillor to represent the south to take part in the deliberations at that meeting. Consequently the 300 site [SA13] was chosen over Haywards Heath Golf Club... In view of this I think the site south of Folders Lane should be taken out, and consideration be given to the inclusion of Haywards Heath Golf Club.”
- 5.61 Councillor Hatton raised her concerns again at Full Council on 22nd July, as confirmed in the Minutes (page 7).

5.62 The implications are clear, the decision making process that led to the selection of Sites SA12 and SA13 for the DPD was not fit for purpose, with the final crucial recommendation being made by a depleted, unrepresentative working group. This is unsound.

Appendix 5 A

Email to Sally Blomfield, Divisional Leader Planning & Economy, Mid Sussex District Council

13th May 2020

Dear Ms Blomfield

We're writing to you regarding the SSDPD, with particular reference to the inclusions of sites SA12/13. We have made public our many concerns about the inclusion of these sites. One factor is the adverse effect we know that this development will have on the traffic flow in and around Burgess Hill. This issue has been raised by many, in the public consultation, as well as your own councillors at the Scrutiny Committee. Any fears raised are always rebutted with justification that the Mid Sussex Transport Study was prepared by "experts" and "demonstrated that these sites can be delivered" As residents of the local area, we know that this would, in real life rather than modelling, lead to gridlock on the south side of Burgess Hill.

We have made several FOI requests to MSDC for information on how the SYSTRA study was commissioned, what brief they were given, how they came to their final conclusions. We have yet to receive the full picture, with some requests being refused. This has forced us to engage our own expert traffic consultant, GTA Civils & Transport, to review the findings of the MSTS, with particular reference to the effect of the proposed sites SA12/13.

Our consultant has identified a number of discrepancies in the MSTS, which he believes will result in a "severe" impact at many of the local junctions if Sites SA 12/13 were to go ahead.

As a result, we are urgently requesting the answers to the following vital questions which we would like answered in order for SSDPD to be properly scrutinized.

1. Could you clarify whether the description in the SATURN model incorporates the erroneous speeds as shown in Figure 6 of the LMVR (Local Model Validation Report)?

Namely:

The B2112 on the approach to Ditchling from the Folders Lane direction is shown partly as 60 mph (correct) but 40 mph on the entire stretch approaching Ditchling crossroads – in reality the final section approaching Ditchling crossroads is not only 30 mph but has traffic calming in place that would reduce cruise speed substantially below that.

The B2112 from Folders Lane roundabout north to Janes Lane is shown as having a 30mph speed limit – in reality most is 60 mph;

2. In the Reference Case alone, many junctions are forecast to experience "severe" impacts for which no mitigation is proposed – hardly a glowing endorsement of the situation that would arise. This is **without** the potential additional impacts of the SSDPD. How therefore, can you claim that the traffic levels around the town are acceptable and that the SSDPD will make no detrimental difference to the traffic flow?

3. The reviewed models do not include assessment of highway safety. This contravenes para 109 of the revised NPPF 2019. Why is this omitted?

4. The 2020 modelling report at table 7 demonstrate that the effects of the mitigations are woefully inadequate. They will have very marginal effects in practice, certainly in the Burgess Hill area. Our expert advisor's review of your own data states that the widening of the A23 to 3 lanes is, in fact, a necessary mitigation to the reference case (RC) scenario not just the SSDPD. Without this, there are many unmitigated impacts in the local plan and RC scenarios that will only be made worse (and unsustainable) by the changes in the SSDPD. This mitigation also specifies a dependency on the 'the improved public transport interchange facility at Burgess Hill. However, this facility's extent, location and funding are not yet determined, with no agreed timescale for delivery. Please give evidence of how this mitigation can be adequate to address the community's and our traffic experts' concerns?

5. Why are the impacts of the SSDPD being determined against the RC? This is a flawed argument. The impacts of the SSDPD should be assessed against the base year, just as the impacts of the plan itself have been. If the plan results in a 'severe' impact compared to base year, any incremental impacts from any additional development is also 'severe' compared to base year. It is not acceptable, no matter how small an increment. Why is the MSTS using this flawed approach which gives an inaccurate result?

6. The dependency of the local plan itself, let alone the SSDPD, should be considered to be critically dependent on the A23/A2300 issue. The A2300 work alone has not actually been completed and is not due to be finished for nearly two years, so how can you be confident again that the SSDPD will not have a detrimental impact on local traffic?

We are extremely concerned by these findings which validate many of the concerns of local residents, expressed in the first round of consultation but seemingly dismissed. Given you are accountable for delivering sensible housing developments in the right places, I'm sure you will also be concerned by the issues that have been highlighted by our traffic consultant. It is vital that any transport study which takes place is fully understood and robustly challenged by full council to ensure it gets the right results. It is not enough for you to simply accept the findings because they are from your appointed "experts" if local residents and other experts in the field can find such serious failings in them.

It is vital for our whole district that local traffic is properly planned. Our towns and villages should not be gridlocked just to ensure that you have delivered your quota of new homes.

We would like you to come back to us with the answers to the very serious questions we have outlined above. We will of course be sharing the findings of the study with the local councillors and the general public at large. Everyone will therefore be wanting answers to the questions that have arisen.

A copy of a summary of the highway's impacts found in the GTA Civils & Transport report is attached. A full copy of the report can be viewed upon request.

Kind regards

SOFLAG

Appendix 5 B

Response to SOFLAG Transport Study queries – July 2020

Dear SOFLAG,

Thank you for your email and for providing a copy of the GTA Civils & Transport study (May 2020) review which focuses on the proposed allocation of Folders Lane Burgess Hill.

As you are aware, the Mid Sussex Transport Model was produced by transport consultants SYSTRA, in close co-operation with West Sussex County Council (the highways authority).

The following responds to each of the questions raised in your email and reflects technical advice received from Systra and WSCC.

Question One

Could you clarify whether the description in the SATURN model incorporates the erroneous speeds as shown in Figure 6 of the LMVR (Local Model Validation Report)?

Namely:

The B2112 on the approach to Ditchling from the Folders Lane direction is shown partly as 60 mph (correct) but 40 mph on the entire stretch approaching Ditchling crossroads – in reality the final section approaching Ditchling crossroads is not only 30 mph but has traffic calming in place that would reduce cruise speed substantially below that.

The B2112 from Folders Lane roundabout north to Janes Lane is shown as having a 30mph speed limit – in reality most is 60 mph;

MSDC Response:

The model uses assumed average speeds for each road section taking account of the speed limit (which may vary along the length of the model link) along with gradients, bends, side roads and other hazards. The study requires realistic traffic flows, volume over capacity and delay and this is achieved by correctly modelling journey times to

ensure that the appropriate traffic flows are using each road. The Local Model Validation Report (LMVR) shows that the modelled traffic flows are close to the observed traffic flows for the B2112 and Folders Lane, which suggests that route shares are realistic.

The road links referred to above meet on the same route, one is faster than observed and one is slower which would balance out for end to end traffic. The modelled traffic flow is close to observed traffic counts, which again suggests that the model is assigning a realistic flow to this road.

SOFLAG RESPONSE TO THIS ANSWER:

MSDC admit that the model uses average speeds to create traffic flows.

An average is useless when the problems occur at specific junctions for a specific time during the vital morning and evening peaks.

Question Two

In the Reference Case alone, many junctions are forecast to experience “severe” impacts for which no mitigation is proposed – hardly a glowing endorsement of the situation that would arise. This is *without* the potential additional impacts of the SSDPD. How therefore, can you claim that the traffic levels around the town are acceptable and that the SSDPD will make no detrimental difference to the traffic flow?

MSDC Response:

The baseline (Reference Case) is made up of existing conditions, growth already planned for (including existing allocations, planning permissions and mitigation) and forecasts for future trip rates, excluding the Sites DPD proposed sites.

In accordance with the National Planning Policy Framework (NPPF, paragraph 109), development should only be prevented or refused on highways grounds where the impact of proposals in the Sites DPD itself would lead to a ‘severe’ additional impact on the road network when compared with the Reference Case.

The test therefore is to identify the difference between the impact of the new development versus any underlying conditions and determine whether the Sites in the DPD would add additional traffic to the network which would lead to a 'severe' impact being triggered (i.e. "residual cumulative impact as defined in NPPF para 109). This is essential to ensure the new development mitigates the directly associated impacts. In accordance with national policy and guidance, new development cannot be responsible for resolving pre-existing conditions and issues.

Where junctions are assessed to be 'severely' impacted by the development, appropriate sustainable measures and highway mitigation schemes are proposed and tested in the model, to remove the 'severe' impacts. The definition of 'severe' is derived using WSCC's position statement in relation to the NPPF which sets out their interpretation of terms defining traffic impacts.

SOFLAG RESPONSE TO THIS ANSWER:

This includes reference to "severe ADDITIONAL impact" and the line (repeated in the Committee Report) that "new development proposed within the Sites DPD is not responsible for resolving pre-existing conditions."

MSDC are happy that an already severe situation in the morning and evening peak will inevitably be made worse, because the SYSTRA model in effect cannot register more severe than severe.

Question Three

The reviewed models do not include assessment of highway safety. This contravenes para 109 of the revised NPPF 2019. Why is this omitted?

MSDC Response:

The transport modelling work and evidence base in support of the Sites DPD is an iterative process. Safety evidence is required for submission and examination of the Sites DPD and now that the authority has a preferred development scenario, the safety study work will be completed to meet the requirements of para 109 of the NPPF.

SOFLAG RESPONSE TO THIS ANSWER:

Probably the most serious example of negligence in the Transport Study.

To comply with the NPPF, safety study work should have been done. MSDC admit that this has not happened, and state that it will be completed in the future in time for the examination.

This meant that at Full Council on 22nd July Councillors were required to vote on the Site Allocations without knowing the crucial safety implications of selecting Sites SA12 / 13, based on the evidence of an incomplete transport model that had no safety study, did not comply with the NPPF, and would not comply until after they have voted on it.

The Regulation 19 Consultation is also being conducted without the required safety study in place.

Question Four

The 2020 modelling report at table 7 demonstrate that the effects of the mitigations are woefully inadequate. They will have very marginal effects in practice, certainly in the Burgess Hill area. Our expert advisor's review of your own data states that the widening of the A23 to 3 lanes is, in fact, a necessary mitigation to the reference case (RC) scenario not just the SSDPD. Without this, there are many unmitigated impacts in the local plan and RC scenarios that will only be made worse (and unsustainable) by the changes in the SSDPD. This mitigation also specifies a dependency on the 'the improved public transport interchange facility at Burgess Hill. However, this facility's extent, location and funding are not yet determined, with no agreed timescale for delivery. Please give evidence of how this mitigation can be adequate to address the community's and our traffic experts' concerns?

MSDC Response:

Conservative assumptions have been used in respect of sustainable measures, applying a pragmatic and robust approach with regards to the level of mitigation. This level of traffic reduction, (1% to 3%) is significant for network performance at already congested junctions.

Informed by WSCC Highway Authority (HA), conservative assumptions for sustainable transport mitigation measures are included to ensure they are robust and deliverable and are sufficient to ensure any 'severe' transport impacts associated with the Sites DPD development can be mitigated.

At the detailed pre-application and planning application stage, of any sites, WSCC will explore more significant sustainable transport mitigation measures, these negotiations will be informed by site specific transport assessments and secured with any planning permission.

The Burgess Hill Public Transport Interchange scheme forms a part of the wider package of measures which are being facilitated through the Burgess Hill Place and Connectivity Programme the public engagement of which closed on 25 June. The measures will be funded through the Local Enterprise Partnership (LEP) Local Growth funding matched by funding secured by Section 106 Agreement from local development.

In respect of GTA's opinion regarding the proposed widening of the A23; it is assumed reference is being made to table 8 Outline Highway Mitigation specifically, 'S1 | Hickstead | A23 / A2300 Southbound On-Slip | A23 widened to three lanes from A2300 southbound Off-Slip to B2118/Mill Lane Off-Slip'.

As noted above and in accordance with national policy and guidance, new development cannot be made responsible for resolving pre-existing conditions and issues. Where 'severe' impacts are identified as associated with the proposed development in the Sites DPD, appropriate mitigation has been identified. The assessment in the GTA do not apply the appropriate tests or judgement required to meet the NPPF.

SOFLAG RESPONSE TO THIS ANSWER:

This answer relies on mitigation measures which have not yet been agreed, let alone implemented. Until these are live, how can their true impacts be measured? Once again MSDC state that "new development cannot be responsible for resolving pre-existing issues" but they expect Councillors and the public to accept that proposed mitigation not yet agreed will resolve them?

Question Five

Why are the impacts of the SSDPD being determined against the RC? This is a flawed argument. The impacts of the SSDPD should be assessed against the base year, just as the impacts of the plan itself have been. If the plan results in a 'severe' impact compared to base year, any

incremental impacts from any additional development is also 'severe' compared to base year. It is not acceptable, no matter how small an increment. Why is the MSTs using this flawed approach which gives an inaccurate result?

MSDC Response:

The approach taken by MSDC is in line with government guidance and best practice and has been agreed by WSCC.

SOFLAG RESPONSE TO THIS ANSWER:

This doesn't answer the question raised

Question Six

The dependency of the local plan itself, let alone the SSDPD, should be considered to be critically dependent on the A23/A2300 issue. The A2300 work alone has not actually been completed and is not due to be finished for nearly two years, so how can you be confident again that the SSDPD will not have a detrimental impact on local traffic?

MSDC Response:

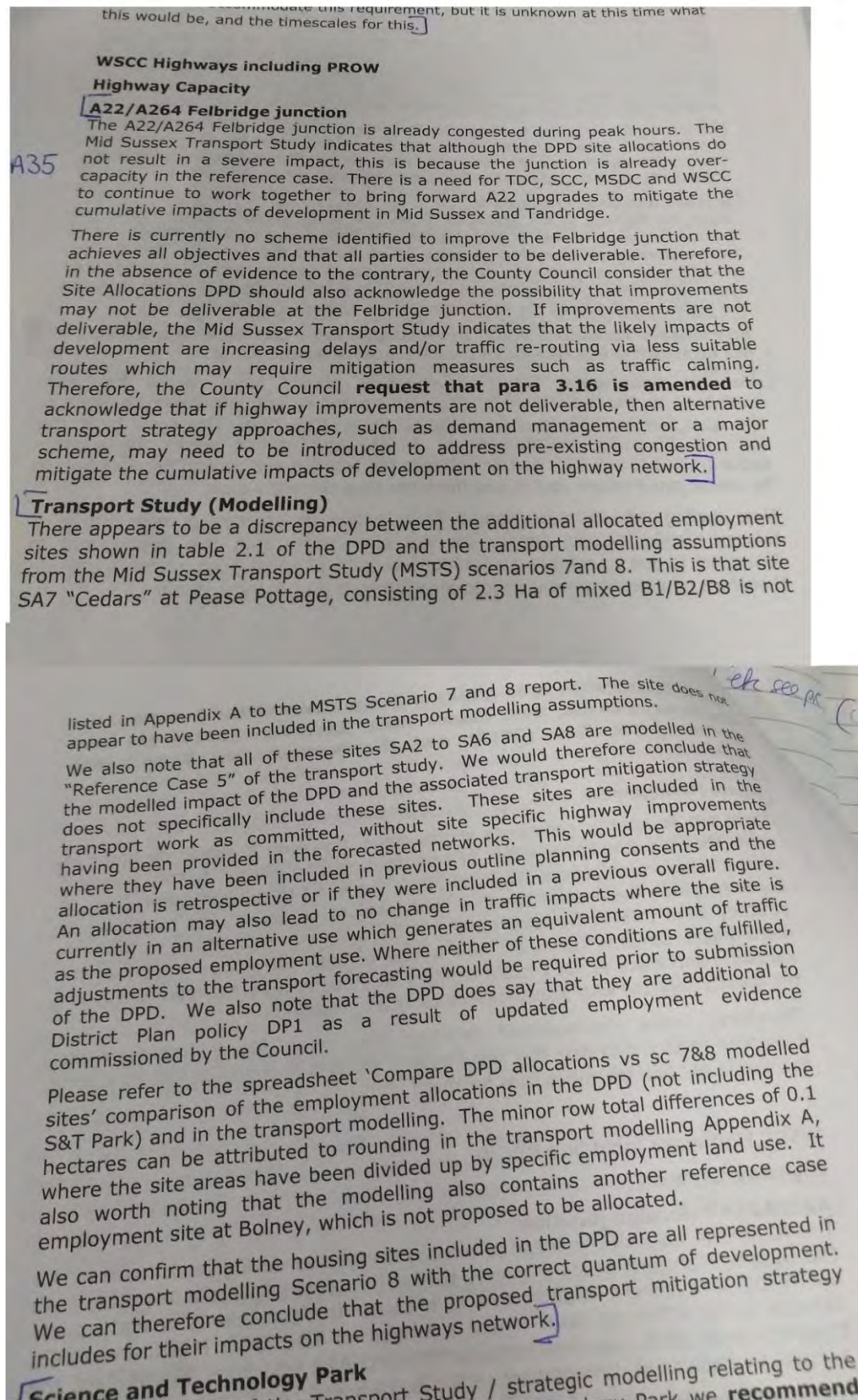
Systra indicate that the severe impact on the A23/A2300 junction is caused by the proposed Science and Technology Park allocation (SA9), and appropriate mitigation is being proposed. There is no indication the severe impact is caused by the proposed housing sites.

Work on the A2300 scheme is underway and is scheduled to be completed by Spring 2021.

SOFLAG RESPONSE TO THIS ANSWER:

This doesn't answer the question raised

APPENDIX 5 C



WSSC response to Regulation 18 Consultation, highlighting errors in the SYSTRA transport study.

Appendix 5 D

Freedom of Information <foi@midsussex.gov.uk>

To: [REDACTED]

Thu, Feb 27 at 4:17 PM

Dear Ms Green

Thank you for your request. Please find our response below.

We have nothing on file from the Department of Transport related to the Systra study/methodology.

Note that the minutes of Scrutiny Committee state:

<http://midsussex.moderngov.co.uk/mgAi.aspx?ID=1998>

The Divisional Leader for Planning and Economy explained that whilst the transport work is commissioned by the Council, the work is carried out by specialist Transport consultants, SYSTRA, in close co-operation with the Highways Authority; West Sussex County Council. She added that Highways England had been consulted and did not raise an objection during the consultation. It was also noted that the work will ultimately be reviewed by an Inspector who is employed by the Planning Inspectorate.

If for whatever reason you are unhappy with our response you are entitled to pursue any dissatisfaction, in the first instance, by contacting Tom Clark, Solicitor to the Council, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS, email: tom.clark@midsussex.gov.uk, quoting your Reference Number.

If you still remain dissatisfied with the response you can complain to the Information Commissioner - details available at: <https://ico.org.uk/concerns/>.

Information provided under the FOI Act 2000 or the Environmental Information Regulations 2004 may be not be re-used, except for personal study and non-commercial research or for news reporting and reviews, without the permission of the Council. Please see the Council website <https://www.midsussex.gov.uk/about-us/open-government-licence/>, for further information or contact the FOI Team on 01444 477422.

yours sincerely,

FOI/DPA Team

Digital and Technology

01444 477422

foi@midsussex.gov.uk

<http://www.midsussex.gov.uk/my-council/freedom-of-information/>

Working together for a better Mid Sussex

From: Amanda Green <amandagreen30@yahoo.com>

Sent: 03 February 2020 19:29

To: Freedom of Information <foi@midsussex.gov.uk>

Subject: FOI request

This is an FOI request for information regarding MSDC and the SYSTRA transport study for the Draft Site Allocations DPD.

At the Scrutiny Committee on 22nd January 2020, Sally Blomfield stated that MSDC has "comments on that document from the Department of Transport who are substantially content with it"

I am requesting to see these Department of Transport comments on the study, together with any other correspondence with or feedback from the Department of Transport regarding SYSTRA, the study and the methodology.

Thank you.

Kind regards

Amanda Green

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.

Appendix 5 E

Flooding at Site SA13



Appendix 5 F

[REDACTED]
To: planningpolicy

Wed, Jan 22 at 2:59 PM

Dear Andrew

Thank you for your reply, and the attachments which include SOFLAG's comments.

However it seems the SOFLAG response (#615) does not currently appear in the main document https://www.midsussex.gov.uk/media/4633/req18_summaryreport.pdf

Kind regards,

Amanda

On Wednesday, January 22, 2020, 01:37:16 PM GMT, planningpolicy <planningpolicy@midsussex.gov.uk> wrote:

Dear Ms Green

Thank you for your email.

I can confirm we received the SOFLAG response. I attach the summary reports for those who made comments on SA12 or SA13 specifically (a number of responses received referred to both sites, so are presented together in the report online), these include the SOFLAG response. These should be within the online report, I will ask someone in the team to check. If they are not I will arrange for it to be amended as soon as possible.

Kind regards,

Andrew

Andrew Marsh

Interim Business Unit Leader – Planning Policy

[REDACTED]

[REDACTED]

www.midsussex.gov.uk

Working together for a better Mid Sussex

From: Amanda Green <amandagreen30@yahoo.com>

Sent: 22 January 2020 13:26

To: planningpolicy <planningpolicy@midsussex.gov.uk>

Subject: Re: Consultation Responses

Dear [REDACTED]

Thank you for your email.

I have looked at the full responses document https://www.midsussex.gov.uk/media/4633/reg18_summaryreport.pdf

but I cannot see the response to SA12 / SA13 from the South of Folders Lane Action Group.

It was submitted on 18 November both via the online form and by email from info@soflag.co.uk and I have the automated receipt responses.

Please can you confirm that it was received, and why it is not included in this document - am I looking in the wrong place?

Thank you.

Kind regards,

Amanda

Appendix 5 G

Email correspondence between SOFLAG and Councillor Neville Walker, Chair, Scrutiny Committee for Planning, Housing & Economic Growth, 6 – 15 March 2020

Dear Councillor Walker,

Thank you for your email dated 11 March to our email of 6 March.

Unfortunately, you are mistaken in your response as your four points contain two factual errors and other significant issues. We are concerned that you are either already aware of but disregarding them, or you may have been misled in advice you have received. We would welcome your response to our explanation below:

1. Factual error: We informed MSDC of missing responses on 22 January and these were not uploaded until 28 January, six days later not the same day. We would be grateful to receive your confirmation on this as the point is important. The upload took place after the Scrutiny Committee meeting and we again make the point that critical information was withheld from the members of that committee. You state a paper copy (of the missing responses including the detailed SOFLAG submission) was 'provided' to members. This is not the case. Most members would have been unaware of the need to go to the Members Room to consult the one and only printed copy, as they would have been unaware that the information was missing from the online versions with which they had been provided.
2. We are fully aware of the reasons MSDC gave for refusing our FOI request. MSDC also attempted to use an exclusion to withhold information relating to planning (housing windfall sites) in 2018. The ICO ruled against MSDC then (7 May 2019) and we expect it to do this again. MSDC Planning cannot keep hiding information from the public that doesn't suit its narrative. The more MSDC attempt to prevent access to these documents the bigger the suspicion is that they have something to hide about the probity of the process regarding Haywards Heath Golf Course. Refusing to release the working group notes only increases the doubts.
3. Factual error: In the 1257 page November 2019 Regulation 18 Consultation Report the responses we listed from Horsham and Wealden District Councils were listed as "object", along with all the others. As highlighted at the Scrutiny Committee on 11 March, Mr Marsh's statement to the January committee was clearly wrong and misleading.
4. Using MSDC's own site selection criteria Haywards Heath Golf Course is more suitable and no SUBSTANTIAL reason has been given for rejecting it. The fact that a planning application has now been submitted is not a reason for precluding it from inclusion in the selected sites.

Kind regards

SOFLAG

Dear SOFLAG,

Thank you for your email dated 6th March. In response to each of your points raised, in turn, I advise as follows:

1. Critical responses omitted from consultation report:

It is this Council's view that all the representations have been presented to Members.

Once officers were made aware of a technical error with the detailed online Consultation Report a revised version was uploaded the same day. However, the paper copy provided to Members did not include this error and the two submissions referred to by SOFLAG were available.

In addition, the report to the Scrutiny Committee on 22nd January 2020 included a summary of the broad themes and issues, which included the two submissions referred to by SOFLAG.

The summary of comments on sites SA12 and SA13 on pages 26-28 of the report to Scrutiny on 22nd January 2020 also included the responses referred to by SOFLAG.

2. Refusal of requests for transparency around site selection:

The Site Selection Process is transparent and is clearly set out in paragraphs 12–31 of the report to Scrutiny Committee for Housing, Planning and Economic Growth on 11th September 2019.

The Folders Lane and Haywards Heath golf course sites were assessed against the agreed Site Selection criteria, with the assessment conclusions published in Site Selection Paper 3: Housing which is available on the Council's website at www.midsussex.gov.uk/SitesDPD.

Paragraphs 19 and 20 and Table 2, on page 4 of the report to Scrutiny on 11th September 2019, explain that, as a result of the Site Selection findings, the Folders Lane and Golf Course sites were included in a shortlist of 47 sites for further assessment.

The Sustainability Appraisal assessed these 47 sites and three reasonable alternatives were considered – (1) 20 constant sites, (2) 20 constant sites plus Folders Lane, and (3) 20 constant sites plus Haywards Heath Golf Club.

Paragraph 28, on page 6 of the report to Scrutiny on 11th September 2019, concludes that, on balance, Option 2 performed better overall and was therefore included in the draft Sites DPD for the purposes of public consultation. This decision is evidenced and transparent.

In an FOI (96201) dated 15th November 2019, the Council confirmed the reasons it is unable to make the notes of the Working Group public. An extract from the FOI response is as follows:

With regard to working group papers, the Council is entitled to apply an exemption if it believes one exists. In this particular case the Council believes that the Exemption 'Section 36 (2) (c) - disclosure of the information would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs', applies. This exemption is subject to the public interest test. In this particular case it is considered that the public interest in releasing the information does not outweigh the public interest in withholding the information. The working group need to have a safe space in which to debate issues and reach decisions away from external interference and distraction.

3. Opposition from other local authorities

Paragraph 25 of the report to Scrutiny on 22nd January 2020 correctly identifies the status of responses outlined in your question from neighbouring Councils and Town and Parish Councils. However, officers have revisited the responses from Horsham and Wealden District Councils and notes that these responses have been categorised as neutral and should have been identified as objections.

However, details of the objections are outlined in the Committee report and so categorisation of the representation does not bear any relevance to the approach taken by the Council when considering the representation.

4. Sites SA12 & SA13 v Haywards Heath Golf Club

The Scrutiny Committee in September considered the options and so agreed to the option containing sites SA 12 and 13.

A planning application is a separate process to the site allocation process. Planning applications are considered against the policies in the District Plan.

Kind regards,

Councillor Neville Walker
Chairman of Scrutiny for Planning, Housing and Economic Growth

From: info@soflag.co.uk <info@soflag.co.uk>

Sent: 06 March 2020 17:14

To: Neville Walker (Cllr) <neville.walker@midsussex.gov.uk>

Subject: 11 March Scrutiny Committee - Site Selection process already unsound?

Dear Councillor

Scrutiny Committee for Housing, Planning & Economic Growth: 11 March 2020

I am writing to you on behalf of the South of Folders Lane Action Group (SOFLAG) and its over 1,000 supporters about the Site Selection DPD consultation process. In particular, the selection of sites SA12 and SA13, to the south of Folders Lane, in Burgess Hill.

The site selection process has only been through the first consultation stage, and we have serious concerns about the process so far which could mean you are prevented from making a fully informed decision.

These are detailed below, and we ask you to raise them for scrutiny at your meeting on 11 March.

1. Critical Responses Omitted from Consultation Report:

When the Site Selection Consultation Report was published on the MSDC website in advance of your last Scrutiny Committee Meeting on 22nd January, both the SOFLAG and the Broadlands Residents Association's responses, were missing.

These two comprehensive responses were both highly critical of Sites SA12/13 and would have provided Councillors with important evidence explaining why these sites are unsuitable.

When we pointed this out to MSDC staff, we were assured it was an oversight and the 57 missing pages were added to the online document – but on 27th January i.e. after the Scrutiny Committee. We were told that these pages were not missing from the one hard copy available for Councillors in the Members Room, but how many Councillors would have been able to consult the thousand pages of this one copy before the meeting?

Councillors would not have known that the online version was missing these two submissions and therefore the Scrutiny Committee had been scrutinising an incomplete document.

It was missing important information which was critical of the site selection process and which highlighted reasons why the decision to include Sites SA12 and SA13 was incorrect. To exclude this from the online report, even if an "oversight", suggests the process is, from the start, biased in favour of including Sites SA12 & SA 13. This makes this stage of the Site Selection DPD process unsound.

We have attached to this email copies of these two previously missing submissions for your information.

2. Refusal of requests for transparency around site selection:

SOFLAG has been trying to establish why the fields south of Folders Lane were preferred to Haywards Heath Golf Course. The Golf Course site seemed to perform better against the selection criteria. It also delivered a higher number of houses distributed more evenly across the district.

We have asked via a Freedom of Information request to see the notes from the Working Group which made that decision. However, MSDC have twice refused our request. We have now escalated this to the Information Commissioner and are awaiting the decision. This is not the first time that MSDC refusal to release information relating to Planning has been brought to the ICO. In May 2019 for example, MSDC lost a case relating to disclosure of figures around windfall developments when the Commissioner said in his judgement:

"Whilst the council argues that individuals without the necessary experience may misunderstand the information this argument does not outweigh the public interest in the public having the ability to, where necessary, ask questions of the council" (ICO ref FER0804951)

SOFLAG believes that the site selection process so far has not been transparent and is therefore unsound.

3. Opposition from other local authorities

We are concerned the Minutes of your meeting of 22nd January include a very misleading statement from Andrew Marsh, Business Unit Leader for Planning Policy, about the site selections. He said in the meeting (as was reported in the Minutes):

"Objections were predominantly from residents to the proposed sites" [and there were] "indeed no objections from neighbouring authorities"

However, we believe this implies, wrongly, that there is no opposition from any councils or statutory consultation authorities. This is not the case.

In fact, strong objections to sites SA12 / 13 were made by:

- Burgess Hill Town Council
- Haywards Heath Town Council
- Lewes & Eastbourne Borough Council
- Hassocks Parish Council
- Ditchling Parish Council
- South Downs National Park

In addition, the following also had various objections:

- Wealden District Council objected to SA20 / SA26
- Horsham District Council & West Sussex County Council are listed as objecting to SA9
- Felbridge Parish Council & East Grinstead Town Council

4. Sites SA12 & SA13 v Haywards Heath Golf Club

We remain at a loss to understand why SA12 & SA13 were selected ahead of Haywards Heath Golf Club, and the refusal by MSDC officers to answer our FOI request as detailed above raises more questions than it answers.

A planning application for the Golf Club has now been submitted (DM20/0559). This would allow MSDC to proceed without delay with Option 3, providing more homes and a more robust 5 year housing land supply buffer than Option 2. It would also alleviate concerns about maintaining housing targets in the immediate future. Housing would also be distributed more evenly across the district – Burgess Hill already has a strategic allocation of over 3000 in the District Plan compared to zero for Haywards Heath.

Attached is a table comparing the sites. You can see clearly that the man-made Golf Club site is more suitable and sustainable than the fields south of Folders Lane.

At the Scrutiny Committee on 11 March you have the opportunity to rectify this and recommend that the Site Selection change to Option 3.

Thank you for reading this email and attached documents. We hope these facts will enable you to fully scrutinise the sites and reassure our supporters that this process is indeed 'sound'.

If you have any questions, please get in touch.

Yours faithfully

SOFLAG

Appendix 5 H

APPENDIX 1

SITE ALLOCATIONS DOCUMENT MEMBERS WORKING GROUP

Terms of Reference

Membership

7 members, politically balanced, comprising six Conservatives and one Liberal Democrat to advise the Scrutiny Committee for Community, Housing and Planning. Members of the Working Group will make every effort to attend all meetings.

Objective of the Working Group

To advise the Scrutiny Committee for Community, Housing and Planning on the content and direction of the document. This will include the preparation of the Plan and consideration of the evidence base that will inform the preparation of the document.

The Working Group will report back to the Scrutiny Committee for Community, Housing and Planning in accordance with the timetable for the preparation of the Site Allocations Document as set out in the adopted Local Development Scheme.

The Working Group will meet regularly, at least on a monthly basis, with the potential for more frequent meetings as required.

On completion of this task the Working Group will cease to be in operation unless otherwise agreed by the Scrutiny Committee.

FROM REPORT OF DIVISIONAL LEADER FOR PLANNING AND ECONOMY TO SCRUTINY COMMITTEE FOR HOUSING AND PLANNING, 14TH NOVEMBER 2017

Appendix 5 I

Amendment tabled at MSDC Council Meeting, 25 September 2019

Agenda Item 7 TABLED - AGENDA ITEM 7: SITE ALLOCATIONS Council – 25 September 2019

7. Site Allocations Development Plan Document - Draft Plan for Consultation.

Amendment to the item:

Proposed by: Cllr Alison Bennett
Seconded by: Cllr Sue Hatton

Council commends the considerable effort of both Officers and Members in bringing the Site Allocations Development Plan to this point, but notes that since May 2019:

- The Site Selection Working Group has met only once
- The Working Group did not have a Chair
- The solitary meeting was scheduled at short notice
- Several members of the group were consequently unavailable
- The Group did not therefore have political balance
- The Group also did not have geographical balance, with the south of the Mid Sussex not being represented
- Despite these shortcomings the site list was shortened from 47 to 22

Therefore Council agrees that the Draft Site Allocations Development Plan Document be referred back to the Scrutiny Committee for Housing Planning and Economic Growth with the mandate to set up a renewed, politically balanced Site Selection Working Group to repeat Step 4 (Detailed Evidence Testing, Site Selection Paper 3), thus enabling members of this Council to have confidence in the transparency of the process and the site allocations that are recommended.

Conclusion

The MSDC Site Selection process has not been carried out in accordance with the criteria set out by MSDC at the start of the process. Grave errors have been made by those responsible for the process and the decision making. This renders the final recommendations undeliverable and fatally flawed. Sites SA12 and SA13 are clearly unsuitable for development and while MSDC recognise this, they have included them amongst the sites selected.

In summary:

1. MSDC assessed the sites as unsuitable in 2007, 2013 & 2016.
The reasons for their unsuitability have escalated since then, making the sites undeliverable in 2020. These include:
 - a. Inadequate local transport infrastructure for which there is no potential feasible solution.
 - b. Unsuitable & unsustainable location
 - c. Unacceptable coalescence between Burgess Hill and the villages to the south
 - d. Ecological damage to one of the most important and ecologically diverse sites in West Sussex
2. Omission by MSDC of key adopted District Plan selection criteria (including policies DP12, DP13, DP37, DP38) from the site selection process, which, if applied correctly, make the sites unsuitable & undeliverable. The adopted District Plan declares that Burgess Hill should not take any more sites.
3. Verified ecological data clearly indicates that SA13 is the habitat for an exceptional variety of internationally and nationally protected species. This renders it unsuitable for development.
4. Opposition to the sites from local authorities and statutory bodies makes them undeliverable.

MSDC's handling of the Site Allocations process in preparing the DPD was unsound. The reasons for this include:

- Reliance on a flawed Transport Study containing errors and omissions
- Misleading of key Council Meetings by MSDC Officers and Councillors
- Mishandling of Regulation 18 Consultation by MSDC with objections and evidence omitted
- Selection criteria inconsistently applied to sites during process
- A serious cloud hanging over the final site selection recommendation decision

To avoid the Site Allocations DPD being rendered unsound, Sites SA12 & SA13 should be removed from the list of sites selected for development.

Mid Sussex Sites DPD Review of Transport Aspects of Proposed Folders Lane Allocation

Folders Lane, Burgess Hill, West Sussex



Index

1	Background	2
2	MSSHM Model Review	3
3	Traffic Modelling Supporting the Sites DPD	5
4	Folders Lane Allocations in the Sites DPD	10
5	Summary and Conclusions	13

Issue	Issue date	Compiled	Checked	Authorised
1	08/04/2020	RN	RW	LNS
FINAL	04/05/2020	RN	RW	LNS

1 Background

- 1.1 The Mid Sussex Transport Study (MSTS) supported the Mid Sussex District Plan (MSDP) which was adopted, after Examination in Public, in March 2018. The Mid Sussex Strategic Highway Model (MSSHM) is an updated MSTS with a 2017 base year.
- 1.2 All modelling (MSTS and MSSHM) is highway only. There is no mode choice modelling, and no variable demand modelling (i.e. changes in demand related to the availability of transport capacity).
- 1.3 MSSHM has been used in consideration of the Reference Case (RC) and several different development Scenarios (No.s 1-8) for the 2031 end-of-plan-period future year. Most recently, it has been used in the assessment of the Sites DPD Scenario. The Sites DPD Scenario represents a refined Scenario (drawing on the overall assessments of the previous Scenarios 1-8) as part of the council's plan making process, including sustainability appraisal.

2 MSSHM Model Review

- 2.1 MSSHM model validation is stated in the Local Model Validation Report (LMVR) to be acceptable against standard WebTAG guidance. The LMVR includes some details of the new travel data used in the model update and concludes that the updated trip data model base is acceptable. This appears to have been accepted by WSCC as highway authority.
- 2.2 Model trip validation has two component levels: cordon/screenline validation (ensuring broad directional movements are correct in aggregate across multiple roads/links, i.e. a check of the trip origin / destination modelled matrices against actual cordon/screenline flows at generally sector level) and individual link validation (comparing modelled and actual flows on a link basis, i.e. a check that the assignment of trips to the network is reasonable).
- 2.3 Different levels of acceptability apply in the modelled against actual comparisons for the two levels. The LMVR gives the comparisons for the selected cordons and screenlines. The comparisons shown are acceptable generally, and specifically for the District cordon and the Burgess Hill cordon, both of which include sites within the vicinity of Folders Lane. The comparison on a link basis is shown in Appendix B of the LMVR. The comparison for road links in the vicinity of Folders Lane appears acceptable.
- 2.4 In forecast use of the model, new development trip generations are calculated using trip rates derived from TRICS. The same trip rates are used for both committed and other development included in the RC and for additional development in any other Scenario tests. The rates are all 85%ile instead of the usually used average. We consider them robust – if anything somewhat high in practice because of the use of 85%ile values.
- 2.5 Trip distributions for new sites (i.e. where generated trips would go to, and attracted trips come from), including for any sites off Folders Lane, are based on the established distributions in the model for nearby similar zones & Census journey to work data. This is a conventional and acceptable approach and should properly represent the trip making characteristics of new development in any given location.
- 2.6 The highway network represented in the model appears reasonable in coverage. The LMVR states that a range of attributes have been used to determine the cruise speed for highway links and that is usual. However, the process adopted to combine those attributes has not been explained. One such attribute is the speed limit on the link. Figure 6 in the LMVR shows the speed limits assumed for each highway link. There appear to be two discrepancies that could have an impact on the assignment of base year and forecast year traffic to the network:

- The B2112 from Folders Lane roundabout north to Janes Lane is shown as having a 30mph speed limit – in reality most is 60mph;
- The B2112 on the approach to Ditchling from the Folder Lane direction is shown partly as 60mph (correct) but 40mph on the entire stretch approaching Ditchling crossroads – in reality the final section approaching Ditchling crossroads is not only 30mph but has traffic calming in place that would reduce cruise speed substantially below that.

2.7 Without knowing the way in which those descriptions have been translated into the network as included in the SATURN highway model, it is not possible to determine their influence, but the links in question would be important in the model's determination of route shares for north/south traffic generally, and specifically for new traffic generated by any new development served from Folders Lane.

3 Traffic Modelling Supporting the Sites DPD

- 3.1 The RC is defined in the Sites DPD Scenario modelling report (para 1.5.2) as being: *The Reference Case represents the road network in 2031, and includes any committed highway infrastructure, development in the district and background growth to this date.* The RC Scenario therefore includes a number of currently committed highway improvements, planned development between 2017-2031 in all other local authority areas, and new committed dwellings from 2017 to 2031 in Mid Sussex. The Mid Sussex commitments figure included in the Sites DPD modelling is stated as 10802 dwelling units, including windfalls, in the Sites DPD Scenario Modelling Report Table 2. The MSDP itself quotes, under Policy DP4, 2410 new dwellings built from 2014-2017 and 7091 “commitments within the planning process”; a total of 9501, quoted in the MSDP as “leaves sites for a minimum of 3389 dwellings to be delivered through further site allocations or windfalls”.
- 3.2 The highways impacts of the Sites DPD compared to the RC and the 2017 base year are reported in the Sites DPD Scenario Modelling Report. Total new housing from 2017-2031 is 12646, an increase on the RC Scenario of 1844 (data from the Sites DPD Scenario Modelling Report Table 2). In addition to the RC developments, the Sites DPD Scenario includes a further 21 housing development sites and 8 additional employment development sites. Of those, Sites 827 (43 units) and 976 (300 units) are served from Folders Lane.
- 3.3 Differences between the actual numbers quoted in the MSDP and the Sites DPD Scenario Modelling Report are understood to result from continuous updating of completions and commitments over time.
- 3.4 The RC therefore already includes a significant amount of new development within Mid Sussex from 2017 up to 2031. The additional development included in the Sites DPD is a relatively small additional increase.
- 3.5 Although the RC contains some already committed highway schemes, no further improvements are proposed to satisfactorily accommodate the increased highway demands of the substantial development accounted for between 2017-2031 in the RC both within and outside Mid Sussex. The end result is that many junctions within the district are forecast in the Sites DPD Scenario Modelling Report to experience a ‘Severe’ impact.
- 3.6 ‘Severe’ as an impacts measure derives from its use in the National Planning Policy Framework (NPPF). First published in March 2012, the term in this context appears in paragraph 32:

Paragraph 32: All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and

decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

3.7 Most recently updated in February 2019, the relevant paras are now:

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.8 It is interesting to note the changes between the last bullet point of NPPF 2012 para 32 and its replacement NPPF 2019 para 109. The most fundamental is the inclusion in para 109 of 'unacceptable impact on highway safety'. In the Sites DPD Scenario Modelling Report, as in preceding modelling reports, the RC has been used to establish a base line against which any additional highway network impacts of a development scenario can be judged. But the identification of impacts has been solely on the basis of severity of traffic operational impacts on the highway network, with no regard given to any specific impacts on highway safety or their acceptability. It has to be acknowledged however that this is not unique to the modelling and presentation of results for Mid Sussex. To its credit, that modelling has attempted to define 'severe' or at least to set out a set of, albeit arbitrary, operational criteria that is agreed by WSCC. Whilst we consider that the adopted criteria are not unreasonable, we do have concerns over the way they have been applied.

3.9 Those concerns centre on the implied consequences of the criteria adopted to define 'severe' (and of 'significant' which is a lower level of impact used in the MSSHM reporting). These criteria are set out in the Sites DPD Scenario modelling report as:

SEVERE	An increase in RFC of 10% or more to 95% or more, or An increase in Delay of 1 minute or more to 2 minutes or more.
SIGNIFICANT	An increase in RFC of 5% or more to 85% or more.

3.10 The concerns are twofold:

- All severity assessments using these criteria are relative. A junction with clear capacity problems in a Scenario, including base year (e.g. excessive RFCs, queues and delays) would not be identified as being an issue in the network if it had those problems in another comparison Scenario but the incremental change did not comply with the criteria;
- In reality, if the prior situation is a severe impact, ANY additional traffic from additional development would increase that severity. In our view, the RC and ALL additional development scenarios should be judged against the base year. We do not agree with the incremental approach used in MSSHM reporting, i.e. the RC is judged against the base year, but other scenarios are judged solely against the RC.

3.11 Nonetheless, even using the incremental approach, of the junctions within the district selected for impacts summarisation in the Sites DPD Scenario Modelling Report ¹. 22 are forecast to experience a 'Severe' impact in terms of changes from the 2017 base to the 2031 RC Scenario, 11 of which are in the south of the district including Burgess Hill. The DPD Scenario modelling report further identifies that in the Sites DPD Scenario, 9 junctions in total (of which 7 are in the south of the district) would experience an incremental 'severe' impact between the RC and Sites DPD Scenarios, 3 of which would experience the 'double whammy' of severe incremental impacts in both RC and Sites DPD Scenarios.

3.12 A further 2 junctions, not experiencing a severe impact between 2017 and RC Scenario, would be 'severely' impacted by the Sites DPD Scenario compared to the RC. A further 8 junctions would experience a 'significant' impact as a result of the Sites DPD Scenario compared to the RC, 4 of which would also experience a Severe impact between 2017 and 2031 RC Scenario.

¹ Un-numbered Table at end of report, titled 'Mid Sussex Transport Study: Scenario DPD Results Summary'. The junctions selected for inclusion in the table are defined as 'Junctions identified in previous Scenarios or in the previous Mid Sussex Transport Study which, for consistency, are retained in the list even if no significant or severe impacts are identified in the Sites DPD Scenario.'

- 3.13 All this demonstrates that the district's highway network is forecast to experience widespread severe highways operational impacts on at least major routes by 2031 with the substantial amount of committed development in the RC alone, with the prospect of significant additional severe impacts just from the addition of a further 1844 dwellings on the Sites DPD sites (Sites DPD Scenario Modelling Report Table 2). It is questionable, in those terms, that such a small number of extra dwellings is justifiable given the scale of their extra impacts on the operation of an already stressed highway network.
- 3.14 In an attempt to address that, an additional DPD Scenario, 'with mitigation', includes (para 1.5.4 of the modelling report) *"Where junctions are assessed to be adversely impacted by the developments, a set of appropriate sustainable measures and highway mitigation schemes are proposed and tested. These mitigations aim to remove the 'severe' impacts"*.
- 3.15 On the face of it, the mitigations proposed are a success in dealing with the extra impacts of the Sites DPD development compared to the RC. The modelling report shows that the inclusion of the identified mitigations would reduce or offset the bulk of the additional impacts of the Sites DPD sites. In fact, the results suggest that the mitigations proposed can help to partially offset the scale/severity of impacts of the RC itself compared to the 2017 base year. A remarkable consequence that demands some consideration and explanation.
- 3.16 The mitigations proposed are twofold: measures to enhance sustainable transport use, and additional highways improvements. Testing of the two components individually has not been reported as having been carried out, but they are likely to have very different effects.
- 3.17 The 'sustainable measures' mitigations proposed are, in the main, pretty low key, being the type of measure (RTI summary display on site) that would be expected to be provided as a standard conventional part of any Travel Plan for any of the 21 DPD sites (and indeed any other major site). Some more ambitious sustainable proposals are also put forward, including bus priority on A22 in the north of the district and improved public transport interchange facilities at Burgess Hill. The latter is put forward as the sole relevant 'proposed sustainable mitigation improvements' relating to many DPD sites in Burgess Hill (Table 7 of the Sites DPD Scenario modelling report) even though its extent, location and funding is not yet determined. Generally, Table 7 shows the anticipated effects of the conventional sustainable measures to be a 1.5% reduction in car trips – to all intents and purposes, although worthy in intent, immaterial in terms of consequential reductions in traffic, and impacts, at nearby junctions.
- 3.18 Highways mitigation identified is focussed on the A23 and its junction with A2300 and these measures, rather than the sustainable mitigations, would clearly have the only real impacts on

network performance in the south of the district, not simply by providing better for traffic generally but also because, following implementation, traffic would re-route from other junctions potentially reducing impacts at those junctions to acceptable levels.

- 3.19 It seems very clear from the above assessment of the results of modelling different Scenarios for the 2031 end-of-plan-period forecast year, that the package of highway improvements already committed and included in the RC Scenario is not sufficient on its own to enable the level of development included in the RC alone to be delivered without widespread highway network 'severe' impacts.
- 3.20 It is also clear that the contribution of sustainable transport initiatives to resolving the additional impacts of additional Sites DPD sites would be marginal at best.
- 3.21 It is also clear that the Sites DPD additional highway mitigation, focussed on the A23 and its junction with A2300, is not only important to mitigate the additional traffic demands of the Sites DPD sites, but is also essential to enable the impacts of the RC itself (i.e. without any additional Sites DPD sites) to be potentially considered tolerable.

4 Folders Lane Allocations in the Sites DPD

- 4.1 The Sites DPD includes two sites served, in part of whole, using Folders Lane: Sites 827 (43 units, served directly from Folders Lane) and 976 (300 units likely served directly from Keymer Road). Applying the trip rates used in the MSSHM modelling the two sites would be expected to generate the following 2-way vehicle trips in the peak hours.

Table 3.1

Site	AM Peak (08:00-09:00)	PM Peak (17:00-18:00)
Site 827	25	27
Site 976	176	189

- 4.2 The effects of sustainable transport mitigation measures for these two sites have been estimated as a 1.5% reduction (Sites DPD Scenario modelling report Table 7). This would very slightly reduce the above to:

Table 3.2

Site	AM Peak (08:00-09:00)	PM Peak (17:00-18:00)
Site 827	25	27
Site 976	173	186
Total	198	213

- 4.3 Assuming that traffic to/from both sites distributes 25% each to Keymer Road south, Keymer Road north, Kings Way, and via the B2112 junction (Folders Lane roundabout) at the eastern end of Folders Lane, this could add 142 vehicles in the AM peak, and 153 in the PM peak, to traffic flows entering the roundabout at the western end of Folders Lane, and between 50 (AM) and 53 (PM) to traffic flows entering the Folders Lane roundabout at its eastern end.
- 4.4 From the un-numbered results table towards the end of the Sites DPD Scenario modelling report, flows on Folders Lane appear pretty consistent at under 600 vehs/hour in the main direction in both peak hours in base year and forecast years for non-DPD Scenarios. This would equate to about 1000 vehs/hour 2-way in each peak hour. Link capacity of a road such as Folders Lane would be about 1500 vehs/hour 2-way according to DMRB TA79/99. The increase of 142-153 vehicles at the western end of Folders Lane arising from the Folders Lane sites would be about +15% but would

not compromise the ability of Folders Lane itself, in link capacity terms, to safely and operationally accommodate the forecast levels of traffic on it, even accounting for the two DPD sites.

- 4.5 Impacts on junctions themselves are more difficult to ascertain. The Sites DPD Scenario modelling report only includes the results for the western junction of Folders Lane with B2113 Keymer Road (for the first time; it was not included in any previous DPD Scenario testing modelling reports). That junction is given the number S27 in the Sites DPD Scenario modelling report.
- 4.6 Junction S27 is assessed in Table 7 as not experiencing a severe or significant impact in the RC (compared to the base year) and experiencing only a 'significant' impact in the Sites DPD Scenario (compared to the RC) but only in the 'with Mitigation' Scenario.
- 4.7 We have considered the results as presented in the Sites DPD Scenario modelling report. We also use the junction daily at many different times and appreciate the way it works in practice. We would agree that the junction generally operates at present without excessive queues or delays, other than, in our experience, some issues related to lack of exit capacity on the northern exit at some times of the day, partly due to the schools but largely due to blocking back from the roundabout junction of Keymer Road with Station Road, Junction Road and Silverdale Road (junction S6 in the Sites DPD Scenario reporting).
- 4.8 Junction S6 is assessed as having a severe impact comparing RC and base year, and a severe incremental impact in the 2031 Sites DPD Scenario compared to the RC. But the impact at Junction S6 is assessed as neither severe nor significant in the Sites DPD + Mitigation Scenario, despite the relevant values being barely different from the without mitigation case but with the two falling marginally either side of the criteria values.
- 4.9 The actual consequence in junction operation would be indistinguishable. In practice in all 2031 Scenarios junction S6 would operate at well over capacity with excessive RFCs, queues and delays, in all Scenarios greater than in the base year. The operation of the Folders Lane/ Keymer Road junction (junction S27) would increasingly be impacted by the inadequacies of Junction S6 and this could only be exacerbated by new traffic generated by the Folders Lane allocation in the Sites DPD.
- 4.10 No results are published for the junctions of Folders Lane with Kings Way, and with B2112 at Folders Lane roundabout, so it is not possible to comment on their performance under different Scenarios. At Ditchling crossroads, the impact of the RC compared to the 2017 base year is shown to be Severe, with an additional incremental significant impact in the Sites DPD Scenario (which is offset in the 'with mitigation' Scenario). No information is provided for the B2112 / Janes Lane junction to the north of Folders Lane roundabout although it would be considered unusual if there was not an impact of note at least in the RC case, as we understand that traffic signals were agreed at that

junction as part of the mitigation necessary for the large, approved Kings Way development. Both junctions would be affected in unquantifiable ways by the link description anomalies identified in the MSSHM Model Review section above.

5 Summary and Conclusions

- 5.1 The Mid Sussex Transport Study (MSTS) supported the Mid Sussex District Plan (MSDP) which was adopted, after Examination in Public, in March 2018. The Mid Sussex Strategic Highway Model (MSSHM) is an updated MSTS with a 2017 base year. MSSHM has been used in consideration of the Reference Case (RC) and several different development Scenarios for the 2031 end-of-plan-period future year. Most recently, it has been used in the assessment of the Sites DPD Scenario.
- 5.2 Model validation appears reasonable and the comparison of observed and modelled flows for road links in the vicinity of Folders Lane appears acceptable.
- 5.3 There may be an issue with the way in which the B2112 from Janes Lane to Ditchling crossroads is described in the assignment model. Without knowing the way in which those descriptions have been translated into the network as included in the SATURN highway model, it is not possible to determine their influence, but the links in question would be important in the model's determination of route shares for north/south traffic generally, and specifically for new traffic generated by any new development served from Folders Lane.
- 5.4 The network impacts of various Scenarios is assessed in the study reports by reference to their severity, but we have concerns about the criteria adopted to define 'severe' and 'significant' (which is a lower level of impact used in the MSSHM reporting).
- 5.5 We have assessed that Folders Lane currently has traffic flows that are well within its capacity in link terms. Traffic generated by the Sites DPD allocations for sites served from Folders Lane would not compromise that.
- 5.6 At the western junction of Folders Lane with Keymer Road (Junction S27), the Sites DPD assessment suggests that there would be no impact (Severe or significant) in the RC, and only a significant impact in the Sites DPD 'with mitigation' Scenario. We believe that this misrepresents the way that the junction works in conjunction with the much more heavily impacted junction (Junction S6) of Keymer Road / Station Road / Junction Road / Silverdale Road to the north. The study report concludes that Junction S6 would experience a severe impact comparing RC and base year, and a severe incremental impact in the 2031 Sites DPD Scenario compared to the RC. But the impact at Junction S6 is assessed as neither severe nor significant in the Sites DPD + Mitigation Scenario, despite the relevant values being barely different from the without mitigation case but with the two falling marginally either side of the criteria values.

- 5.7 We believe that the actual consequence in junction operation would be indistinguishable. In practice in all 2031 Scenarios junction S6 would operate at well over capacity with excessive RFCs, queues and delays, in all Scenarios greater than in the base year. The operation of the Folders Lane/ Keymer Road junction (junction S27) would increasingly be impacted by the inadequacies of Junction S6 and this could only be exacerbated by new traffic generated by the Folders Lane allocation in the Sites DPD.
- 5.8 The reports present no information for the junctions of B2112 with Folders Lane or with Janes Lane to the north. Information is given for the junction of B2112 and B2116 at Ditchling crossroads. All three junctions would be affected in unquantifiable ways by the apparent B2112 link description anomalies we have identified. It is not possible to determine the level of influence, but the links in question would be important in the model's determination of route shares for north/south traffic generally, and specifically for new traffic generated by any new development served from Folders Lane.
- 5.9 It seems very clear from our assessment of the available results of modelling different Scenarios for the 2031 end-of-plan-period forecast year, that the package of highway improvements already committed and included in the RC Scenario is not sufficient on its own to enable the level of development included in the RC alone to be delivered without widespread highway network 'severe' impacts.
- 5.10 It is also clear that the contribution of sustainable transport initiatives to resolving the additional impacts of additional Sites DPD sites would be marginal at best.
- 5.11 It is also clear that the Sites DPD additional highway mitigation, focussed on the A23 and its junction with A2300, is not only important to mitigate the additional traffic demands of the Sites DPD sites, but is also essential to enable the impacts of the RC itself (i.e. without any additional Sites DPD sites) to be potentially considered tolerable.

-End of Report -



Civil Engineering - Transport Planning - Flood Risk

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Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 624

Response Ref: Reg19/624/6

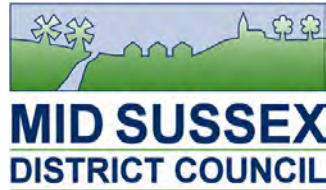
Respondent: Mr S Harkins

Organisation: SGN

On Behalf Of:

Category: Statutory Consultee

Appear at Examination? x



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
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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

☒

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

☒

No

☐

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

	Sound	Unsound
(1) Positively prepared	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Justified	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Effective	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input type="checkbox"/>

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

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

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 used 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

sgn.co.uk

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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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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

<http://www.midsussex.gov.uk>

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

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<http://www.planningportal.gov.uk>

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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)

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)
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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)

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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

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Scotland Gas Networks plc (company registration number SC264065) is registered in Scotland and has its registered office address at Axis House, 5 Lonehead Drive, Newbridge, Edinburgh EH28 8TG

[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
SGN, Axis House, 5 Lonehead Drive, Newbridge, Edinburgh, EH28 8TG
sgn.co.uk
Find us on [Facebook](#) and follow us on Twitter: [@SGNgas](#)



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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)

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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]

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

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<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: 14 October 2020 15:58

To: [REDACTED]

Subject: RE: Mid Sussex DC Planning Policy - Site Allocations DPD Consultation (Regulation 19)

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.

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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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Planning Services

<http://www.midsussex.gov.uk>

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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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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)

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sustainable development.

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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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Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 639

Response Ref: Reg19/639/5

Respondent: Mr S Trice

Organisation: Haywards Heath Town Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

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

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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

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 667

Response Ref: Reg19/667/3

Respondent: Mr S Cridland

Organisation: Burgess Hill Town Council

On Behalf Of:

Category: Town & Parish Council

Appear at Examination? x

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



Burgess Hill Town Council, 96 Church Walk, Burgess Hill, West Sussex, RH15 9AS

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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 Policies 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.

701

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 701

Response Ref: Reg19/701/2

Respondent: Mr M Carpenter

Organisation: Enplan

On Behalf Of: Sunley Estates

Category: Promoter

Appear at Examination? ✓

Name	Martin Carpenter
Job title	Director
Organisation	Enplan
On behalf of	Sunley Estates Ltd
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Name or Organisation	Enplan on behalf of Sunley Estates Ltd
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA15
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	The site (SA15) has been allocated for housing. Supporting reports relating to transport and ecology have been submitted in support of the allocation. The site is considered to be well located for new housing and a proposed layout plan has been produced demonstrating how the site could accommodate new housing as well as providing enhanced footpath and cycle links whilst preserving the existing small area of mature woodland on the site. Development on the site could achieve a net gain in biodiversity and could be deliverable within 5 years.
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	Yes, I wish to participate at the oral examination
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary	In order to respond if necessary to any objections to the inclusion of site SA15 as a housing allocation within the DPD.
Please notify me when-The Plan has been submitted for Examination	yes
Date	18/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 748

Response Ref: Reg19/748/5

Respondent: Ms L Brook

Organisation: Sussex Wildlife Trust

On Behalf Of:

Category: Statutory Consultee

Appear at Examination? x



Sussex
Wildlife Trust

Contact: Laura Brook
E-mail: swtconservation@sussexwt.org.uk
Date: 28 September 20

By email only
LDFconsultation@midsussex.gov.uk

Mid Sussex District Council Submission Draft Site Allocations Development Plan Document (DPD) (Regulation 19 Consultation August – September 2020)

The Sussex Wildlife Trust wish to submit the following comments to the Regulation 19 consultation for the - Mid Sussex District Council Submission Draft Site Allocations Development Plan Document (DPD)

Overview comments - Site Allocations

As stated in our Regulation 18 comments The Sussex Wildlife Trust (SWT) appreciates that the DPD site selection methodology led to the exclusion of sites that were likely to result in an impact on locally designated sites, as explained in figure 3.1 of the Site Selection Paper 3. This is very welcome and SWT considers this approach to be in line with the NPPF requirement to distinguish between the hierarchy of designated sites and allocate land with the least environmental or amenity value (paragraph 171). Local Wildlife Sites act as core areas within the district's ecological network and therefore should be maintained and enhanced.

That said, overall SWT is very concerned about the proportion of greenfield sites being allocated within the DPD, particularly given that no site specific ecological data appears to have been provided or considered in the site selection process.

The NPPF is clear that local authorities should make as much use as possible of previously developed land. However with over 60% of housing allocations obviously on greenfield, and another 18% appearing to contain some element of greenfield, SWT are particularly concerned

SWT therefore does not believe that the DPD is consistent with national policy as it does not comply with paragraph 118 of the NPPF.

In the Regulation 18 Consultation submitted by SWT, we highlighted that The NPPF is clear that plans and policies need to be justified – based on proportional and up-to date evidence (paragraphs 31 and 35). SWT acknowledge that we were given the opportunity in October 2018 to comment on a number of candidate sites which had the potential to impact on locally designated sites. In our letter to MSDC (dated 15/10/18) we stated that:

'Should MSDC decide that SHELAA sites proceed to allocation within the DPD, SWT recommends that they are subject to up to date ecological surveys. This will enable MSDC to evaluate each allocation's suitability for delivering sustainable development, in line with the Mid Sussex Local Plan evidence base and in particular, policies 37 (Trees woodland and Hedgerow) and 38 (Biodiversity).'

SWT note that all of the housing site allocation policies include requirements under 'Biodiversity and Green Infrastructure' which is welcome. However, these do not appear to be strategic in nature in terms of considering a robust evidence base. In particular, it appears that it is assumed that sites will be able to deliver both the number

Woods Mill, Henfield, West Sussex, BN5 9SD
01273 492 630 | enquiries@sussexwt.org.uk | sussexwildlifetrust.org.uk

of dwellings allocated and net gains to biodiversity, when no evidence has been provided of the current biodiversity value or how this is likely to be impacted.

SWT is therefore disappointed that we are unable to identify any site-specific ecological evidence by this final round of consultation. Given the current uncertainty of the ecological value individually and cumulatively of the site allocations. **It is not clear how MSDC can ensure the net environmental gains will be delivered by the DPD as required by paragraphs 8, 32, 170 and 174 of the NPPF.**

Overview comments – Sustainability

We also see no evidence that consideration has been given to the capacity for the district's natural capital to absorb this level and location of development. The NPPF is clear that delivering sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs. In achieving this, local planning authorities must pursue all three objectives; economic, social and environmental, in mutually supportive ways ensuring net gains across all three.

It is not clear that any of the greenfield sites allocated meet the environmental objective. In Particular, none of the allocated greenfield sites are considered to have a positive impact on any of the 8 environmental objectives within the Sustainability Appraisal (SA). Many have negative or unknown impacts, and for biodiversity it appears that only formal designations have been considered.

Although the lack of ecological information available makes it very hard for SWT to assess the potential impact of any of the site allocations or the assessment of their suitability against the SA objectives, we are particularly concerned about additional sites that are not considered to be sustainable, namely SA12 and SA13.

The addition of these two 'marginal' sites takes the number of units allocated within Category 1 settlements to 1409, this is 703 units above the minimum residual housing figure for Category 1 as demonstrated in *Table 2.4: Spatial Distribution of Housing Requirement*. If you take account of the undersupply for some of the other sized settlements, there is still a total oversupply of 484 dwellings as demonstrated in *Table 2.5 Sites DPD housing Allocations*. This oversupply is not justified within the DPD or supporting evidence base. Removing these 'marginal' sites will still result in the DPD that delivers more than the minimum housing requirement in the lifetime of the local plan. We note that again the impacts on biodiversity for these sites are listed as unknown in the SA simply because no site specific ecological information has been assessed.

SWT asks MSDC to reduce the amount of greenfield land allocated within the DPD and consider the environmental capacity of the district in a more robust fashion. Any assessment of allocated sites should look at their individual, collective and multifunctional role in delivering connectivity and function for biodiversity. This would ensure the DPD reflects the requirements under sections 170 & 171 of the NPPF.

SA GEN: General Principles for Site Allocations

It appears that this policy has now been placed in the main body of the Draft Plan. SWT welcomes the inclusion of wording within this policy that recognises the importance of biodiversity informing planning applications. We also acknowledge that it highlights the importance of delivering biodiversity net gains through forthcoming development.

For clarity SWT would propose that there is an amendment to the wording relating to ecological information as we want to ensure that developers are aware that this information is required before validation/determination of the application, so earliest opportunity is not misunderstood as after permission has been approved.

SWT propose the following amendment to the first bullet point under the section references Biodiversity and Green Infrastructure (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

- Carry out **and submit** habitat and species surveys at the earliest opportunity in order **to inform the design and** ~~to~~ conserve important ecological assets from negative direct and indirect effects.

Comments for Site Allocations

As stated previously, without more detailed ecological information for each of the allocated sites it is difficult for SWT to assess their suitability for development. However, we will make some site specific comments based on the aerial photographs and desktop information available to us.

A lack of comments does not constitute support for the allocation.

SA12: Land South of 96 Folders Lane, Burgess Hill

As stated under our general comments, SWT does not believe that the allocation of this greenfield site is justified. It is not required to deliver the overall minimum residual housing requirement or that required for Category 1 settlements and is not considered sustainable within the SA. We acknowledge that the number of the dwellings for the site has been reduced by 3, however the biodiversity impacts for this site are still listed as unknown as no site specific ecological information has been provided. The site appears to contain hedgerow and trees and is clearly connected to a wider network of linear habitats.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 of the NPPF.

SA13: Land East of Keymer Road and South of Folders Lane, Burgess Hill

As with SA12, SWT objects to the allocation of this greenfield site. It is not justified by MSDC's own evidence base and does not represent sustainable development. Again the biodiversity impacts for this site are still listed as unknown as no site specific ecological information has been provided. However, the site appears to contain rough grassland, hedgerows and trees and is clearly connected to a wider network of linear habitats and ponds with potential for priority species.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 of the NPPF.

SA15: Land South of Southway, Burgess Hill

SWT objects to the allocation of a designated Local Green Space for housing. This is not compliant with NPPF paragraph 101 which states that policies for managing development within Local Green Space should be consistent with those for Green Belts i.e. in line with the requirements of chapter 13 of the NPPF.

We do not believe that MSDC have justified the 'inappropriate construction of new buildings' within a local green space. In particular, the fact that this area of the LGS is 'overgrown and inaccessible' does not negate its value. The Burgess Hill Neighbourhood Plan states that this LGS is an important "green lung" for the west of Burgess Hill, a function which does not require accessibility. The NPPF is clear that LGSs should only be designated where they are demonstrably special. The Planning Inspector who examined the Burgess Hill Neighbourhood Plan clearly felt that this had been demonstrated and therefore the site should be protected.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraphs 99-101 of the NPPF.

SA19: Land south of Crawley Down Road, Felbridge

SWT is very concerned about this significant greenfield allocation given the lack of any baseline biodiversity data and its proximity to Hedgecourt Lake SSSI and The Birches ancient woodland. SWT would like to see much more evidence of the current value of the site, in particular in terms of ecosystem services delivery. There also needs to be further consideration of the cumulative impacts when combined with policy SA20.

SWT therefore does not believe that the Allocation is consistent with national policy as it does not comply with paragraph 171 & 175 of the NPPF.

SA20: Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead

SWT commented on this allocation in our letter dated (dated 15/10/18) and stated that up to date ecological surveys should be conducted in order to assess the site's suitability for delivering sustainable development. It is disappointing that this information has not been provided. Without it we cannot assess the ability of this site to meet the environmental objectives required by the NPPF. We note that the allocation boundary appears to be amended from the Regulation 18 consultation and that a section of the Worth Way LWS, namely part of Imberhorne Cottage Shaw ancient woodland, appears to no longer be within the allocation. We would ask MSDC to inform SWT if this is not the case.

SWT remain concerned that this Allocation is not consistent with national policy as it does not comply with paragraph 171 & 175 of the NPPF

SWT note the policy requirements under Biodiversity and Green Infrastructure heading includes a bullet point which states:

Potential impacts of the development on Hedgecourt Lake SSSI, which is accessible via existing PRoW to the north and the Worth Way LWS to the south should be understood and adequately mitigated.

SWT propose the following amendment to this bullet point to ensure clarity of the importance of avoid within the mitigation hierarchy is fulfilled as per 175 of the NPPF (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

*Potential impacts of the development on Hedgecourt Lake SSSI, which is accessible via existing PRoW to the north and the Worth Way LWS to the south should be understood **so they can be avoided and if this is not possible** adequately mitigated **or, as a last resort, compensated for**.*

DEVELOPMENT POLICIES

SA35: Safeguarding of Land for delivery of Strategic Highways improvements

SWT acknowledges that the Regulation 19 consultation now includes maps of the broad locations for the safeguarding, which did not appear to be present in the main body of the Regulation 18 draft DPD.

We note that the policy refers to how new development in the area of safeguarding should be carefully designed. Given that the NPPF encourages a net gain to biodiversity through development, we would expect the policy wording to reflect that biodiversity gains are design carefully into the development to ensure they are not compromised by future schemes. We therefore propose the following amendments to the policy wording to ensure that it complies with sections 170 & 171 of the NPPF.

SWT propose the following amendment to the Policy Wording (~~struck through~~ means a proposed deletion and **bolded text** references a proposed addition)

*'New Development in these areas should be carefully designed having regard to matters such as building layout , noise insulation, landscaping , the historic environment, **biodiversity net gains** and means of access.'*

SA36: Wivelsfield Railway Station

While we support the integrated use of sustainable transport it is disappointing to see another area allocated as Local Green Space within a made Neighbourhood Plan being developed. As stated in our comments for policy SA15, the suitability of the LGS designation was assessed by a Planning Inspector and found sound. It should therefore be preserved through the DPD. SWT is particularly concerned as the Burgess Hill Neighbourhood Plan states that this Local Green Space is:

'Land immediately west of Wivelsfield Station, north and south of Leylands Road: The land parcel is rich in birdlife and reflective of the historic field pattern. The Land is an important open space that is particularly well used by dog walkers.'

Whilst it appears that not all of the LGS has been allocated for the upgrading of the station, we are not clear of the biodiversity value of the area that has been allocated. If MSDC are minded to retain the policy, SWT would like to see consideration of the compensation required for the loss of the LGS and in particular the rest of the LGS managed/enhanced in a way that benefits the assets lost.

SWT therefore does not believe that the Development Policy is consistent with national policy as it does not comply with sections 99-101 of the NPPF.

SA37: Burgess Hill /Haywards Heath Multifunctional Network

SWT remain supportive of measures to embed multifunctional networks in delivering non-motorised sustainable transport options, but remain concerned at the level of uncertainty from this policy. We appreciate that the regulation 19 consultation now embeds a map within the main document, which provides an indication of safeguarded routes for the cycleway. As stated in our Regulation 18 comments the creation of a network could aid or hinder connection and function in the natural environment, therefore the policy should be clear in its intention. In particular, we are unclear how this route has been selected and what ecological information has been considered. Any impacts on biodiversity should be avoided through good design and particular consideration should be given to the value of sensitive linear habitats such as hedgerows. Lighting and increased recreational use both have the potential to harm biodiversity and must be considered at an early stage. It would not be appropriate to safeguard a route that has not yet been assessed in terms of potential biodiversity impacts.

Yours sincerely,

Laura Brook
Conservation Officer
Sussex Wildlife Trust

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 752

Response Ref: Reg19/752/1

Respondent: Mr M Fell

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Michael Fell [REDACTED]
Sent: 28 September 2020 23:32
To: ldfconsultation
Subject: Site Allocations DPD - Regulation 19 Consultation
Attachments: DPD SA15 28Sep20.docx; DPD SA15 18Nov19.docx

re: SA15 aka SHELAA 594

Dear Sir/Madam

Please find attached my objection to the above. I have also attached a copy of my previous objection from last year which is still relevant.

Yours

Michael Fell

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
28th September 2020

Planning Policy, LDF Consultation
Mid Sussex District Council
Oaklands, Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

DPD Site allocation references: SA15, SHELAA#594

Dear Sir/Madam

Please reconsider the Site Allocations Development Plan July 2020. Page 88 reproduces the 'Site Allocations DPD - Sustainability Appraisal - FEBRUARY 2020' which assesses development SHELAA#594 as having zero impact on Biodiversity; this is clearly incorrect as I have pointed out in a previous letter.

After reading the HRA, it seems that the sole criterion for biodiversity impact is proximity to the Ashdown forest. I urge you to consider this in conjunction with the objectives of the Biodiversity Action Plan and DP 38 Biodiversity objective "Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace."

The site has grass snakes, woodpeckers, tawny owls, bats, and newts. Furthermore, it provides a robust wildlife corridor between the Pookbourne stream and the wood adjacent to the rugby club.

The year's summer drought has dried out most of the ponds nearby, emphasising the importance of a wildlife corridor to the stream. The original development kept part of the old hedge row, but this is cut in two by Skylark way, the main access to the development, which has frequent traffic.

The group of trees to the east of the site (known locally as Snake's wood) escaped development last time. I had hoped that this was on conservation grounds. It turns out that the developer considered it unsuitable because of the proximity of a noisy venting system on the industrial estate. Unfortunately this did not stop the developer from stripping out the undergrowth and re-landscaping it.

In summary, it is vital to maintain a sustainable wildlife habitat with robust corridors. A lack of biodiversity creates problems. For instance high rat populations due to a lack of natural predators such as owls. Once lost, it will not recover.

Yours faithfully

Michael Fell

P.S. I have also attached my letter from November last year.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
18th November 2019

Planning Policy, LDF Consultation
Mid Sussex District Council
Oaklands, Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

DPD Site allocation references: SA15, SHELAA#594, V14

Dear Sir/Madam

Site Selection Paper 3 Appendix B Housing recommends SHELAA#594/SA15 Land South of Southway, Burgess Hill as suitable for development based on the **Sustainability Appraisal Regulation 18 September 2019**, which states: "There are no formal biodiversity designations (Ancient Woodland, SSSI, Local Nature Reserve, etc) on or adjacent to any of the site options."

I strongly object to this for the reasons below and ask that, should this area be developed further, broad wildlife corridors are maintained on the northern and eastern perimeters to protect the remaining wildlife.

Burgess Hill Referendum Neighbourhood Plan 2015-2031 Appendix E defines V14 Land South of Southway as "Open Space to be protected" This is in accordance with **Policy G1** Areas of Open Space, which fulfils **Core Objective CO 6**.

Policy G3 Nature Conservation and Biodiversity states "The existing West Park reserve will be extended to include Pookebourne Stream and Woodland" It also states "In addition, the Town Council will seek appropriate improvements to the habitat network in development proposals wherever possible".

Policy G4 Local Green Space states: "The following sites and areas and sites are designated as Local Green Spaces and protected from development: Land between Chanctonbury Road and the railway line. The green space forming part of Burgess Hill Rugby Club on the boundary of Dunstall ward (Sparrow Way) and Snake Wood (ancient woodland)."

Thirty years ago, the wooded area on the Eastern boundary of V14 was locally referred to as Snakes wood. At the centre were the remains of an old claypit surrounded by some of the oldest trees in the area (some decaying which attracted woodpeckers). It extended down to the Pookbourne, which taken as a whole, comes close to the definition of "Ancient woodland".

The satellite view clearly shows that the eastern and northern perimeters of the field form important wildlife corridors between the Pookbourne and ponds and wooded area south of the Rugby field. Linked to the Pookbourne, this provides a larger wildlife environment than the West Park Nature reserve to the North, which has already become isolated.

In the 30 years since the field South of Southway was farmed, a natural grassland developed which eventually became natural woodland with good biodiversity. I regularly saw grass snakes woodpeckers, bats, and newts around here, but a recent lack of sightings suggests that mis-

management of development and over zealous landscaping have had a severe impact on the wildlife. On a positive note, Tawny owls are currently using the north east corner of the field for hunting.

I say 'over zealous landscaping', because the southern end of the eastern perimeter was recently cleared then replanted. At the same time the old clay pit in the centre of the wood was filled in, presumably by the developers. The main footpath through the field had always been from Southway, through Snakes wood down the eastern perimeter to the concrete bridge over the Pookbourne. This is clearly visible in **Map SSH15** on the council website. The developer angered local residents by fencing this off and pretending that the main footpath ran diagonally across the field. Some people did indeed take that route, but I do not recall its existence when the field was farmed. The developer also fenced off the path along the northern perimeter which was used as a bridleway prior to development. Perhaps Snakes wood will be redefined as a nearby wood which never had snakes.

I am concerned that this area will be landscaped to appeal to house buyers instead of managed to support wildlife. Prospective buyers may be less enthusiastic about snakes and bats entering their property.

Biodiversity takes decades to develop but can be wiped out in a day. For instance the pond at the south east corner of the rugby field had a diverse population of dragonflies and damselflies which disappeared when the base of the pond was broken up by a mechanical digger. The Pookbourne had numerous small fish until a diesel spill entered from the drains off Victoria road. Nobody was 'caught in the act'.

In summary, the council should either reject the allocation of SHELAA#594/SA15/V14 for housing development or put in place binding restrictions that impose broad wildlife corridors on the eastern and northern boundaries of this former field.

Yours faithfully

Michael Fell

1409

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 1409

Response Ref: Reg19/1409/1

Respondent: Mr D Williams

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: dafydd williams [REDACTED]
Sent: 27 September 2020 12:38
To: ldfconsultation
Subject: Objection to DPD
Attachments: letter of complaint.pdf; objection to dpd.pdf

To whom it may concern,

Attached are two documents. The letter of complaint against MSDC planning and an objection to the DPD.

I wish both to be submitted into the consultation process.

Yours sincerely

Dafydd Williams



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

By mail and email

2 November 2019

Dear Sir/Madam,

Contained is my submission of opinion to the consultation Site Allocations Development Plan Document (DPD). Specific objection is made to the development of land at SA15 within the DPD.

Incorrect Planning Procedure

I have reason to believe that the Mid Sussex District Council (MSDC) did not adhere to the National Planning Policy Framework (NPPF) in relation to "Land South of Southway, Burgess Hill (site SA15).

NPPF, Section 11."Making effective use of land. 118. b). "Recognise that some underdeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage, or food producing".

"The Neighbourhood Plan seeks to protect these areas from development. However, this site is currently an overgrown, inaccessible and unmanaged area of incidental land at the edge of the wider Local Green Space and has been promoted for development". Description of area SA15 in DPD.

"The area being considered for housing under the Sites DPD is currently enclosed, inaccessible and unmanaged at the edge of the wider green space. This housing allocation and open space policy is seeking to deliver public benefits in the form of enhanced and accessible area of open space," Email from Alma Howell, MSDC Senior Planning Officer and Conservation Officer.

MSDC takes a position opposing The Neighbourhood Plan's pursuance of protecting SA15 with reference to the land being "inaccessible and unmanaged area of incidental land". With no reference to any consideration to the ecological importance nor impact of destruction of the hedgerow and many of the existing trees. It demonstrates a failure to recognise that some underdeveloped land can perform many functions as cited in the NPPF.

Insufficient Ecological and Environmental Considerations

The DPD supporting environmental impact considerations are given in the form of a standard required HRA. It is not detailed enough to have addressed issues relating to the protection of birds and other species (in this instance no reference to those contained in SA15). The author focused on European (interest) Sites specifically Ashdown Forest. There was no discussion of where there could be exploitation of beneficial opportunities to mitigate against climate change. Guidelines state this as a requisite consideration within a HRA. Some of the overlooked opportunities presented would be: keeping established tree and hedgerows, keeping wildflower populations that attracts a large and varied Bee population and habitat (this area has an abundance of various bee species and habitat). The destruction of SA15 hedge and tree growth would be an oversight and missed opportunity for MSDC. Consideration should also have been given to damages caused to the ecologically important areas such as SA15. It would be essential to revisit and present discussion of these opportunities and potential losses in areas such as SA15 and others contained within the plan so the HRA report could be completed to a more appropriately substantial level.

The area is home to many rare species of birds, insects and mammals that are protected. It is because of the unmanaged, overgrown and inaccessible land that these smaller species are resident. It offers a greater protection due to the density of the growth. The diversity and number of creatures living within this area is of an extraordinary level of concentration. The level of wildlife activity is more akin to an enclosure at a wildlife park. I have footage of this. It is unique and there must be good reason for it. As such it should be marked as a conservation area or a place of scientific interest. If it is to be marked for development a detailed study should be completed (by an independent) into why there is such abundance and diversity of wildlife in this area.

There was some order in existence at the time of our house purchase in July 2015. We know this as fact but for some reason this can no longer be found. The land between our property contains a footpath, then approximately 3 metre strip of managed and mowed grass, finally a band running the length of the properties and footpath approx. 10 metres wide which had to be put back to the condition of the unmanaged land in area SA15. I am currently tracing the owner of the land for a separate reason in the interest of Public Health also I would like permission for entry to the land for myself and a private environmental assessment company. The local authority have evaded answering any of my requests to assist my trace, also in answering any questions referring to any orders/conditions of planning which may have been in place July 2015.

Mid Sussex policies DP37 and 38 promotes planting where possible, minimising carbon impacts etc. There is plenty of land in Mid Sussex that can be utilised for building 30 houses without destruction of existing tree life thereby requiring planting to "offset" the damage caused by removal of trees and hedgerow. The national planning strategies policy makes clear there should be an onus for planners to increase tree population not compensate and offset for loss.

For some reason it seems no local knowledge was available. This would need to be further investigated. This may be explained in the following paragraphs questioning probity in planning.

Road Traffic and Failure in Addressing Equality Issues (disability)

The proposal for site SA15 has not fully complied with Equality consideration in planning.

It has been argued and presented to the consultation team that there is a huge shortfall in parking in the areas around SA15 and obstructions and risks caused as a result. The removal of the spaces to gain access to any development on SA15 would add to this. I have noticed there has been huge oversight by MSDC in recognising the needs of disabled persons. There are several Blue Badge holders on the Maltings Estate (estate by area SA15). We have a disabled daughter and also regular disabled visitors. Our parking is at the rear of our property and access through our garage. This is impossible for wheelchair access and extremely difficult for those with reduced mobility who are not wheelchair reliant. In the current rules for parking you may only park in your allocated car port, driveway, garage, or visitor bay. Not all houses have these respective

allocations. If you or a visitor are not able to park you must park off site. In our case and the houses nearby to our location on site this would require minimum 520 yards to the nearest point for parking off site. That is not acceptable as consideration for a disabled equality issue. (I have other examples irrelevant to DPD but that demonstrate a potential wider spread failure to recognise disability issues in Mid Sussex).

The current condition of disability parking notwithstanding there are two examples of failures to consider these matters and other parking issues by planning at MSDC: The design for our home was passed by MSDC planning. The allocated parking is a double garage and a visitor space (which had to be made using grass protection mats after the build). The access to the front of the property is by walking around the block of properties. This is across a block paved area (which is uneven by nature and also is sunken in areas) for 40 yds, up a steep incline of block paved road 30 yds and finally along a flat path for 61 yds. This should have been flagged by planning.

Not relating to equality issue but still an example of oversight by MSDC; there have been several garage conversions permitted. These should not have been allowed if considering the shortfall in parking spaces. MSDC were aware of the issue of parking at the time of submission. The loss of a garage would thereby force an extra vehicle owner to find alternative spaces to park. Obviously these plans could have been objected to by other residents however at the time of submitted planning permission residents worked together to surmount challenges of parking. No-one was aware of the potential plans for SA15. The planned extra use and removal of bays will only add to these challenges.

A resident of the Maltings Estate has presented to you argument around traffic issue and its risk posed by the parking problem. There is no need to elaborate but I strongly share and support these concerns.

The intended inclusion of SA15 in the DPD would only add to this existing concern.

Suitability of Land

Obviously we haven't seen the proposed plans for a site but measuring the space available to build (tree roots included on the trees with TPO) it is questionable as to the ability to build as many houses as suggested. In my opinion it would be wise to find a more suitable area for 30 houses (flats). Building on this land will bring with it issues forcing a developer to build in contravention of the stated policies of MSDC and national government. Some of which may be way more expensive to fight or circumnavigate. It would be better to address this at planning and allocation rather than at a stage where MSDC is committed.

Being a house with a front aspect overlooking the land we feel it may seriously impact on our privacy and other rights. Of course this would need to be considered more closely once a plan is submitted. We would however request clarification by MSDC that these factors were considered when the suggested plan with the developer was discussed. (I note that this would indicate MSDC knows the land owner but is unwilling to disclose these details). {It has since become evident MSDC knew the owners of the land were known and kept private despite my request for these details due to health risk in the area. Please see the attached letter raising a complaint with MSDC.}

There are significant drainage issues in the area and this land and its hedge row/tree line plays an important role in protecting the existing developments. {We have flooded twice this year and requested this to be addressed and fixed.}

Probity in Planning

It has come to my attention that there was no representation for Burgess Hill (possibly Hassocks too) in the DPD steering group. Apparently MSDC's QC has made statement that this is completely legal. "If" this is true, I would like to look further into this as it seems like a typical posturing to shake off any legal contest. I believe to the contrary as it questions the legalities

around probity in planning and also democracy. The fact that the huge majority of site allocation is around Burgess Hill and there was no representation for Burgess Hill would be enough to raise question and therefore some form of inquiry.

The DPD would appear an undemocratic and unconstitutional plan, demonstrated by taking such a hugely biased decision of identifying Burgess Hill as the disproportionately largest allocation of development without the representation of Burgess Hill residents. I will be looking into this further. It has apparently been discussed by planning with the council's QC. This thereby indicates MSDC had understanding that there is question around legalities of the decision to not include representation. I believe there to be potentially a very strong case for revision of the whole plan.

DPD 2.20 "The District Plan also sets out the Spatial Strategy for Mid Sussex and focuses the majority of housing and employment development at Burgess Hill as it has the greatest potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at the district's other two main towns (East Grinstead and Haywards Heath). Two sites are allocated at Burgess Hill, land to the north and north-west of Burgess Hill and at Kings Way".

Home and addresses for other interests/assets owned by those on the steering committee and those involved in the formulation and delivery of any DPD would need to be looked into. The consultation period would need to be extended to allow for a wider and deeper investigation. Should SA15 continue to be included in the draft I ask that you extend time for me to further research and investigate at the deeper level such as collating FOI requests, email communications, letters, documentation etc, relationships/connections with land owners and members of the council and planning teams etc. The consultation period of 6 weeks to allow for deep research time would be unfair and insufficient to collate this evidence.

I genuinely feel this to be a simple oversight by MSDC especially considering no representation on the steering committee of someone with knowledge of this area. The removal of site SA15 from the DPD would demonstrate a recognition of the oversights by MSDC and that MSDC have now addressed my raised concerns and objections.

All points considered it would seem best to remove this land as a site for development as indicated in the DPD and consider other areas within MSDC's area of control that would have less genuine, serious and negative impacts giving grounds for reasonable objections to the building of 30 homes.

Complaint

I am raising a formal complaint against MSDC and believe this has a bearing on the proposed DPD. It would be unfair and improper to act further on the DPD until my questions are answered and the complaint reaching its outcome. Including an independent investigation such as the Local Authority Ombudsman if required.

Yours sincerely

Dafydd Williams



Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Rd
Haywards Heath
W. Sussex
RH16 1SS

By Email

Date: 26th September 2020

Dear Sirs/Madams,

This letter is an official complaint against Mid Sussex District Council (MSDC) planning. It is also to be taken as part as an objection to the site SA15 being developed alongside our main submission.

At my request a local environmental officer from Mid Sussex District Council (MSDC) inspected on our local area due to health concerns around rat infestation. It was noticed that the area in front of our property (where you are planning to build upon SA15 on the local authority DPD) played a role in the issue; therefore it was important to find out the owner therefore who was responsible for this land.

We asked the local authority a few months ago who owned the land facing our property. With suspicion that it may be Croudace we then asked MSDC. Neither was able to tell us despite our outlining the need (public health concern) for this information.

Both parties would have known full well. In addition environmental health went quiet and never responded to my follow ups. It is now clearly evident MSDC knew who

In my response to the Council plan at consultation phase (appendix 1) I mentioned two key points that would potentially make this plan non compliant with national regulation and guidelines. One point raised was a failure by Mid Sussex CC to adequately consider needs of persons with disabilities. My response was not on record with the Local Authority for some reason despite being sent by mail and email within the correct response timeframe.

This disregard for disability transfers to the original planning and design of the estate. Our house has no appropriate access from a vehicle parked. There are no visitor parking bays for disabled persons. This impacts on ourselves in that we have many disabled visitors to our property due to the nature of our work. We also have a friend who was recently made disabled and is dependent on a wheelchair. Prior to the planned works at SA15 this did not pose a problem as we were able to mitigate the impact by parking on the visitor bays at the top of the pathway that runs in front of our house. Over the past few years demand for parking has increased and it is getting increasingly difficult to find parking. When work starts there will be further pressures on parking.

We have recently been told that if there are no available spaces for parking on the estate visitors should park off site. Our nearest point for off site to park is 520 yards from the front door of the property. Quite unacceptable for a disabled visitor. We are surprised that the Planning Department in Mid Sussex signed off our property at the planning stage. It would seem discriminatory.

At time of purchase this did not raise concern, work arounds were available to mitigate impact. As time has passed the need for family and friends has changed. It is only at that time it was appreciated the obstacles that present to people with disabilities. A local authority should be aware of these from the outset. I am therefore surprised that you would be given planning permission for access to this plot for development when it is still in the consultation stages. It seems there is some possibility of a tactical strategy and the plan is behind the scenes a foregone conclusion. This is despite the plan still in consultation phase.

This we believe was quite contrived and duplicitous behaviour of both parties questioned. We originally thought Croudace a very trustworthy company and a good home builder. Since purchase we have had several issues that bring that in to question. These too cross over in to the signing off of certain parts of the builds and standards of materials. Even if placed as the possible negligence of contractors, Croudace would and should have been aware.

Some of these issues on the build are: Live wires were able to touch earthing wires in sockets and light switches, the RCD would continuously trip on the board. The electrician sent discovered the light fitting were incorrectly fitted on the 1st floor, incorrect materials used on certain jobs, below standard mortar used on brickwork (mortar has been tested on certain properties). I also had a contractor workman attend to fix a problem. He pulled me aside and asked me not to say what he disclosed as he feared losing his job. This was that we had a problem with one of the seals over the bay window. This would lead to problems if not fixed now. He said that we shouldn't tell anyone he had informed us as they are instructed not to point out new problems if seen.

We were told at the point of being sold the property that the land in front of our house had some degree of protection on it. The land was not permitted to be built upon for 25 years. This was related to other parties who purchased properties. Of course this is word of mouth as a point of dispute to the wrongful sale. It is however key to discovering what has gone on behind the scenes in the discussions and plan formation between Mid Sussex and Croudace.

My gut feeling is telling me that something is not right with what is going on with the new development. Owing to the question of candour we feel it quite pertinent to follow this gut instinct.

We feel your proposed plan for developing the land will have huge impact. The biggest concern is disabled access, parking and safety. Due to this we are being forced to move from a property which we like and were quite content with. This is unfairly forcing the cost of moving upon us.

These and the other matters that we have presented to the council will be passed to the Local Authority as a complaint (Ombudsman if required) as a challenge to the DPD. I draw attention to the fact that all other contributors had their challenges to the DPD made available on line. Mine was not.

Yours Sincerely

Dafydd Williams

1662

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 1662

Response Ref: Reg19/1662/1

Respondent: Mr J Hooker

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: JOHN HOOKER [REDACTED]
Sent: 23 September 2020 12:12
To: ldfconsultation
Subject: "SA15" Proposed Site Allocation Land South of Southway Neighbourhood Plan
Attachments: Proposed Development SA15.pdf; Mid Sussex - Comments from Organisations - Specific Consultation Bodies Document.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: SiteDPD

For the attention of [REDACTED]

Dear [REDACTED]

I am a resident at Linnet Lane in the existing "Croudace" constructed estate (previously known as Land North of Maltings Park) and I am responding to your letter of 3rd August 2020 headed "Submission Draft Site Allocations Development Plan Document Publication.

Together with my previous comments outlined in a submission sent to you last November, I write once again to record my objections to development of the above site. I enclose a further copy of the report previously submitted, together with a copy of a document "Comments from Organisations/Specific Consultation Bodies" published by Mid Sussex Council which confirms a total of 68 independent respondents to the initial consultation, including 65 objections, 2 supporters and 2 neutrals.

My objections to this proposed development are as follows :

1. SA15 is on Local Green Space in OPPOSITION with NPPF policies - this site is a "green lung" for Burgess Hill.
2. SA15 allocation is an important wildlife site including for nightingales (danger of extinction).
3. Additional Traffic issues between Haywards Heath and Burgess Hill with adverse town centre traffic effects.

4. SA15 allocation conflicts with DPP DP38 enhancing Bio diversity (numerous species on site afforded statutory protection.
5. SA 15 allocation - concerns over pedestrian safety, lack of sufficient vehicle parking, congestion and inappropriate access road width to the proposed entry to the site from Linnet Lane.
6. SA15 allocation - proposed access from Linnet Lane is unsuitable, including blind bends and being directly opposite to existing residential drives.
7. SA15 allocation - site selection concerns (geographical and political balance on the sites Member Working Group)
8. SA15 allocation - proposed site boundary shows encroachment onto existing residents maintained land both south of the site and west of the site including access.
9. SA 15 allocation - Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex Sussex expansion plans in relation to its infrastructure

Yours sincerely

John Hooker

[Redacted signature]

Initial Neighbourhood Plan Proposed Development location:-

"Land South of Southway" Burgess Hill:-

Outline comments as part of the Consultation Process as requested by Mid Sussex District Council

issued to:-

Email to:-

LDFconsultation@midsussex.gov.uk

And / or post to:-

Planning Policy

Mid Sussex District Council

Oaklands

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

BY 18th November 2019

Resident Name:-

Address & postcode:-

- **Please note:-**

The comments listed below are not listed in any order of importance:-

- **General information:-** Proposed site area listed as 1.2 hectares / Development guidelines 30 properties per hectare / 30% affordable housing allocation
- Before the existing Croudace small residential estate was completed, this land was an arable field used for hay or wheat. One side of the field was bordered by a thick Blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring. Photos below c1975.



- When the last of the new Phase 2 Croudace homes were built 5 years ago, an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. The nightingales continue to sing in the spring on the area of so called 'protected woodland'. We have also seen Buzzards flying low over the area this summer, and have found Elephant Hawk Moth Caterpillars, and in previous years have watched fox cubs playing. Bats and owls fly through the estate regularly – see details below.



- Although a small urban area, this woodland is supporting a variety of species, and connects to the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.

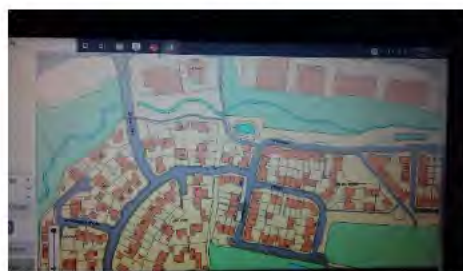


Adopted footpath with mature oak trees leading to Blackthorn hedge

- **Matters Requiring Clarification:-**
- We are in need of your clarification regarding the following which we would then wish to retain the right of making further comment.
 - A The type of housing stock to be constructed on the development site?
 - B Why at this juncture decision has been made to use Linnet Lane for access to the proposed construction site, notwithstanding the fact other points of access would be less disruptive during and after the construction phase. We have ourselves this issue with West Sussex County Council – see clause 1 below.
 - C A more definitive plan with precise boundaries forming part of the development site – see clause 6 below together with the various sub-sections below, under the heading "Potential Land Ownership Issues"
- **List of Objections:-**

As follows:-

- **1.0 Highways**
- **1.1 Highways/traffic:-** We have been discussing the proposed site development South of Southway with Laura Walder at West Sussex County Council and she has asked that concerns and objections be listed and carefully documented and emailed to the Highways Team , customer.service@westsussex.gov.uk for their urgent comments and action. (*this has been actioned – awaiting response*)



Robin Road access to Croudace estate Existing road network and footpaths

- **1.2 Existing road access /Lack of infrastructure_:-** Inappropriate access road widths Robin Road, Woodpecker Crescent for a further 70+ cars with proposed development. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten potential danger despite the installation of warning signs "slow children" - this has increased significantly with Internet shopping in recent years and food delivery such as DPD/amazon prime etc.

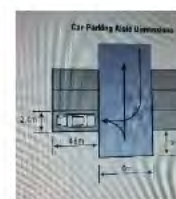


Emergency vehicle on" 999 call out"



Usual parking patterns would make
The ambulance access impossible

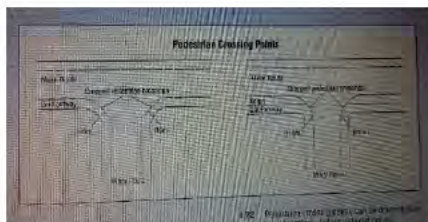
- **1.3 Location of proposed access:-** New proposals show proposed access road shows to be located between 2 blind bends on Linnet Lane directly opposite existing resident drives. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians who do not "know" the road layouts and location of homes



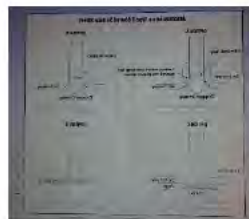
Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex October 2019

Blind bend Brambling Way

remove 2 middle car parking spaces min turning



Pedestrian crossing points/safe
Visibility splays required



Junctions



road visibility splay



Proposed Access to New Estate



Proposed access through parked cars

This existing Croudace estate is a "built – up" area and the general principle is that junctions are to be avoided near bends, unless adequate 'sight lines/visibility splays' and other 'safety' features can be achieved. Our concerns for any new access road in Linnet Lane to any potential housing development "Land South of Southway" are due to the fact it will **adversely** affect safety of both pedestrians and vehicle drivers. Forward visibility is vital - access to existing driveways, activities, junctions and other features will put residents and members of the public at risk.

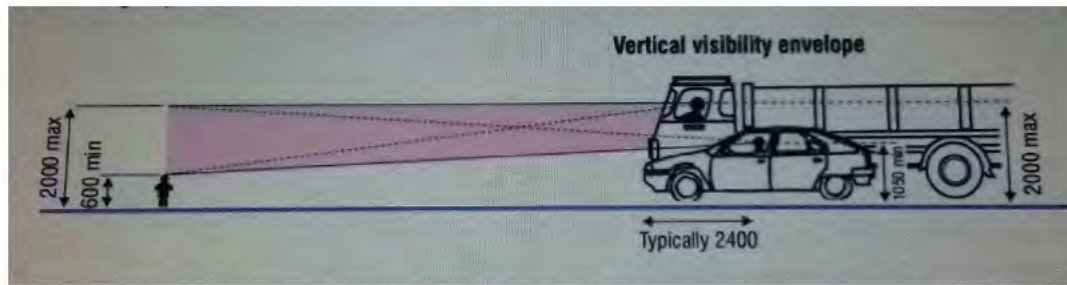


Proposed development shown hatched



Existing amenity land

- **1.4 Vehicular accidents:-** 2.5yrs ago, a large white fully laden delivery van reversed from the staggered crossroads from Skylark Way up the hill towards Brambling Way at speed reversing round the corner into Woodpecker Crescent crashing into a stationary vehicle who had anticipated its erratic driving – it then drove at speed up onto the pavement on the wrong side of the road (Linnet Lane) prior to coming to a standstill. A lost delivery driver panicking at speed!



- 1.5 **Traffic surveys:-** The residents of the existing Croudace Estate would like to highlight that there are significant increases of vehicular traffic at different times of the day and different days of the week due to the following, (and this we feel has not been taken into account whilst preparing this site for listing as a potential development site allocation.)



Staggered parking Robin Road entrance



Parking directly on a junction (staggered crossroads)

View from Woodpecker Crescent eastwards





Quiet section of the day Linnet Lane (west)



View Robin Road southwest to York Way

Monday to Friday

- **6 – 9am:-** residents leaving for work commitments by car and high pedestrian footpath usage to mainline station at Burgess Hill/school children/parents walking to schools/cycling and scooting to school/Kiddi Caru childcare centre
- **8.15am:-** non estate residents enter the existing Croudace estate via York Road to park for the morning or the day whilst at work.
- **Midday:-** residents and non resident vehicular and pedestrian traffic / school/pre-school/day-care/part time work place changeover.
- **3pm:-** residents use vehicles and / or pedestrian usage to collect children from childcare Kiddi Caru / schools – St Wilfred's Primary/Southway Primary/Hassocks infants/Windmills Primary/Downlands Secondary/Burgess Hill Academy, St Pauls Secondary/Oathall/Burgess Hill Girls etc
- **5pm:-** non residents return on foot to collect their cars to drive out of the existing Croudace estate
- **5pm onwards:-** residents return to Croudace estate
- **Tuesday**
 - **7.15am:-** Dustcart access for emptying refuse and recycling bins to the whole Croudace estate
 - **9.15am:-** Dustcart access for emptying 'paid' green bin emptying to the whole Croudace estate



NB:- (School term time and holidays have a bearing on the above)

- **Saturday and Sunday:-**
- Allowance for existing residents vehicular parking together with any visiting residents and potential no- resident parking affording access to Town.
- **2.0 Parking**
- **2.1 Existing parking on York Road:-** Existing vehicular parking on York Road (feeder road to Victoria Industrial Estate for juggernauts , delivery vans and cars is restricted due to car parking along this extremely busy feeder access road on both sides of the road especially outside Park Cameras and Kiddi Caru. The short distance from Jane Murray Way roundabout gives rise to 'backing up' of queueing traffic which will be worsened significantly if a further 70 vehicles from any proposed development is agreed. Furthermore, sightlines are significantly restricted affording difficult access from Robin Road to York Road especially during 'rush hour' due to the car parking along York Road (entrance feeder road to the Victoria Industrial Estate)



No visibility right at "T" junction from Robin Road



Overcrowded resident parking Woodpecker Cresc. to Linnet Lane



Visibility whilst in road in front Park Cameras York Road



Retail home delivery service "parks" in middle of road



Inadequate existing residents parked vehicles create "pinch" points

- **2.2 Dropped kerbs to Croudace estate:-** Dropped kerbs on the whole of the existing estate allow car parking half on/half off existing pavement – any further



proposed development will increase footfall and vehicular traffic numbers making this unworkable and potentially dangerous.



Drop kerb parking (cars on rh side)

Residents drop kerb parking

- **2.3 Unsafe pedestrian access:-** The above practise restricts safe pedestrian access on existing tarmac pavement zones. I.e. prams, double buggies, pedestrians with children & dog owners. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians whereby they may not "know" the road well and cannot see around "blind bends".



"Parked" delivery van / driver on foot looking for access to houses 7 & 9 Siskin Close.

- 2.4 Free parking:-** Robin Road and Woodpecker Crescent are currently used as 'free parking' sites for employees of "Royal Mail", Kiddy Caru and other local employment sites in the adjacent light industrial estate Victoria Business Park. Recent extensions to double yellow lines in Robin road by Highways to aid visibility splays and safe access have forced such free parking further into the Croudace estate making pedestrian access and vehicular access even more problematic, dangerous and unacceptable.



Owner of black car parked directly on junction apparently works part time hours at a local employer

- Some people stagger parking at junctions particularly on Robin Road which gives rise to vehicular traffic using the 'wrong' side of the road to drive round these parked cars meeting oncoming traffic. This is highly dangerous and has given rise to many "near misses" and several accidents. This risk increases significantly in winter months with ice on the road (we do not receive any salt bins gritters – partly because the roads are too narrow)



Due to parked car at staggered crossroad junction corner, vehicle forced to drive diagonally in path of oncoming vehicle to access Woodpecker Crescent from Linnet Lane



7.30am staggered crossroads after residents leave for work and PRIOR to non residents arrive to "free – park"

- **2.5 Residents existing parking:-** Currently there is inadequate provision for residents and visitor parking on the Croudace estate.



Drop kerb parking at night



Residents using drop kerb parking due to inadequate estate parking provision

- **2.6 Visitor parking allocation to existing site:-** Existing parking spaces Linnet Lane (Deeds of properties in Croudace existing estate (Phase 2) allocate visitor spaces (as part of afforded Amenity) adjacent to the proposed site development South of Southway School. New proposals state 2no visitor spaces will be removed to afford new access road to proposed development 30 homes and provision reallocated elsewhere. Loss of this amenity due to development would be hard to enforce if relocated in a differing "new estate" road.



Visitor parking in Linnet Lane (viewed southwards from Brambling Way)

- **2.7 Parking – proposed new location:-** Concern is raised to the legality of this and how far into the proposed 30 home estate they will be allocated?



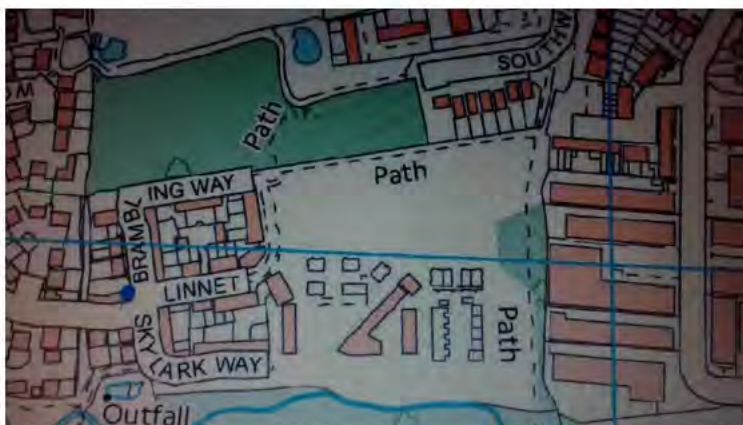
Proposed point of new access road to Land South of Southway

Visibility splays from road junctions and existing resident's driveways from a car driver and a pedestrian coming out of their property is vital to afford safe egress from the street edge.

NB:- *Painting yellow lines around the site roads is not a solution to inadequate parking provision*

• **3.0 Footpaths**

- **3.1 Footpaths:-** looking at the Council 'Ordinance Survey plan of the area (see attached) there are "Paths" marked (by a dashed line) to the north and east perimeter of the proposed development that are used as "unofficial" footpaths and have been used since 1975 at least by dog walkers.



Unofficial footpaths

- **3.2 Street lit footpath to rugby field:-** Existing Croudace constructed site (planning application granted phase 1 homes 2009 and phase 2 application granted total for both 94 homes granted 2010) construction completed 2015 gave enhanced public footpath access to Rugby field/Burgess Hill town centre and Southway Primary School.



Adopted footpath leading to Rugby pitch
Brambling Way / Linnet Lane junction
footpath

Therefore, even more children and parents use this as safe access and currently need to walk in the road to get to the twitten and to school. Pedestrians from the Croudace (some 84 homes in Phase 1 and 94 in Phase 2) estate together with the existing wider estates along Sparrow Way etc

- **3.3 Cycling:-** Routes to school, routes to facilities and neighbourhoods should be safe - our children are encouraged to cycle to school and often cycle up Linnet Lane to meet the adopted footpath shown above.

With the existence of the Brambling Way blind bend and a potential new junction to negotiate if Land South of Southway is developed, (and if 2 car parking spaces are removed from Linnet Lane) children's and adult's lives can be potentially put at risk. There is insufficient distance to introduce a new access road between 2 blind bends at this pinch point of vehicle, pedestrian and cyclist activity in our view.

Many adults cycle to work accessing cycle ways and there have been several accidents whereby cyclists (especially in wet conditions) when cycling south from Brambling way down Linnet Lane have fallen off their bikes when trying to brake on seeing an oncoming vehicle travelling towards them north up Linnet Lane.

3.4 'Often' overgrown footpath continuation Skylark Way:- We have spoken to the Footpaths Officer Laura Walder who has advised us that the existing footpath ref:- "32BH" across the existing Croudace site has been maintained regularly but where it crosses the private land prior to its end at Southway, it has not been maintained by the landowner. A kind Croudace resident has trimmed both overhanging sides to afford safe access to school for children who access this adopted footpath.

Many residents walk that footpath regularly and the Town Council need to enforce the landowner of the private land either side to maintain this footpath. See documents attached min 10 residents affording regular access to Town Centre and Southway school. We have been advised to contact West Sussex County Council "public Rights of Way" online to report overgrown footpaths for clearance. (Land Registry have landowner listed)



32BH Skylark Way footpath
Viewed from Skylark flats



Start of private access via 32BH footpath

- **4.0 Environmental issues:-**

- **4.1 Existing environment:-** Before this small (Croudace constructed) residential estate was completed, this was an arable field used for hay or wheat. One side of the field was bordered by a thick blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring.
- When the new houses were built (completed 4 years ago), an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. See 4.2 below



Fenced surface water overflow pond looking north to Land South of Southway

- The **Nightingales** continue to sing in the spring on the area of so-called protected woodland. We have also seen **Buzzards** flying low over the area this summer, and have found **Bats, owls and this has been part of previous Planning approval see 4.2.**
- **Elephant Hawk Moth Caterpillars**, and in previous years we have watched fox cubs playing.



Nightingale



Elephant Hawk Moth Caterpillar



Buzzard



(above images taken from free image sources)



View towards Snakes Wood



Mature oak (not TPO)
Leading to rugby pitch

4.2 Planning Application & Regulation Ecology Plan:- *Planning Application 09/00605/FUL* entitled Submission of Details Pursuant to "Condition 8" 'Ecology' of Planning Permission on Land North of Maltings Park, Burgess Hill:- Documents clearly state that an **Applied Ecology Ltd Report and Habitat Management and Maintenance Plan** were required as part of the Planning Permission being granted. The document shown below states that this Condition 8 has been agreed and the condition discharged by the implementation of provisions for badgers, bats (bat boxes) and reptile habitats dated 12th March 2012. See copy letters photographed below.

Documentation also exists stating that "Condition 7" for Planning Permission relating to *Planning Application 10/00107/FUL* has also been agreed and discharged letter dated 23 March 2012. See copy letters photographed below.

- Although a small urban area, this woodland is supporting a variety of species, and connects with the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



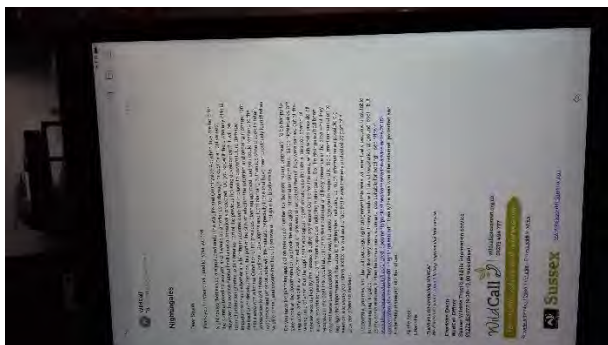
Maintained "Wild flower meadow" strip by Croudace Management Company

- **4.3 Sussex Wildlife Trust:-** Charlotte Owen has been contacted (Wildcall Officer) and she has drafted email replies as appended. "nightingales are protected under the "wildlife & Countryside Act" and it is an offence to damage or destroy an active nest"
- **We would like to ask the following :-**
 - 1 is there any official form of 'protection' granted to this area as part of the existing Croudace estate development? **YES See above (4.2)**
 - 2 is there any official form of 'protection' granted to the site of proposed development South of Southway? **YES See above (4.2)**
 - 3 Are there any binding measures put in place to **prevent future damage, destruction or development on this part of the proposed development** site South of Southway?

This is highly relevant and to be questioned and looked into further...Awaiting Sussex Wildlife Trust investigations.

OR

- 4 whether the retention of ongoing management of this area was a formal condition of the previous Planning Condition?
- It is our understanding , "Developers and Local Planning Authorities **MUST** seek to retain hedgerows and other valuable wildlife habitats, especially those that have been previously identified as "wildlife areas" and ensure that there is an overall net gain for biodiversity Ideally this area would be retained protected and sustainably managed but not necessarily for humans but wildlife. We need to ensure that as an important wildlife habitat, it is managed with the advice of Sussex Wildlife Trust.



Sussex Wildlife Trust letter

- **4.3 Nightingales:-** “Any applicant’s ecological report should also include a desktop search of species records held by the Sussex Biodiversity Record Centre for this area which would provide all known records for protected and priority species including Nightingales”. There have been sightings of nightingales on this site since 1975. – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.4 Bats:-** Residents frequently see Bats flying from the west of Linnet Lane to the direction of Land South of Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.5 Buzzards:-** Residents have seen Buzzards flying over this area regularly (last sighting during late summer 2019) Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.6 Wildlife:-** Since the re-development of B1 use buildings to flats and apartments to the rear of the Croudace Development Goldfinch Road and Snakes Wood (Victoria Drive) the fox number has declined/moved and the rat population has increase significantly.
- **4.7 Blackthorn Hedging:-** The existing Blackthorn hedge affords nesting provision for Nightingales that have lived in the area for a numbers of years. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.8 Mature Oaks:-** There are a number of mature oaks on site - this is a wildlife corridor – some of the mature oak and other trees are not listed on the proposed ideas as mature and are not TPO listed. We have spoken to Irene Fletcher (Tree Officer) Mid Sussex District Council and she has confirmed that mature species bounding the existing estate along Skylark Way and Goldfinch Drive have Tree preservation Orders. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex October 2019

- There doesn't appear to be any protection orders for the mature hedging and trees. We asked what protection could be sought for this area of land which is a valuable wildlife habitat. The proposed site is visible to the public from the existing maintained footpaths, unofficial footpaths, existing estate and Snakes Wood. We feel that the proposed site is of significant amenable value and is a site of expediency which we understand are both categories listed for consideration by the County Council Planning Dept.



Area requires protection



Conditional Planning Permission documentation



- **5.0 Development construction:-**
- **5.1 Noise:-**
- **Development construction:-** this will cause disruption to wildlife species.
- **Construction vehicular access:-** large vehicles and materials will not be able to afford safe access through the existing Croudace site for the above mentions reasons. (parked cars/vans/delivery vehicles etc)
- **6.0 Potential Land Ownership query:-**
- **6.1 Ownership:-** There is a potential discrepancy in the outline of the boundary plan – Currently Croudace Management Company "HML" (paid for by each resident on site annually) maintain this area of wild flower meadow strip – yet the proposed outline for the allocation of development land is shown to include this land up to the tarmac Croudace constructed pedestrian footpath shown above. Likewise, the grass treelined strip of land to the east of Linnet Lane is also maintained by the Croudace Management Company" HML" (paid for by each resident on site annually) – yet the

proposed outline for the allocation of development land is shown to include this land up to the edge of the visitor parking bays. HML Management Company that **we** the Residents own will know the precise boundary and ownership details – information has been requested.



Plan showing areas that residents are liable for maintenance (ie 1/94th)

- **6.2 Fencing:-** Fencing was installed during the Croudace phased construction period and it is clearly signed "Private Property Keep Out" – surely this fencing and notification demarcates land ownership ?



Corner fence opp Siskin Close



Fencing east side



Fencing on Linnet Lane



Fencing at end of Brambling Way



Signage either side of 32BH footpath

- 6.3 Legalities:-** From documentation, it appears that Mid Sussex County Council own Snakes Wood. It is unclear whether Croudace own the "AMENITY" land that HML manage? (we the 94 residents pay for the management of the amenity land including the wildflower meadow. Surely there would be a need for a compulsory purchase Order, at the very least, with 3 Independent valuations. The proposed "Allocation development of Land South of Southway" shows development right up to the tarmac footpath bordering numbers 1 and 9 Siskin Close – if the above strip is owned by 'others' yet maintained by the 94 residents, a monetary transaction would have to be presumably refunded 'pro-rata' to the 94 residents as "compensation" for loss of amenity as we the residents have been paying into the maintenance fund for the last 4 years (at time of writing this document) for phase 2 properties and 5yers for plphase 1 properties.



Amenity land east of Linnet Lane



Amenity land/wild flower strip east of Skylark Way



Amenity land/wild flower strip view
Towards Snakes Wood



Amenity land view towards Snakes Wood

Documents state "94 properties contribute equally associated charges of the (existing) development including the Housing Association (28/94ths) to include administration charges.

"HML are responsible for the upkeep and management of company lands including NATURE CORRIDORS and NATURALLY LANDSCAPED BUFFER ZONES surrounding the site and the ongoing Ecological requirements in accordance with the Natural England Licence and Amenity planting beds and grass areas, surface water drainage, attenuation ponds and outfalls and the compensation areas within the MANAGEMENT COMPANY LAND: sundry highway and footpaths and open spaces (LEAP + LAP), as applicable, and emptying of any bins in these areas, footpath, cycleway link attending fortnightly."



Amenity :-
maintained grass area / wild flower meadow and wooded wildlife corridor as existing

7.0 Buyers information from Croudace Homes:-

- **7.1 Residents** in Linnett Way, Siskin Close and Brambling Way were told when asked that the land south of Southway would not be built on for 20 -25 years – we feel that we have been mis sold or properties in this respect.

- In summary, our concerns centre on six issues, as detailed below – which will form the basis of our formal objections following the Consultative process:-

Highways – see clause 1 of this report

Parking – see clause 2 of this report

Footpaths – see clause 3 of this report

Environmental issues – see clause 4 of this report

Development Construction – see clause 5 of this report

Potential Land Ownership Issue

Dear Sir/Madam

Submission Draft -

Site/Policy: SA15 - Land South of Southway, Burgess Hill

Number of Comments Received

Total: 69	Support: 2	Object: 65	Neutral: 2
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Comments from Organisations / Specific Consultation Bodies

- The allocation is on a Local Green Space (LGS) which is not compliant with NPPF policies. The Burgess Hill Neighbourhood Plan designated this area as part of an important "green lung" for the west of Burgess Hill, a function which does not require accessibility (Sussex Wildlife Trust).
- The site is an important wildlife site including for nightingales, a species on the red list and in danger of extinction (Burgess Hill Town Council).
- Traffic issues will be compounded between Haywards Heath and Burgess Hill and therefore additional financial support/infrastructure improvements are needed to mitigate the adverse effects on the Town. (Haywards Heath Town Council)
- Various Sustainable Transport measures are suggested to be included in the policy requirement for this site (West Sussex County Council)

Comments from Residents/Other

- Conflicts with District Plan Policy DP38, which refers to enhancing biodiversity. There are numerous species on this site which are afforded statutory protection.
- Burgess Hill Neighbourhood Plan designated this site as a Local Green Space on the basis it is well used for recreational purposes and an important 'green lung' for the west of Burgess Hill.
- Concerns regarding pedestrian safety, lack of provision of sufficient vehicle parking, congestion and inappropriate access roads width.
- The proposed access from Linnet Lane is not suitable as it would be located between 2 blind bends and directly opposite existing resident drives
- Concerns about due process for site selection regarding geographical and political balance of the sites Member Working Group.
- The site boundary encroaches onto Croudace Homes land and a more precise land ownership plan is required.
- There is a covenant on the land which means this land cannot be built on/ developed.
- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex's expansion plans in relation to its infrastructure.

Actions to Address Objections

- The NPPF allows for an LGS designation to be subsequently allocated for a different purpose in a subsequent Development Plan Document if this is evidenced and justified. Carry out additional evidence to support justification for development in LGS.
- Site promoter is required to undertake an ecological survey to inform development proposals and to identify measures to deliver ecological enhancements and ensure there is a net-gain to biodiversity
- Site promoter is required to undertake a transport assessment including traffic and parking surveys and to obtain pre-application advice from West Sussex County Council Highways on suitability of the detailed highway arrangements.
- Site promoter to provide evidence on land ownership. Site promoter has confirmed that there are no restrictive covenants relating to this site.
- Discuss requirements with West Sussex County Council and amend policy wording to address the requirements for potential mineral sterilisation
- Site Selection Paper 3: Housing and the Sustainability Appraisal contain the justification for selecting and rejecting individual sites and site options. The decision to publish the Sites DPD for consultation was made by Council which consists of Members from across the district.
- Amend Infrastructure Delivery Plan (IDP) to include recommended sustainable transport infrastructure and refer to this in policy wording.

1665

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 1665

Response Ref: Reg19/1665/1

Respondent: Ms S Hooker

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Suzanne Hooker [REDACTED]
Sent: 23 September 2020 12:19
To: ldfconsultation
Subject: "SA15" Proposed Site Allocation Land South of Southway Neighbourhood Plan
Attachments: Proposed Development SA15.pdf; Mid Sussex - Comments from Organisations - Specific Consultation Bodies Document.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

For the attention of [REDACTED]

Dear [REDACTED]

I am a resident at Linnet Lane in the existing "Croudace" constructed estate (previously known as Land North of Maltings Park) and I am responding to your letter of 3rd August 2020 headed "Submission Draft Site Allocations Development Plan Document Publication.

Together with my previous comments outlined in a submission sent to you last November, I write once again to record my objections to development of the above site. I enclose a further copy of the report previously submitted, together with a copy of a document "Comments from Organisations/Specific Consultation Bodies" published by Mid Sussex Council which confirms a total of 68 independent respondents to the initial consultation, including 65 objections, 2 supporters and 2 neutrals.

My objections to this proposed development are as follows :

1. SA15 is on Local Green Space in OPPOSITION with NPPF policies - this site is a "green lung" for Burgess Hill.
2. SA15 allocation is an important wildlife site including for nightingales (danger of extinction).
3. Additional Traffic issues between Haywards Heath and Burgess Hill with adverse town centre traffic effects.

4. SA15 allocation conflicts with DPP DP38 enhancing Bio diversity (numerous species on site afforded statutory protection.
5. SA 15 allocation - concerns over pedestrian safety, lack of sufficient vehicle parking, congestion and inappropriate access road width to the proposed entry to the site from Linnet Lane.
6. SA15 allocation - proposed access from Linnet Lane is unsuitable, including blind bends and being directly opposite to existing residential drives.
7. SA15 allocation - site selection concerns (geographical and political balance on the sites Member Working Group)
8. SA15 allocation - proposed site boundary shows encroachment onto existing residents maintained land both south of the site and west of the site including access.
9. SA 15 allocation - Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex Sussex expansion plans in relation to its infrastructure.

Yours sincerely

Suzanne Hooker

[Redacted signature]

Initial Neighbourhood Plan Proposed Development location:-

"Land South of Southway" Burgess Hill:-

Outline comments as part of the Consultation Process as requested by Mid Sussex District Council

issued to:-

Email to:-

LDFconsultation@midsussex.gov.uk

And / or post to:-

Planning Policy

Mid Sussex District Council

Oaklands

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

BY 18th November 2019

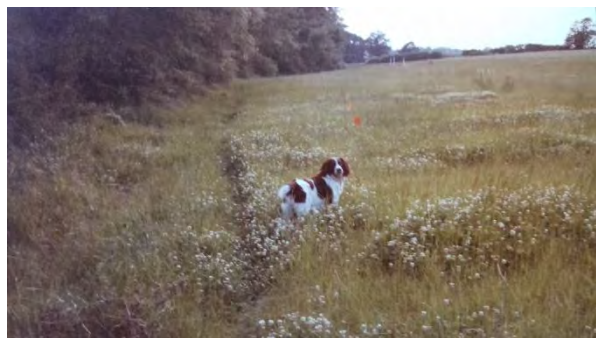
Resident Name:-

Address & postcode:-

- **Please note:-**

The comments listed below are not listed in any order of importance:-

- **General information:-** Proposed site area listed as 1.2 hectares / Development guidelines 30 properties per hectare / 30% affordable housing allocation
- Before the existing Croudace small residential estate was completed, this land was an arable field used for hay or wheat. One side of the field was bordered by a thick Blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring. Photos below c1975.



- When the last of the new Phase 2 Croudace homes were built 5 years ago, an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. The nightingales continue to sing in the spring on the area of so called 'protected woodland'. We have also seen Buzzards flying low over the area this summer, and have found Elephant Hawk Moth Caterpillars, and in previous years have watched fox cubs playing. Bats and owls fly through the estate regularly – see details below.



- Although a small urban area, this woodland is supporting a variety of species, and connects to the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



Adopted footpath with mature oak trees leading to Blackthorn hedge

- **Matters Requiring Clarification:-**
- We are in need of your clarification regarding the following which we would then wish to retain the right of making further comment.
 - A The type of housing stock to be constructed on the development site?
 - B Why at this juncture decision has been made to use Linnet Lane for access to the proposed construction site, notwithstanding the fact other points of access would be less disruptive during and after the construction phase. We have ourselves this issue with West Sussex County Council – see clause 1 below.
 - C A more definitive plan with precise boundaries forming part of the development site – see clause 6 below together with the various sub-sections below, under the heading "Potential Land Ownership Issues"

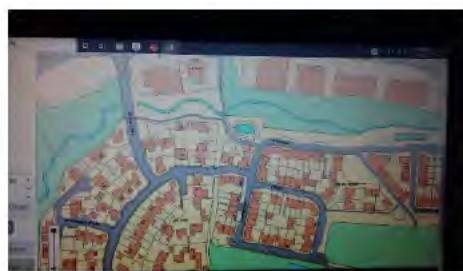
- **List of Objections:-**

As follows:-

- **1.0 Highways**
- **1.1 Highways/traffic:-** We have been discussing the proposed site development South of Southway with Laura Walder at West Sussex County Council and she has asked that concerns and objections be listed and carefully documented and emailed to the Highways Team , customer.service@westsussex.gov.uk for their urgent comments and action. (*this has been actioned – awaiting response*)



Robin Road access to Croudace estate



Existing road network and footpaths

- 1.2 Existing road access /Lack of infrastructure_:-** Inappropriate access road widths Robin Road, Woodpecker Crescent for a further 70+ cars with proposed development. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten potential danger despite the installation of warning signs "slow children" - this has increased significantly with Internet shopping in recent years and food delivery such as DPD/amazon prime etc.



Emergency vehicle on" 999 call out"



Usual parking patterns would make
The ambulance access impossible

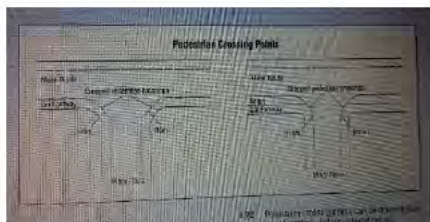
- 1.3 Location of proposed access:-** New proposals show proposed access road shows to be located between 2 blind bends on Linnet Lane directly opposite existing resident drives. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians who do not "know" the road layouts and location of homes



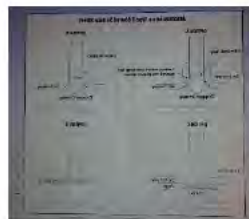
Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex October 2019

Blind bend Brambling Way

remove 2 middle car parking spaces min turning



Pedestrian crossing points/safe
Visibility splays required



Junctions



road visibility splay



Proposed Access to New Estate



Proposed access through parked cars

This existing Croudace estate is a "built – up" area and the general principle is that junctions are to be avoided near bends, unless adequate 'sight lines/visibility splays' and other 'safety' features can be achieved. Our concerns for any new access road in Linnet Lane to any potential housing development "Land South of Southway" are due to the fact it will **adversely** affect safety of both pedestrians and vehicle drivers. Forward visibility is vital - access to existing driveways, activities, junctions and other features will put residents and members of the public at risk.

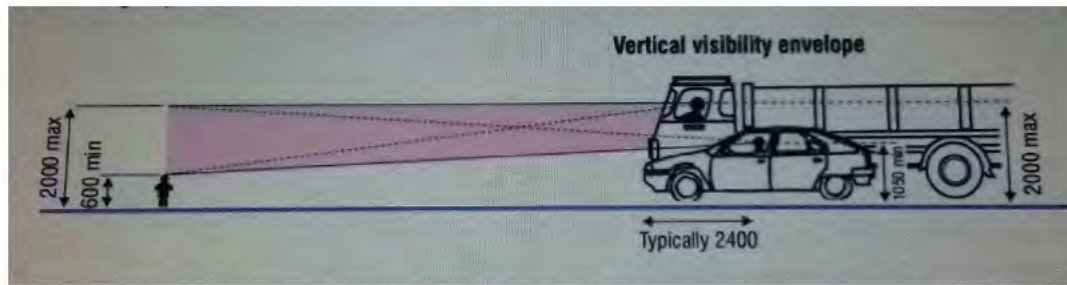


Proposed development shown hatched



Existing amenity land

- **1.4 Vehicular accidents:-** 2.5yrs ago, a large white fully laden delivery van reversed from the staggered crossroads from Skylark Way up the hill towards Brambling Way at speed reversing round the corner into Woodpecker Crescent crashing into a stationary vehicle who had anticipated its erratic driving – it then drove at speed up onto the pavement on the wrong side of the road (Linnet Lane) prior to coming to a standstill. A lost delivery driver panicking at speed!



- 1.5 **Traffic surveys:-** The residents of the existing Croudace Estate would like to highlight that there are significant increases of vehicular traffic at different times of the day and different days of the week due to the following, (and this we feel has not been taken into account whilst preparing this site for listing as a potential development site allocation.)



Staggered parking Robin Road entrance



Parking directly on a junction (staggered crossroads)

View from Woodpecker Crescent eastwards





Quiet section of the day Linnet Lane (west)



View Robin Road southwest to York Way

Monday to Friday

- **6 – 9am:-** residents leaving for work commitments by car and high pedestrian footpath usage to mainline station at Burgess Hill/school children/parents walking to schools/cycling and scooting to school/Kiddi Caru childcare centre
- **8.15am:-** non estate residents enter the existing Croudace estate via York Road to park for the morning or the day whilst at work.
- **Midday:-** residents and non resident vehicular and pedestrian traffic / school/pre-school/day-care/part time work place changeover.
- **3pm:-** residents use vehicles and / or pedestrian usage to collect children from childcare Kiddi Caru / schools – St Wilfred's Primary/Southway Primary/Hassocks infants/Windmills Primary/Downlands Secondary/Burgess Hill Academy, St Pauls Secondary/Oathall/Burgess Hill Girls etc
- **5pm:-** non residents return on foot to collect their cars to drive out of the existing Croudace estate
- **5pm onwards:-** residents return to Croudace estate
- **Tuesday**
 - **7.15am:-** Dustcart access for emptying refuse and recycling bins to the whole Croudace estate
 - **9.15am:-** Dustcart access for emptying 'paid' green bin emptying to the whole Croudace estate



NB:- (School term time and holidays have a bearing on the above)

- **Saturday and Sunday:-**

- Allowance for existing residents vehicular parking together with any visiting residents and potential no- resident parking affording access to Town.

- **2.0 Parking**

- **2.1 Existing parking on York Road:-** Existing vehicular parking on York Road (feeder road to Victoria Industrial Estate for juggernauts , delivery vans and cars is restricted due to car parking along this extremely busy feeder access road on both sides of the road especially outside Park Cameras and Kiddi Caru. The short distance from Jane Murray Way roundabout gives rise to 'backing up' of queueing traffic which will be worsened significantly if a further 70 vehicles from any proposed development is agreed. Furthermore, sightlines are significantly restricted affording difficult access from Robin Road to York Road especially during 'rush hour' due to the car parking along York Road (entrance feeder road to the Victoria Industrial Estate)



No visibility right at "T" junction from Robin Road



Overcrowded resident parking Woodpecker Cresc. to Linnet Lane



Visibility whilst in road in front Park Cameras York Road



Retail home delivery service "parks" in middle of road



Inadequate existing residents parked vehicles create "pinch" points

- **2.2 Dropped kerbs to Croudace estate:-** Dropped kerbs on the whole of the existing estate allow car parking half on/half off existing pavement – any further



proposed development will increase footfall and vehicular traffic numbers making this unworkable and potentially dangerous.



Drop kerb parking (cars on rh side)

Residents drop kerb parking

- **2.3 Unsafe pedestrian access:-** The above practise restricts safe pedestrian access on existing tarmac pavement zones. I.e. prams, double buggies, pedestrians with children & dog owners. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians whereby they may not "know" the road well and cannot see around "blind bends".



"Parked" delivery van / driver on foot looking for access to houses 7 & 9 Siskin Close.

- 2.4 Free parking:-** Robin Road and Woodpecker Crescent are currently used as 'free parking' sites for employees of "Royal Mail", Kiddy Caru and other local employment sites in the adjacent light industrial estate Victoria Business Park. Recent extensions to double yellow lines in Robin road by Highways to aid visibility splays and safe access have forced such free parking further into the Croudace estate making pedestrian access and vehicular access even more problematic, dangerous and unacceptable.



Owner of black car parked directly on junction apparently works part time hours at a local employer

- Some people stagger parking at junctions particularly on Robin Road which gives rise to vehicular traffic using the 'wrong' side of the road to drive round these parked cars meeting oncoming traffic. This is highly dangerous and has given rise to many "near misses" and several accidents. This risk increases significantly in winter months with ice on the road (we do not receive any salt bins gritters – partly because the roads are too narrow)



Due to parked car at staggered crossroad junction corner, vehicle forced to drive diagonally in path of oncoming vehicle to access Woodpecker Crescent from Linnet Lane



7.30am staggered crossroads after residents leave for work and PRIOR to non residents arrive to "free – park"

- **2.5 Residents existing parking:-** Currently there is inadequate provision for residents and visitor parking on the Croudace estate.



Drop kerb parking at night



Residents using drop kerb parking due to inadequate estate parking provision

- **2.6 Visitor parking allocation to existing site:-** Existing parking spaces Linnet Lane (Deeds of properties in Croudace existing estate (Phase 2) allocate visitor spaces (as part of afforded Amenity) adjacent to the proposed site development South of Southway School. New proposals state 2no visitor spaces will be removed to afford new access road to proposed development 30 homes and provision reallocated elsewhere. Loss of this amenity due to development would be hard to enforce if relocated in a differing "new estate" road.



Visitor parking in Linnet Lane (viewed southwards from Brambling Way)

- **2.7 Parking – proposed new location:-** Concern is raised to the legality of this and how far into the proposed 30 home estate they will be allocated?



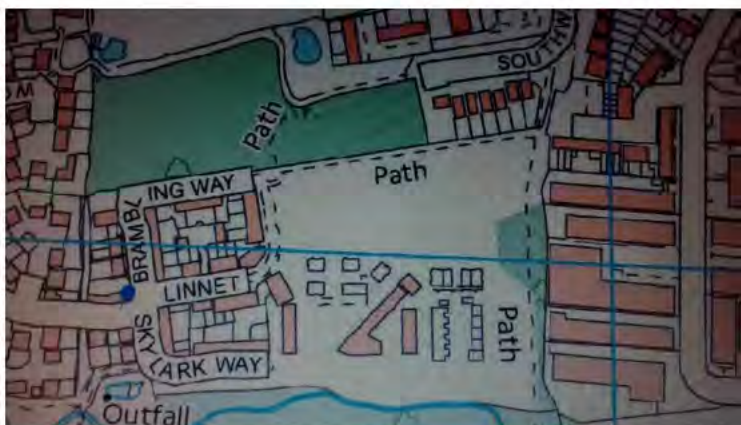
Proposed point of new access road to Land South of Southway

Visibility splays from road junctions and existing resident's driveways from a car driver and a pedestrian coming out of their property is vital to afford safe egress from the street edge.

NB:- *Painting yellow lines around the site roads is not a solution to inadequate parking provision*

- **3.0 Footpaths**

- **3.1 Footpaths:-** looking at the Council 'Ordinance Survey plan of the area (see attached) there are "Paths" marked (by a dashed line) to the north and east perimeter of the proposed development that are used as "unofficial" footpaths and have been used since 1975 at least by dog walkers.



Unofficial footpaths

- **3.2 Street lit footpath to rugby field:-** Existing Croudace constructed site (planning application granted phase 1 homes 2009 and phase 2 application granted total for both 94 homes granted 2010) construction completed 2015 gave enhanced public footpath access to Rugby field/Burgess Hill town centre and Southway Primary School.



Adopted footpath leading to Rugby pitch
Brambling Way / Linnet Lane junction
footpath

Therefore, even more children and parents use this as safe access and currently need to walk in the road to get to the twitten and to school. Pedestrians from the Croudace (some 84 homes in Phase 1 and 94 in Phase 2) estate together with the existing wider estates along Sparrow Way etc

- **3.3 Cycling:-** Routes to school, routes to facilities and neighbourhoods should be safe - our children are encouraged to cycle to school and often cycle up Linnet Lane to meet the adopted footpath shown above.

With the existence of the Brambling Way blind bend and a potential new junction to negotiate if Land South of Southway is developed, (and if 2 car parking spaces are removed from Linnet Lane) children's and adult's lives can be potentially put at risk. There is insufficient distance to introduce a new access road between 2 blind bends at this pinch point of vehicle, pedestrian and cyclist activity in our view.

Many adults cycle to work accessing cycle ways and there have been several accidents whereby cyclists (especially in wet conditions) when cycling south from Brambling way down Linnet Lane have fallen off their bikes when trying to brake on seeing an oncoming vehicle travelling towards them north up Linnet Lane.

3.4 'Often' overgrown footpath continuation Skylark Way:- We have spoken to the Footpaths Officer Laura Walder who has advised us that the existing footpath ref:- "32BH" across the existing Croudace site has been maintained regularly but where it crosses the private land prior to its end at Southway, it has not been maintained by the landowner. A kind Croudace resident has trimmed both overhanging sides to afford safe access to school for children who access this adopted footpath.

Many residents walk that footpath regularly and the Town Council need to enforce the landowner of the private land either side to maintain this footpath. See documents attached min 10 residents affording regular access to Town Centre and Southway school. We have been advised to contact West Sussex County Council "public Rights of Way" online to report overgrown footpaths for clearance. (Land Registry have landowner listed)



32BH Skylark Way footpath
Viewed from Skylark flats



Start of private access via 32BH footpath

- **4.0 Environmental issues:-**

- **4.1 Existing environment:-** Before this small (Croudace constructed) residential estate was completed, this was an arable field used for hay or wheat. One side of the field was bordered by a thick blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring.
- When the new houses were built (completed 4 years ago), an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. See 4.2 below



Fenced surface water overflow pond looking north to Land South of Southway

- The **Nightingales** continue to sing in the spring on the area of so-called protected woodland. We have also seen **Buzzards** flying low over the area this summer, and have found **Bats, owls and this has been part of previous Planning approval see 4.2.**
- **Elephant Hawk Moth Caterpillars**, and in previous years we have watched fox cubs playing.



Nightingale



Elephant Hawk Moth Caterpillar



Buzzard



(above images taken from free image sources)



View towards Snakes Wood



Mature oak (not TPO)
Leading to rugby pitch

4.2 Planning Application & Regulation Ecology Plan:- *Planning Application 09/00605/FUL* entitled Submission of Details Pursuant to "Condition 8" 'Ecology' of Planning Permission on Land North of Maltings Park, Burgess Hill:- Documents clearly state that an **Applied Ecology Ltd Report and Habitat Management and Maintenance Plan** were required as part of the Planning Permission being granted. The document shown below states that this Condition 8 has been agreed and the condition discharged by the implementation of provisions for badgers, bats (bat boxes) and reptile habitats dated 12th March 2012. See copy letters photographed below.

Documentation also exists stating that "Condition 7" for Planning Permission relating to *Planning Application 10/00107/FUL* has also been agreed and discharged letter dated 23 March 2012. See copy letters photographed below.

- Although a small urban area, this woodland is supporting a variety of species, and connects with the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



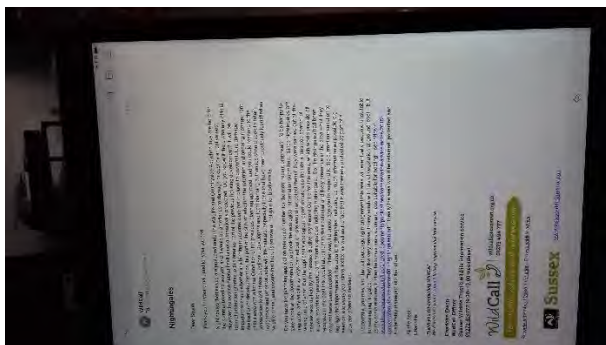
Maintained "Wild flower meadow" strip by Croudace Management Company

- **4.3 Sussex Wildlife Trust:-** Charlotte Owen has been contacted (Wildcall Officer) and she has drafted email replies as appended. "nightingales are protected under the "wildlife & Countryside Act" and it is an offence to damage or destroy an active nest"
- **We would like to ask the following :-**
 - 1 is there any official form of 'protection' granted to this area as part of the existing Croudace estate development? **YES See above (4.2)**
 - 2 is there any official form of 'protection' granted to the site of proposed development South of Southway? **YES See above (4.2)**
 - 3 Are there any binding measures put in place to **prevent future damage, destruction or development on this part of the proposed development** site South of Southway?

This is highly relevant and to be questioned and looked into further...Awaiting Sussex Wildlife Trust investigations.

OR

- 4 whether the retention of ongoing management of this area was a formal condition of the previous Planning Condition?
- It is our understanding , "Developers and Local Planning Authorities MUST seek to retain hedgerows and other valuable wildlife habitats, especially those that have been previously identified as "wildlife areas" and ensure that there is an overall net gain for biodiversity Ideally this area would be retained protected and sustainably managed but not necessarily for humans but wildlife. We need to ensure that as an important wildlife habitat, it is managed with the advice of Sussex Wildlife Trust.



Sussex Wildlife Trust letter

- **4.3 Nightingales:-** “Any applicant’s ecological report should also include a desktop search of species records held by the Sussex Biodiversity Record Centre for this area which would provide all known records for protected and priority species including Nightingales”. There have been sightings of nightingales on this site since 1975. – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.4 Bats:-** Residents frequently see Bats flying from the west of Linnet Lane to the direction of Land South of Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.5 Buzzards:-** Residents have seen Buzzards flying over this area regularly (last sighting during late summer 2019) Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.6 Wildlife:-** Since the re-development of B1 use buildings to flats and apartments to the rear of the Croudace Development Goldfinch Road and Snakes Wood (Victoria Drive) the fox number has declined/moved and the rat population has increase significantly.
- **4.7 Blackthorn Hedging:-** The existing Blackthorn hedge affords nesting provision for Nightingales that have lived in the area for a numbers of years. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.8 Mature Oaks:-** There are a number of mature oaks on site - this is a wildlife corridor – some of the mature oak and other trees are not listed on the proposed ideas as mature and are not TPO listed. We have spoken to Irene Fletcher (Tree Officer) Mid Sussex District Council and she has confirmed that mature species bounding the existing estate along Skylark Way and Goldfinch Drive have Tree preservation Orders. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex October 2019

- There doesn't appear to be any protection orders for the mature hedging and trees. We asked what protection could be sought for this area of land which is a valuable wildlife habitat. The proposed site is visible to the public from the existing maintained footpaths, unofficial footpaths, existing estate and Snakes Wood. We feel that the proposed site is of significant amenable value and is a site of expediency which we understand are both categories listed for consideration by the County Council Planning Dept.



Area requires protection



Conditional Planning Permission documentation



- **5.0 Development construction:-**
- **5.1 Noise:-**
- **Development construction:-** this will cause disruption to wildlife species.
- **Construction vehicular access:-** large vehicles and materials will not be able to afford safe access through the existing Croudace site for the above mentions reasons. (parked cars/vans/delivery vehicles etc)
- **6.0 Potential Land Ownership query:-**
- **6.1 Ownership:-** There is a potential discrepancy in the outline of the boundary plan – Currently Croudace Management Company "HML" (paid for by each resident on site annually) maintain this area of wild flower meadow strip – yet the proposed outline for the allocation of development land is shown to include this land up to the tarmac Croudace constructed pedestrian footpath shown above. Likewise, the grass treelined strip of land to the east of Linnet Lane is also maintained by the Croudace Management Company" HML" (paid for by each resident on site annually) – yet the

proposed outline for the allocation of development land is shown to include this land up to the edge of the visitor parking bays. HML Management Company that **we** the Residents own will know the precise boundary and ownership details – information has been requested.



Plan showing areas that residents are liable for maintenance (ie 1/94th)

- **6.2 Fencing:-** Fencing was installed during the Croudace phased construction period and it is clearly signed "Private Property Keep Out" – surely this fencing and notification demarcates land ownership ?



Corner fence opp Siskin Close



Fencing east side



Fencing on Linnet Lane



Fencing at end of Brambling Way



Signage either side of 32BH footpath

- 6.3 Legalities:-** From documentation, it appears that Mid Sussex County Council own Snakes Wood. It is unclear whether Croudace own the "AMENITY" land that HML manage? (we the 94 residents pay for the management of the amenity land including the wildflower meadow. Surely there would be a need for a compulsory purchase Order, at the very least, with 3 Independent valuations. The proposed "Allocation development of Land South of Southway" shows development right up to the tarmac footpath bordering numbers 1 and 9 Siskin Close – if the above strip is owned by 'others' yet maintained by the 94 residents, a monetary transaction would have to be presumably refunded 'pro-rata' to the 94 residents as "compensation" for loss of amenity as we the residents have been paying into the maintenance fund for the last 4 years (at time of writing this document) for phase 2 properties and 5yers for plphase 1 properties.



Amenity land east of Linnet Lane



Amenity land/wild flower strip east of Skylark Way



Amenity land/wild flower strip view
Towards Snakes Wood



Amenity land view towards Snakes Wood

Documents state "94 properties contribute equally associated charges of the (existing) development including the Housing Association (28/94ths) to include administration charges.

"HML are responsible for the upkeep and management of company lands including NATURE CORRIDORS and NATURALLY LANDSCAPED BUFFER ZONES surrounding the site and the ongoing Ecological requirements in accordance with the Natural England Licence and Amenity planting beds and grass areas, surface water drainage, attenuation ponds and outfalls and the compensation areas within the MANAGEMENT COMPANY LAND: sundry highway and footpaths and open spaces (LEAP + LAP), as applicable, and emptying of any bins in these areas, footpath, cycleway link attending fortnightly."



Amenity :-
maintained grass area / wild flower meadow and wooded wildlife corridor as existing

7.0 Buyers information from Croudace Homes:-

- **7.1 Residents** in Linnett Way, Siskin Close and Brambling Way were told when asked that the land south of Southway would not be built on for 20 -25 years – we feel that we have been mis sold or properties in this respect.

- In summary, our concerns centre on six issues, as detailed below – which will form the basis of our formal objections following the Consultative process:-

Highways – see clause 1 of this report

Parking – see clause 2 of this report

Footpaths – see clause 3 of this report

Environmental issues – see clause 4 of this report

Development Construction – see clause 5 of this report

Potential Land Ownership Issue

Dear Sir/Madam

Submission Draft -

Site/Policy: SA15 - Land South of Southway, Burgess Hill

Number of Comments Received

Total: 69	Support: 2	Object: 65	Neutral: 2
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Comments from Organisations / Specific Consultation Bodies

- The allocation is on a Local Green Space (LGS) which is not compliant with NPPF policies. The Burgess Hill Neighbourhood Plan designated this area as part of an important "green lung" for the west of Burgess Hill, a function which does not require accessibility (Sussex Wildlife Trust).
- The site is an important wildlife site including for nightingales, a species on the red list and in danger of extinction (Burgess Hill Town Council).
- Traffic issues will be compounded between Haywards Heath and Burgess Hill and therefore additional financial support/infrastructure improvements are needed to mitigate the adverse effects on the Town. (Haywards Heath Town Council)
- Various Sustainable Transport measures are suggested to be included in the policy requirement for this site (West Sussex County Council)

Comments from Residents/Other

- Conflicts with District Plan Policy DP38, which refers to enhancing biodiversity. There are numerous species on this site which are afforded statutory protection.
- Burgess Hill Neighbourhood Plan designated this site as a Local Green Space on the basis it is well used for recreational purposes and an important 'green lung' for the west of Burgess Hill.
- Concerns regarding pedestrian safety, lack of provision of sufficient vehicle parking, congestion and inappropriate access roads width.
- The proposed access from Linnet Lane is not suitable as it would be located between 2 blind bends and directly opposite existing resident drives
- Concerns about due process for site selection regarding geographical and political balance of the sites Member Working Group.
- The site boundary encroaches onto Croudace Homes land and a more precise land ownership plan is required.
- There is a covenant on the land which means this land cannot be built on/ developed.
- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex's expansion plans in relation to its infrastructure.

Actions to Address Objections

- The NPPF allows for an LGS designation to be subsequently allocated for a different purpose in a subsequent Development Plan Document if this is evidenced and justified. Carry out additional evidence to support justification for development in LGS.
- Site promoter is required to undertake an ecological survey to inform development proposals and to identify measures to deliver ecological enhancements and ensure there is a net-gain to biodiversity
- Site promoter is required to undertake a transport assessment including traffic and parking surveys and to obtain pre-application advice from West Sussex County Council Highways on suitability of the detailed highway arrangements.
- Site promoter to provide evidence on land ownership. Site promoter has confirmed that there are no restrictive covenants relating to this site.
- Discuss requirements with West Sussex County Council and amend policy wording to address the requirements for potential mineral sterilisation
- Site Selection Paper 3: Housing and the Sustainability Appraisal contain the justification for selecting and rejecting individual sites and site options. The decision to publish the Sites DPD for consultation was made by Council which consists of Members from across the district.
- Amend Infrastructure Delivery Plan (IDP) to include recommended sustainable transport infrastructure and refer to this in policy wording.

1701

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 1701

Response Ref: Reg19/1701/1

Respondent: Mrs K Exall

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: kate Exall [REDACTED]
Sent: 23 September 2020 19:38
To: ldfconsultation
Subject: Objections regarding site/policy: SA15- land south of South Way, Burgess Hill, West Sussex

Dear Sir/Madam,

I am writing to you to raise objections to proposed development on the land directly opposite our new home - 13 Linnet Lane, Burgess Hill, West Sussex, RH15 9BF- having purchased the property on 2nd July 2020.

- When purchasing the property we were made aware of a covenant on the land which means this land cannot be built on or developed.
- We are concerned regarding pedestrian safety both during the proposed building works and once built on. This is already a very built up area. Our kitchen window overlooks this area and walkers are frequent- both dog walkers and school children and the additional traffic would in our view be a huge risk to them.
- We are very concerned with the idea of site traffic getting onto site- all access roads are incredibly narrow and currently we struggle to park 2 cars in this area- without the additional traffic that any proposed development would bring.
- The proposed work also results in us losing visitor parking directly outside our property- we already struggle to park our second car and this would make the problem worse.
- The proposed access for the development is directly opposite our property and is located between 2 blind bends making it incredibly dangerous and inadequate. Pulling off our driveway could result in a head on collision with a lorry considering the lack of visibility from either direction.
- We understand that this conflicts with district plan policy DP38 which refers to enhancing biodiversity. There are numerous species on this proposed site which afford statutory protection.
- Burgess Hill neighbourhood plan designated this site as a local green space on the basis it is well used for recreational purposes and was one of the reasons we moved here.

- Living directly opposite the proposed site would result in noise and inconvenience.
- This is already a very built up estate and removing the limited green space will impact quality of life and enjoyment.
- There is already a strain on the distribution of water and pressure in the area and we are concerned that the new development would exacerbate this issue.
- There are many young children living in the vicinity of this proposed site and this development would heavily impact their enjoyment of the site and add additional risk when 'playing in the neighbourhood' for fear of traffic.
- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex's expansion plans in relation to its infrastructure.
- We have noticed since moving here that there is a big seagull problem which overflows from the nearby Industrial estate- A building site and extra housing in this area would make this issue worse.

We are deeply saddened to see these plans and would urge you to consider preventing this development due to the issues raised above.

Kind regards
Kate Exall

1705

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 1705

Response Ref: Reg19/1705/1

Respondent: Mr A Exall

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Anthony Exall [REDACTED]
Sent: 23 September 2020 19:54
To: ldfconsultation
Subject: Objections regarding site/policy: SA15- land south of South Way, Burgess Hill, West Sussex

Follow Up Flag: Follow up
Flag Status: Completed

Categories: SiteDPD

Dear Sir/Madam,

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- We understand that this conflicts with district plan policy DP38 which refers to enhancing biodiversity. There are numerous species on this proposed site which afford statutory protection.

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- There are many young children living in the vicinity of this proposed site and this development would heavily impact their enjoyment of the site and add additional risk when 'playing in the neighbourhood' for fear of traffic.
- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex's expansion plans in relation to its infrastructure.
- We have noticed since moving here that there is a big seagull problem which overflows from the nearby Industrial estate- A building site and extra housing in this area would make this issue worse.

We are deeply saddened to see these plans and would urge you to consider preventing this development due to the issues raised above.

Kind regards
Anthony Exall

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2065

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2065

Response Ref: Reg19/2065/6

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton - Horsham Road

Category: Promoter

Appear at Examination? x



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

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. Introduction.....	4
2. Site and Surroundings	5
3. Housing Site Allocation Process	9
4. Sustainability Appraisal.....	13
5. Assessment of Proposed Sites.....	15
6. Conclusions	22
7. Appendix 1 – SHELAA Extract – February 2020	23
8. Appendix 2 – Site Selection Paper Extract	25

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.

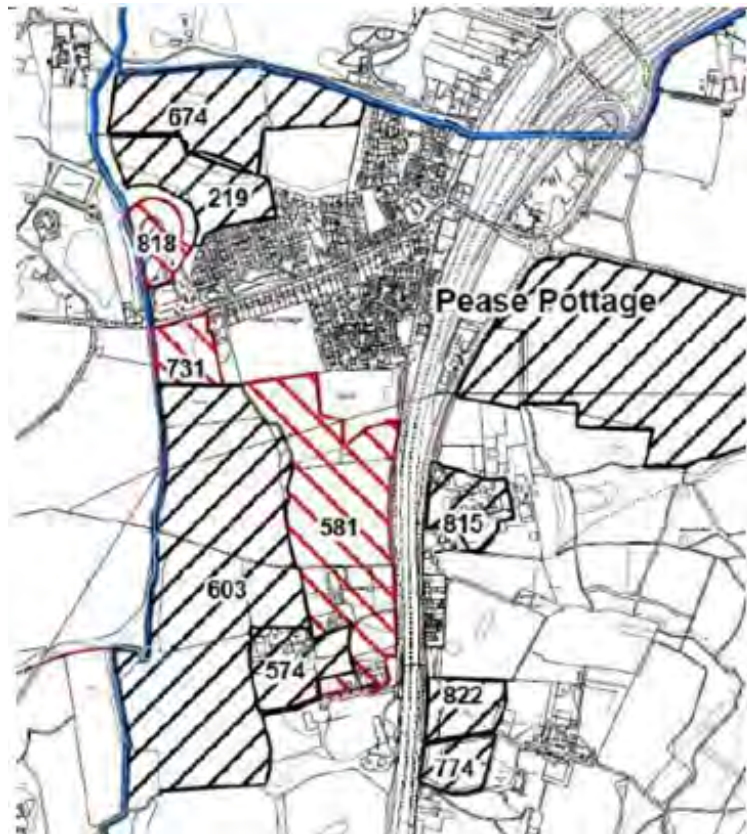


Figure 1 – SHELAA Extract

- 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 noted 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.

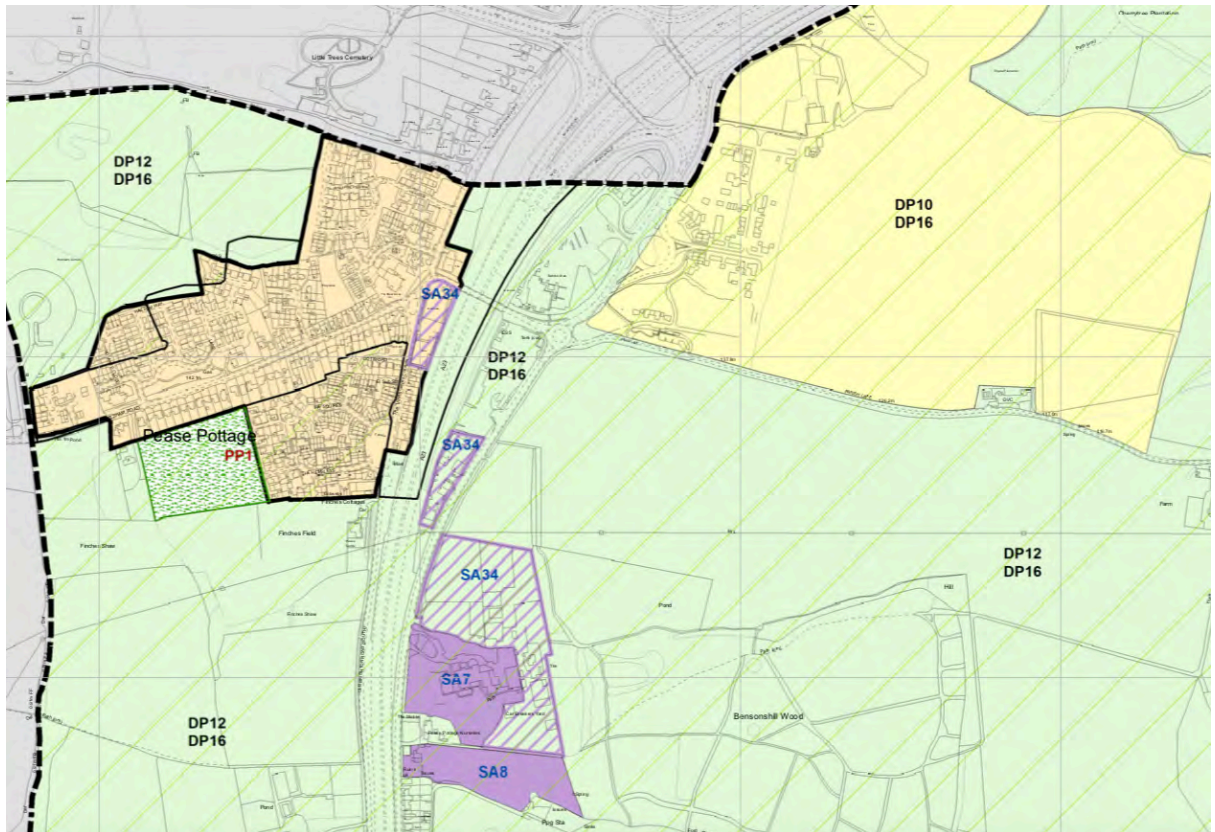


Figure 4 – SADPD Proposals Map

- 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 Limited 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 as 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 it 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/Access	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		Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Policy 2 Protection of landscape		
Policy 3 Protection of the open countryside		
Aim 1 Preventing coalescence		
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.	

2067

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2067

Response Ref: Reg19/2067/7

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Denton Homes - Butlers green

Category: Promoter

Appear at Examination? x



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

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. Introduction			
Error! Bookmark not defined.			
2. Site and Surroundings			
Error! Bookmark not defined.			
3. Built up Area Boundary Review			
Error! Bookmark not defined.			
4. Housing Site Allocation Process			
Error! Bookmark not defined.			
5. Sustainability Appraisal			
Error! Bookmark not defined.			
6. Assessment of Proposed Sites.			
Error! Bookmark not defined.			
7. Conclusions			
Error! Bookmark not defined.			
8. Appendix 1 – SHELAA Extract – February 2020			
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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 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.

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 as 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 it 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/Access	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

2079

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2079

Response Ref: Reg19/2079/8

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt Homes - Hurstwood HH

Category: Promoter

Appear at Examination? x



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

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. Introduction.....	4
2. Site and Surroundings	5
3. Housing Site Allocation Process	9
4. Sustainability Appraisal.....	13
5. Assessment of Proposed Sites.....	15
6. Conclusions	21
7. Appendix 1 – SHELAA Extract – February 2020	22
8. Appendix 2 – Site Selection Paper 3: Housing (SSP3) Extract	23

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:

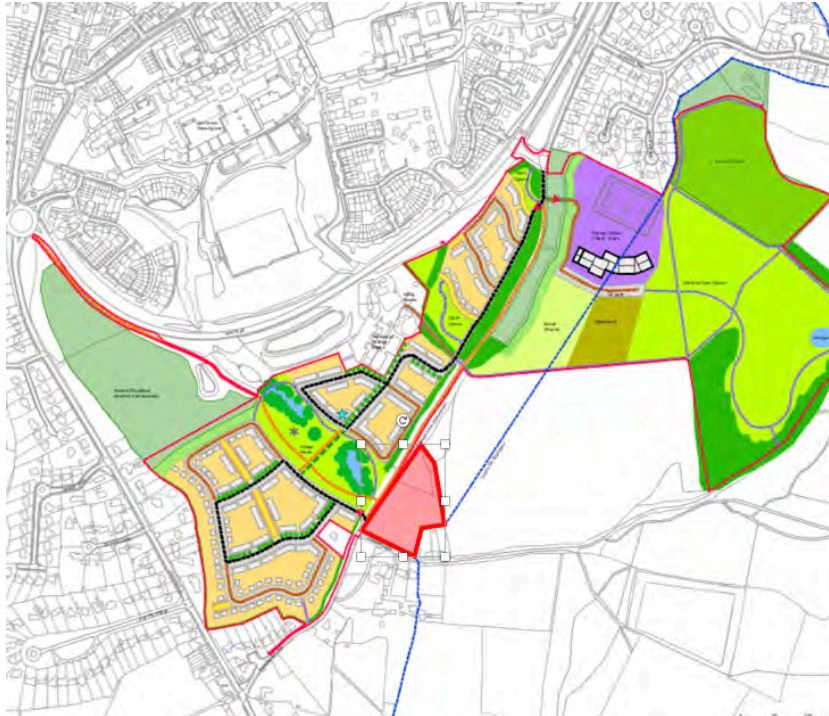


Figure 2 – Proximity of Site to significant application

- 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.

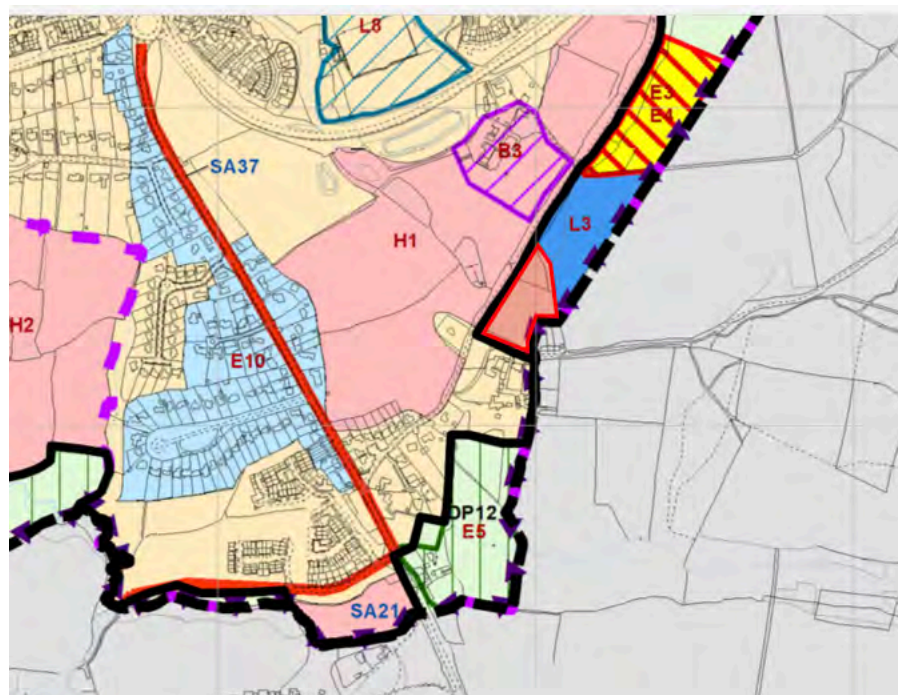


Figure 3 – Proposed Site Allocations Proposals Map

- 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 as 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 it 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 Lydon, 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/Access	None	Safe access to site already exists
12 - Deliverability	Reasonable prospect developability	No householder 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: SA15

ID: 2080

Response Ref: Reg19/2080/9

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt homes - CDR

Category: Promoter

Appear at Examination? x



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

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. Introduction	4
2. Site and Surroundings	5
3. Built up Area Boundary Review	12
4. Housing Site Allocation Process	14
5. Sustainability Appraisal.....	18
6. Assessment of Proposed Sites.....	20
7. Conclusions	27
8. Appendix 1 – SHELAA Extract – February 2020	28

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.

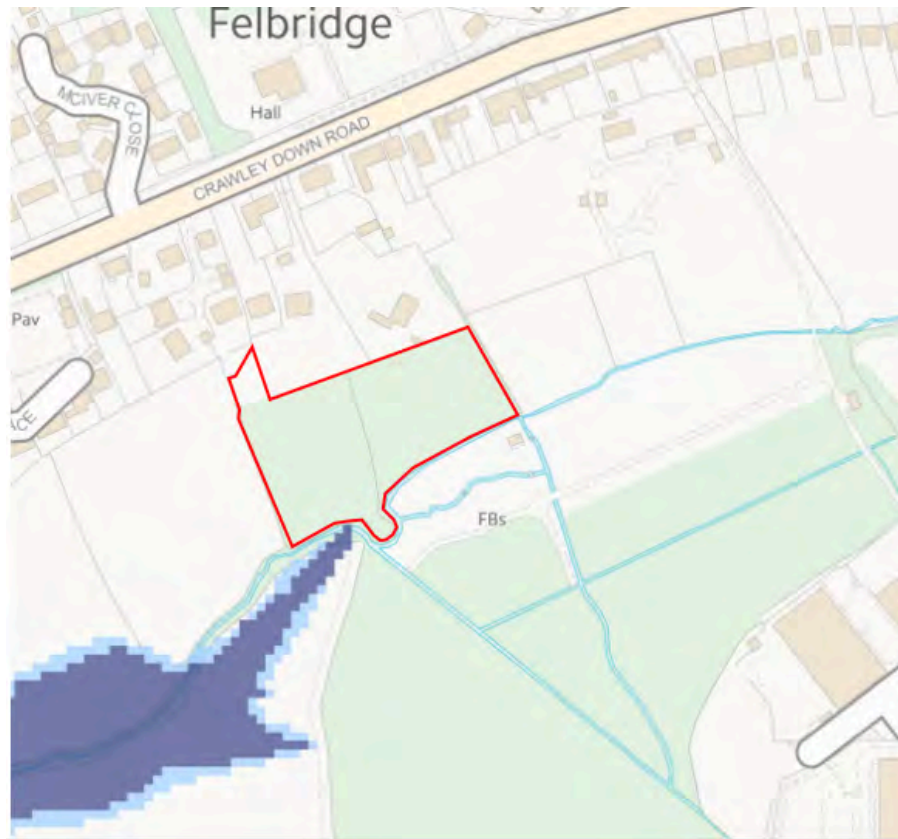


Figure 2 – Extract from Environment Agency Flood Risk Map

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.

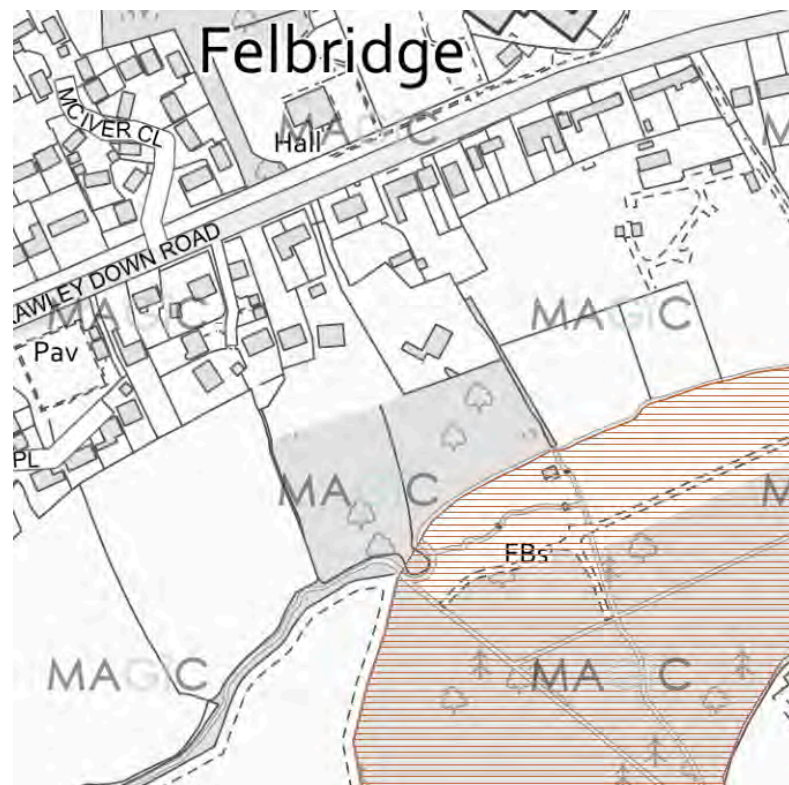


Figure 3 – Location of Ancient Woodland

- 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).

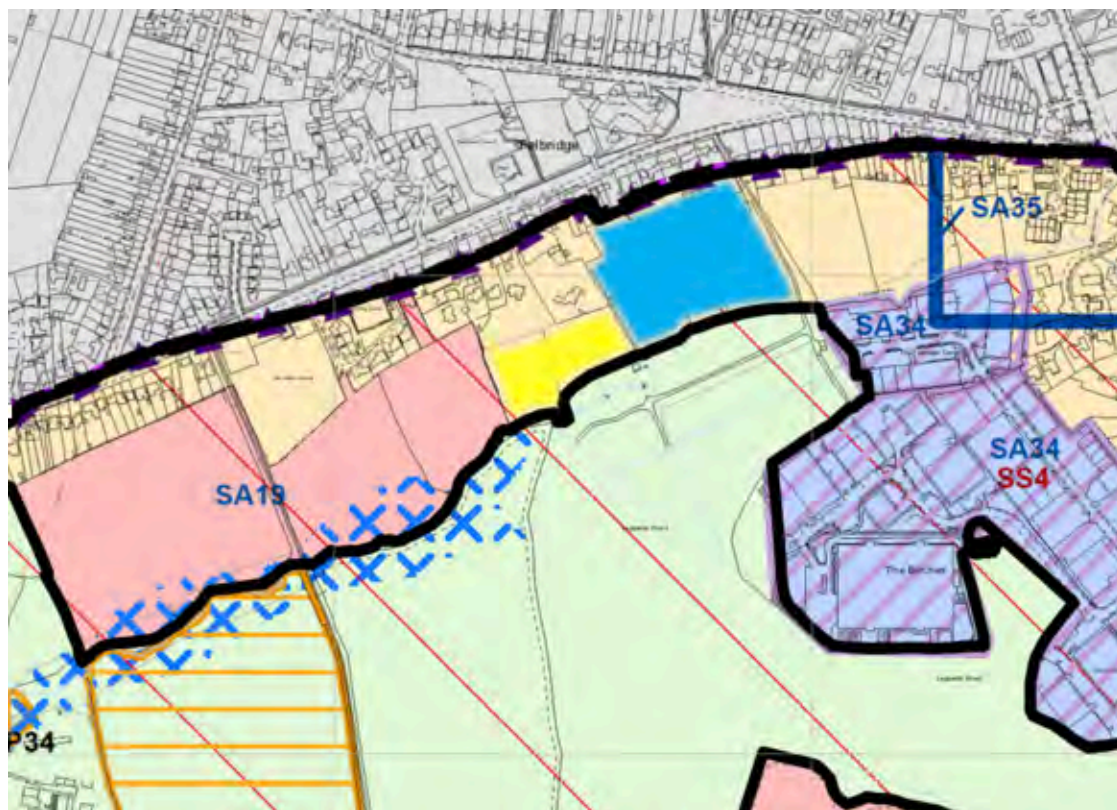


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

- 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.

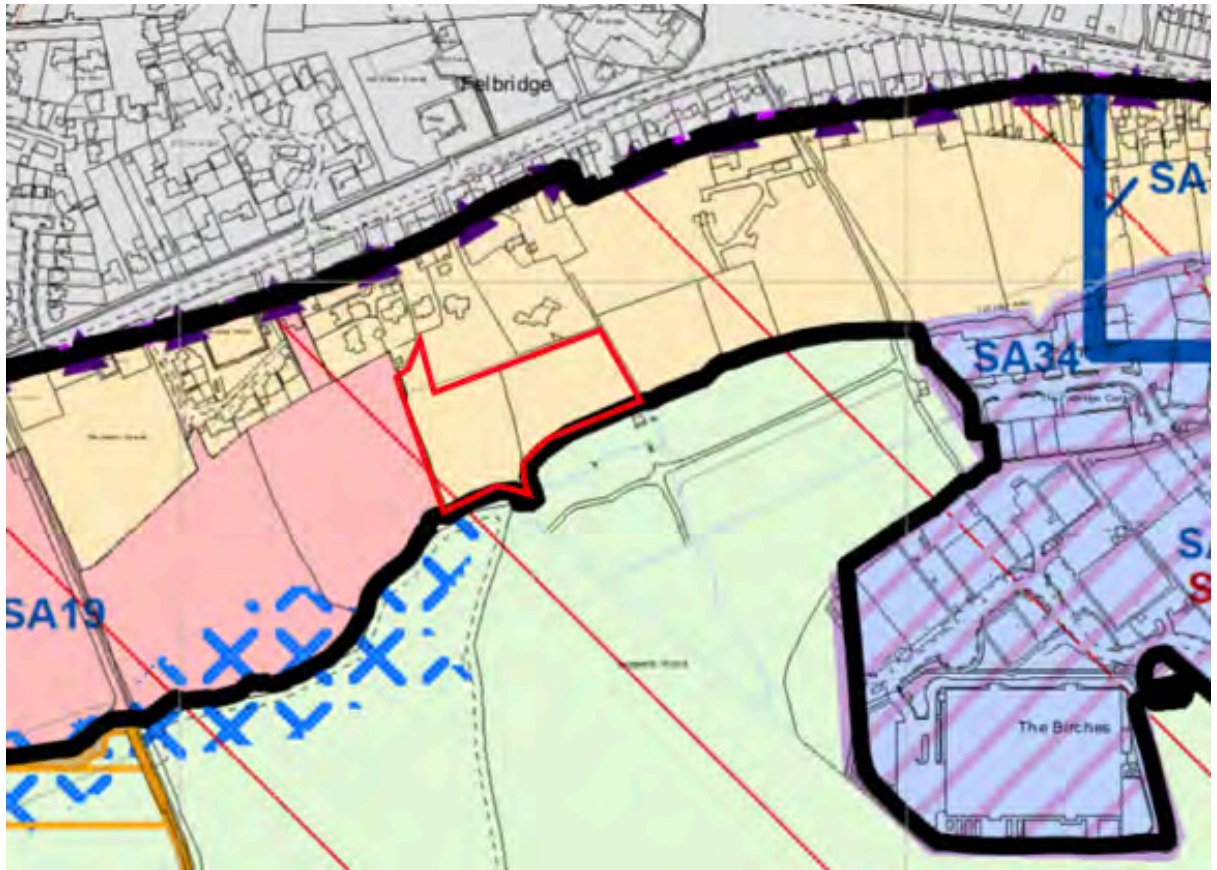


Figure 9 – Proposed BUAB

- 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 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.
- 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 as 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 it 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		

2140

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2140

Response Ref: Reg19/2140/3

Respondent: Mr C Hough

Organisation: Sigma Planning Services

On Behalf Of: Rydon Homes Ltd

Category: Promoter

Appear at Examination? ✓



MID SUSSEX DISTRICT COUNCIL
SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

REGULATION 19
SUBMISSION DRAFT
SEPTEMBER 2020

REPRESENTATIONS
ON BEHALF OF
RYDON HOMES LTD

September 2020



CONTENTS

1. Housing numbers and distribution
2. Proposed Allocations that are supported
 - 2.1 SA24 Land North of Shepherds Walk, Hassocks
 - 2.2 SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes
3. Proposed Allocations the subject of objection
 - 3.1 SA15 The Brow and St Wilfred's School, Burgess Hill
 - 3.3 SA18 East Grinstead Police Station
 - 3.4 SA20 Land South and West of Imberhorne Upper School, East Grinstead
 - 3.5 SA21 Land at Rogers Farm, Fox Hill, Haywards Heath
 - 3.6 SA25 Land West of Selsfield Road, Ardingly
 - 3.7 SA26 Land South of Hammerwood Road, Ashurst Wood
 - 3.8 SA27 Land at St Martin's Close, Handcross
4. Sites omitted from the Draft Plan that justify being allocated for housing
 - 4.1 Land South of Edinburgh Way, East Grinstead
 - 4.2 Land South of Chalkers Lane, Hurstpierpoint

1.0 Housing Numbers and Distribution

1.1 The Plan states that the remaining residual requirement from 2019 is 1280 units following updated completions, commitments and windfall figures. However, the total allocations in the plan amount to 1764 dwellings – an additional 484 units. This confirms that the Plan is positively prepared and compliant with the Framework because :-

- the remaining residual requirement will include some housing that is already delivered.
- the District Plan housing target is a minimum figure and Government policy seeks to boost rather than cap housing provision.
- the allocation need to compensate for slow delivery from strategic allocations which may be delayed towards the latter end of the plan period to 2031, or even beyond
- the windfall figure has been increased but there is no compelling evidence that the level will continue to prevail. Also the increased figure is simply a statistical adjustment to include sites of 1-9 units rather than 1-5 units.
- adjoining local authorities at Brighton, Crawley and Tandridge are under-delivering on their housing requirements and will increasingly need assistance in meeting their housing requirements. Mid-Sussex is comparatively less constrained and should be anticipating being able to assist in addressing unmet need from adjoining authorities.

1.2 The overall supply from Table 2.3 is 16,874 which aims to exceed the District Housing requirement by 484 dwellings by the end of the plan period, but there is bound to be slippage and the flexibility of a 2.7% over-provision is supported in principle. However, the figures are not precise and it is considered that this is still a fragile margin to compensate for non-delivery – particularly in the strategic housing allocations. The margin should be greater and a 10% non-delivery margin is standard practice. An over provision of 1639 dwellings is therefore justified and can be achieved by further allocations of sites that do not raise serious adverse impacts and are able to be confidently expected to deliver housing in the plan period to compensate for non-delivery elsewhere.

1.3 The identification of further allocations to increase the Plan's robustness and flexibility would still be within reasonable parameters of consistency with the District Plan housing targets, which were in any event not fully meeting objectively assessed needs, particularly for affordable housing.

1.4 In terms of distribution the substantial majority of new housing is focussed on the three main towns of Burgess Hill, East Grinstead and Haywards Heath (80% of the minimum District Plan requirement) with the 2nd tier settlements of Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield contributing a further 18%). This emphasis should be maintained in order to conform with the District Plan and deliver new housing in the most sustainable locations. The

proposed DPD allocations however only propose 6% of the housing is directed to 2nd tier settlements and 13.5% is directed to 3rd tier settlements, many of which are located in the AONB where great weight should be given to conserving landscape and scenic beauty. There are a number of 2nd tier settlements, including Cuckfield and Hurstpierpoint where there are “limited” or no DPD allocations. Such settlements do have the capacity to deliver more housing in the current Local Plan and would be suitable candidates to accommodate any additional provision or provide sites to compensate for less suitable and more constrained sites that are currently proposed allocations but should be deleted from the Plan.

- 1.5 The SADPD allocates a total of 238 new dwellings to Category 3 villages, 183 of these are in the AONB which should be afforded the highest level of protection. Sites should only be released in the AONB in settlements that have a residual requirement to meet, i.e. Horsted Keynes, to recognise the need to sustain and maintain the vitality of these settlements and meet the demand and need for housing, especially affordable housing in these locations. However, in villages that have already met their target, the Council should not be releasing further AONB sites before exhausting non AONB sites, even if it is ‘passed up’ to Cat 2 settlements (Para. 2.4.5 Site selection paper) such as Hurstpierpoint.

2.0 Proposed Allocations that are supported

2.1 Policy SA24 Land north of Shepherds Walk, Hassocks (support with conditions)

This proposed housing allocation is supported. It enjoys outline planning permission for 130 dwellings and it has been demonstrated that the criteria set out in the policy can be fully met.

However, the following comments are made concerning the criteria set out in the Policy:-

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term “net gain” to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed.

“ Ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated”.

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

The proposed development will be delivered within the five year period to 2025/2026. Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

2. The Brick Clay Resource Mineral Safeguarding Area covers a very extensive area from Petersfield in the west to Burgess Hill in the east and includes most of the northern part of the County of West Sussex. Policy M9 of the West Sussex Joint Minerals Local Plan (2018) seeks to prevent non-mineral development throughout the whole of this very wide area unless minerals are extracted pre-development or there is an overriding need for the development that outweighs the safeguarding of the mineral. Compliance with Policy M9 is a common requirement for most, if not all, housing allocations in the SADPD. It must be assumed that the allocation of a site for housing in the Plan demonstrates an overriding need that achieves compliance with the Policy. It should not be left to be considered as a criteria post-allocation. There is no special suitability for mineral extraction demonstrated by the land north of Shepherds Walk. Therefore the Minerals Criterion should be omitted from Policy SA24, and all other allocations covered by the widespread generic safeguarding area, unless there is a local/known special requirement for safeguarding.

3. Archaeological evaluation has already been carried out on this site and the criterion for evaluation should be changed to “pre-commencement” to allow for the grant of outline consent subject to conditions without a policy requirement to repeat the exercise with associated wasted costs.
4. The Landscape Considerations criteria are too onerous in requiring that all mature trees, as well as protected trees, shall be retained. The TPOs will protect important trees and the landscaping scheme will reflect Policy DP37 Trees, Woodland and Hedgerows of the adopted District Plan in order to be approved. A further policy provision is therefore superfluous and unnecessary, proscriptive and onerous in requiring the retention of all existing hedgerows and mature trees.
5. The criteria are generally unnecessarily detailed for a policy of the adopted development plan and stifle the scope for high quality design and creativity. The criteria need to be re-visited in order to be less proscriptive in detail and concentrate only on the main, more important, planning considerations. This point includes criteria related to drainage strategy.

2.2 Policy SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes (support with conditions)

- 2.2.1 This proposed housing allocation is supported conditionally. The site could be optimised to provide 30 two storey dwellings, internal open space, playspace, surface water attenuation, ecological considerations together with landscaping to soften the external edge of the built area. The site could sit comfortably into the existing pattern of development and align with adjoining residential curtilages.
- 2.2.2 Subject to appropriate conditions, the landscape impact from the development of this site would be low, as recognised by the High Weald AONB Unit in their October 2018 report which assessed the landscape impact from thirteen respective SHEELA sites considered by Mid Sussex District Council. The High Weald AONB Unit concludes that this Site is one of only two sites (out of the thirteen considered) that has the potential to be developed with only low impact on the AONB (as opposed to moderate or high impact).
- 2.2.3 West Sussex Highways Authority have confirmed at the pre application scoping stage, that the site can achieve a safe and suitable means of access for all modes of transport and the development would not materially impact on the operation of the local highway network. Support is also given to the proposed allocation requirement for the improving of local traffic conditions by setting back the existing on-street parking spaces in Hamsland Road into the verge, opposite the site.
- 2.2.4 Support is given to the proposed allocation requirement to enhance important landscape features, including the existing mature hedgerows and trees bordering the adjacent fields. The site is deliverable comfortably within a five year period.

However, there are some concerns with regard to the proposed criteria within the policy.

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term "net gain" to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed:-

"... ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated".

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

This is a small site with less potential for conflict with NPPF but greater potential for viability to be compromised.

2. The requirement under the heading of Flood Risk and Drainage to provide SUDS in the southern part of the site is too prescriptive and unnecessary. It is also an unnecessary duplication of the Biodiversity criteria elsewhere in the draft policy. Flexibility is required to enable a surface water drainage solution to be tailored to site conditions to provide the optimum drainage solution. This is not a development brief and it is too prescriptive at this stage. The detail can be addressed at the application stage.

Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

3.0 Proposed allocations the subject of objection.

3.1 Policy SA15 Land south of Southway, Burgess Hill

This site is allocated as a Local Green Space in the adopted Burgess Hill NP. Para. 101 of the NPPF states that Policies for managing development within a Local Green Space should be consistent with those for Green Belts. SA does not assess the loss of LGS when determining the sustainability of the site.

3.2 Policy SA16 Land at St Wilfred's School

The SA has not assessed the impact of the loss of the school in a town centre location, sustainable location, close proximity, walking distance to catchment area. Policy DP25 of the LP states that "Where proposals involve the loss of a community facility (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:-

- that the use is no longer viable; or
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or
- that a replacement facility will be provided in the locality

The delivery of this site is uncertain. The relocation of a number of public and community facilities has not been settled and the number of residential units may have to be adjusted. At best the site is likely to be delayed and potentially may not come forward at all.

3.3 Policy SA18 East Grinstead Police Station

There are deliverability issues, restrictions on title/covenants that could prevent development of this site. There are heritage assets in the vicinity that will be adversely affected and apartments are not in character with the local area. Numbers of dwellings that can be delivered may reduce as a result. No clear timescale for delivery.

3.4 Policy SA20 Land south and west of Imberhorne Upper School

- 3.4.1 This site has a long history of non-delivery. The West Sussex Structure Plan 2001-2016 (now revoked) allocated a wider area of land to the west and south-west of East Grinstead for circa 2,500 homes.
- 3.4.2 The South East Plan 2006-2026 (now revoked) noted that land west and south-west of East Grinstead should be brought forward for circa 2,500 homes.
- 3.4.3 The East Grinstead Strategic Development Area Action Plan 2006 (which would have formed part of the Local Development Framework if it had been adopted – it was later abolished) set out the detail for the allocation of land west and south-west of East Grinstead.

- 3.4.4 East Grinstead has suffered from large volumes of traffic for many years, with persistent calls for a bypass to be provided from as far south as Forest Row all the way to the north and west of the town since 1988. However, these proposals have not come to fruition and the town remains as a significant location along the A22 between the coast and London.
- 3.4.5 Previous traffic study reports have advised that the existing highway network at the junctions of the A22/A264 and the Imberhorne junction is over capacity during the morning and evening peak periods on a typical weekday and that scope for physical improvements at key junctions is constrained.
- 3.4.6 The site is located immediately adjacent to these two junctions and, given its distance from the town centre, it is considered likely that most day to day retail, community, leisure and commuter trip generation (e.g. Doctors, leisure facilities and access to the main line railway station) will involve vehicular trips movements adding increased volumes of traffic into East Grinstead.
- 3.4.7 The Sustainability Appraisal that accompanied the District Plan concluded that “*there are severe transport constraints within East Grinstead which is likely to limit the amount of strategic development that would be appropriate within the town unless significant mitigation is proposed.*”
- 3.4.8 Any capacity improvements have been exhausted at the two key junctions and further improvements require third party land. The policy is not clear on how the impact on the local highway network will be mitigated and merely states the following :-
- “Provide any necessary capacity and safety improvements to junctions impacted upon by the development in the vicinity of the site after all relevant sustainable travel interventions have been fully explored and their mitigation accounted for.”*
- 3.4.9 At this stage of the process, the deliverability of the sites allocated need to have been fully investigated. The SAD document fails to do this, appendix one refers to Safeguarding of Land for Strategic Highway Improvements, but only includes a picture of the junctions with a red box but no clear strategy for improvements.
- 3.4.10 Mid-Sussex has updated its Transport Study to test the impact of proposed development on the strategic and local transport network and upon significant routes in Ashdown Forest (adjacent to but outside of Mid-Sussex District).

The report concludes the following:-

“Felbridge junctions The A264/A22 junction is not identified as having severe impacts in the Scenarios. However, it should be noted that this junction is flagged as severe in the Reference Case and operates over capacity; the Scenarios generate slightly more traffic passing through the junction, which increases these impacts further, but not enough to result in severe impacts for the Scenarios”.

3.4.11 This suggests that improvements to these junctions will not be required as the impacts from additional traffic will not result in severe impacts but this is a contrived and unreliable conclusion that runs contrary to Paragraph 109 of the NPPF.

3.5 Policy SA21 Land at Rogers Farm, Fox Hill, Haywards Heath

3.5.1 The Policy states that this site is open space. It is a peripheral location with significant landscape and heritage constraints, together with Flood Risk considerations. The site should only be allocated if the constraints have been fully investigated and can be appropriately mitigated.

3.6 Policy SA25 land West of Selsfield Road, Ardingly

3.6.1 Ardingly is environmentally constrained due to its location wholly within the AONB. The remaining residual requirement for the settlement is 22 dwellings. In reaching the overall requirement in the Local Plan DPD the Council, in its Sustainability Appraisal that accompanied the DPD, has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering numbers to settlements constrained due to the AONB which indicated that development in these locations should be restricted. In the accompanying Settlement Sustainability Review May 2015 the Council concluded that future development in Ardingly should therefore be primarily to meet local needs. However, the SADPD proposes a site for 70 units, which is a major allocation in the AONB. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a major site within the AONB are not markedly outweighed by the negative impacts (particularly environmental), great weight should be afforded to protect the AONB and the scale and extent of development within these designated areas should be limited, Para. 172 NPPF).

3.6.2 Furthermore the site forms part of the South of England Show Ground and offers cultural and recreational facilities, the loss of which has not been assessed in the SA. This allocation should be fully assessed against the District Plan Policy.

3.6.3 Policy DP24 which refers to proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless :-

- an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss

3.7 Policy SA26 Land South of Hammerwood Road, Ashurst Wood.

- 3.7.1 The settlement of Ashurst Wood is environmentally constrained due to the settlement being washed over with the AONB. There is no remaining residual requirement from the District Plan for additional dwellings for the settlement. In reaching the overall requirement in the Local Plan DPD the Council (in its Sustainability Appraisal that accompanied the DPD), has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering dwelling numbers to settlements constrained due to the AONB, which indicates that development in these locations should be restricted. In the accompanying Settlement Sustainability Review (May 2015), the Council concluded that future development in Ashurst Wood should be primarily to meet local needs. However, the SADPD proposes a site for 12 units. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a site within the AONB is not markedly outweighed by the negative impacts (particularly environmental). Great weight should be afforded to protecting the AONB and the scale and extent of development within these designated areas should be limited. (Para. 172 NPPF).

4.0 Sites omitted from the Draft Plan that justify being allocated for housing.

4.1 Land south of Edinburgh Way, East Grinstead

- 4.1.1 Rydon have an option over the land as identified in Appendix (A). The site SHELAA reference 598 was considered as suitable in the SHELAA stage 1 as suitable for 60 units, in the medium to long term. Following further detailed site assessment, through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocation in the SA DPD. The assessment concluded that the site will have high impact on the AONB.
- 4.1.2 This site is located on the south eastern edge of East Grinstead, adjoining existing residential development that was built in the 1970s and 1980s. The site forms a small triangular parcel of open countryside comprising a single horse paddock which is contained by a tall hedgerow, tree and a post and rail/wire fence. The site is approximately 1.8 hectares in total.
- 4.1.3 The site is located to the east of Harwoods Lane which extends alongside the western site boundary and is defined by a hedgerow. The north and western boundary of the site also contains a line of mature trees. Harwoods Lane currently connects the site to residential development to the north. Beyond the boundary to the west and north of the site is residential development on Chesterton Close, Collingwood Close and Edinburgh Drive.
- 4.1.4 The site is located in the AONB, the land slopes generally southwards and the undulating topography together with the existing strong hedgerows, belts of trees and blocks of woodland in the immediate area surrounding the site provides enclosure and containment to views within the landscape.
- 4.1.5 The site has the potential to be delivered as a standalone site, subject to access or as part of the Great Harwoods Farm development that has been promoted by Thakeham Homes during previous District Plan consultations.
- 4.1.6 The Site Selection Paper 3 : Housing Sites October 2019, concludes that the site is not suitable for further consideration due to its location within the AONB. As such the site has not been assessed in the Sustainability Appraisal accompanying the Site Allocation DPD. With regard to the site's AONB location, it should be acknowledged that, as set out in the LUC document entitled " Capacity of Mid Sussex District to accommodate development", Mid Sussex District is heavily constrained by environmental designations such as Area of Outstanding Natural Beauty (AONB) and the South Downs National Park as well as other constraints. As a result, a balance needs to be struck between locating development in the most sustainable locations and those which have the least environmental constraints. Whilst constraints may apply, there is no reason why such constraints could not be overcome and addressed, as they have elsewhere, particularly if there is no other reasonable alternative.
- 4.1.7 Subject to appropriate mitigation, there are no constraints to development at the wider site, including Great Harwoods. The site is well contained within its surroundings and will therefore not result in an adverse landscape impact. The proposal by Thakeham

Homes includes up to circa 300 dwellings and the provision of a significant area of public open space in the form of a SANG therefore respecting the site's location within the AONB. The proposal will therefore result in significant environmental and social benefits without resulting in unacceptable impacts on the wider landscape.

- 4.1.8 East Grinstead is one of the three main towns in Mid Sussex and offers a range of services and facilities and a mainline railway station, all within a reasonable walking distance from the site, approximately 1 kilometre. As such, the development will be less car dependant than that at Imberhorne Lane to reach day today facilities and consequently less likely to impact on the problematic junctions along the A22. The SHELAA assesses the site as relatively unconstrained, development will not have a negative impact on the Conservation Area or Area of Townscape Character and it is not subject to the risk of flooding. It lies in the AONB but impact to the wider landscape can be mitigated. It has been identified as suitable in the SHELAA and therefore the site should be assessed in the SA and considered to be a reasonable alternative to meet housing need in the town.

4.2 Land south of Chalkers Lane, Hurstpierpoint

- 4.2.1 Rydon have an option over the land as identified on the enclosed plan. The site, SHELAA Ref. 575, was identified in the Council's SHELAA stage 1 as suitable for 200 units, in the medium to long term. Following further detailed site assessment through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocations in the SA DPD. The assessment concluded that the site is 'large' and the proposals will result in harm to the Listed building of the college and harm to the special character of the Conservation Area.
- 4.2.2. The site has an area of 27 ha (67 acres) but a large proportion of this will be left undeveloped providing the strategic buffer of open land separating the development from Hurstpierpoint College and Hurst Wickham to the east. This land offers the opportunity to extend the area of Country Open Space which formed part of the package accompanying the delivery of the residential development that is now being carried out by Bovis and indeed Rydon's small development to the south. The capacity of the site taking account of these buffer areas would be 220/260 units based on 30/35 dpa. There is the potential for land ownership to be transferred to the Parish Council so that this mitigation will endure in the long term. There is potential to extend the Country Park.
- 4.2.3 The attached plan prepared by Richards Urban Design drawing 1263.02 shows the full extent of the land by red edging. Also attached is an Opportunities and Constraints plan drawing 1263.03 which shows how the above concept could be put into practice. The attached photographs on drawing 1263.01 will give some idea of the physical characteristics of the land concerned.
- 4.2.4 The opportunity to extend the Country Open Space Area needs to be taken into account in relation to this Assessment. The current Assessment of impact upon both Hurstpierpoint College and Hurst Wickham Conservation Area is classified as being less than substantial harm. With mitigation as described above there would be no material impact. The open space will preserve the countryside setting to

Hurstpierpoint College to the east and this is already despoiled by buildings and sports pitches within the grounds. Hurst Wickham Conservation Area is a considerable distance away and there will be no material impact. A High Level Heritage Setting Statement prepared by Orion Heritage Ltd is attached which assesses the impacts and confirms that they would be nugatory.

- 4.2.5. There are no landscape quality designations on the site or in the immediate vicinity. The National Park boundary lies some 3km away to the south and distant views towards the site encompass the whole of the existing settlement of Hurstpierpoint, with which this development would appear in context. There is also potential for provision of strategic landscape buffers to the east and south of the site as part of the sensitive design of the Country Park and this will provide mitigation. Whilst the countryside is not unattractive, it is certainly not special and the site is relatively flat, featureless and not prominent in the wider landscape.
- 4.2.6. Trees/TPOs – the existing trees are located within boundary hedgerows and will be retained and enhanced. A suitable buffer to small areas of adjoining ancient woodland will be incorporated within any layout. There will be extensive new tree planting as part of the strategic landscaping proposals described above. This is a positive scenario for trees and the assessment should reflect that.
- 4.2.7 This is a sustainable, deliverable and developable development opportunity which should be included as a site allocation to meet strategic housing needs across the District. The original SHELAA assessment was not fair or accurate in a number of ways. The latest, February 2020, Assessment which is included in the Site Selection paper 3: Housing Sites Update does not take account of the representations made by Rydon at the Regulation 18 Consultation stage. The representations explained how the Country Park could be extended to the east to protect the wider gap between Hurstpierpoint and Hurst Wickham and the setting of the Hurst Wickham Conservation Area and that land at the northern end of the site could be left open to protect the setting of Hurstpierpoint College. The land is believed to be Grade 3b and therefore is not best and most versatile. The SHELAA correctly concludes that the site accords with the overall development strategy but the Detailed Site Assessment has not fully taken into account the evidence base, which shows how matters of separation of settlements and setting of heritage assets can be suitably addressed whilst still providing a net developable area to provide up to 200 sustainably located dwellings in accordance with the development strategy. The site assessed is for 540 dwellings and this does not take account of the Rydon masterplan which shows a smaller net developable area (around 200 dwellings) together with extensive open space areas to ensure the separation of settlements and protect the setting of heritage assets. This site should be considered in the SA in this context and would prove to be a suitable candidate as one of the additional allocations required to be provided in the Plan.

**REGULATION 19 SUBMISSION DRAFT
SEPTEMBER 2020**

**LIST OF APPENDICES ACCOMPANYING REPRESENTATIONS
OF BEHALF OF RYDON HOMES LTD**

- APPENDIX A** - Land under control of Rydon Homes Ltd
 South of Edinburgh Way, East Grinstead
-
- APPENDIX B** - Little Park Farm, Hurstpierpoint
 1263.01 – Site photos
 1263.02 – Site Location and land under control of
 Rydon Homes Ltd
 1263.03 – Opportunities and Constraints Plan

 High Level Heritage Setting Statement - Orion

APPENDIX A

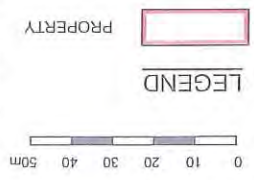
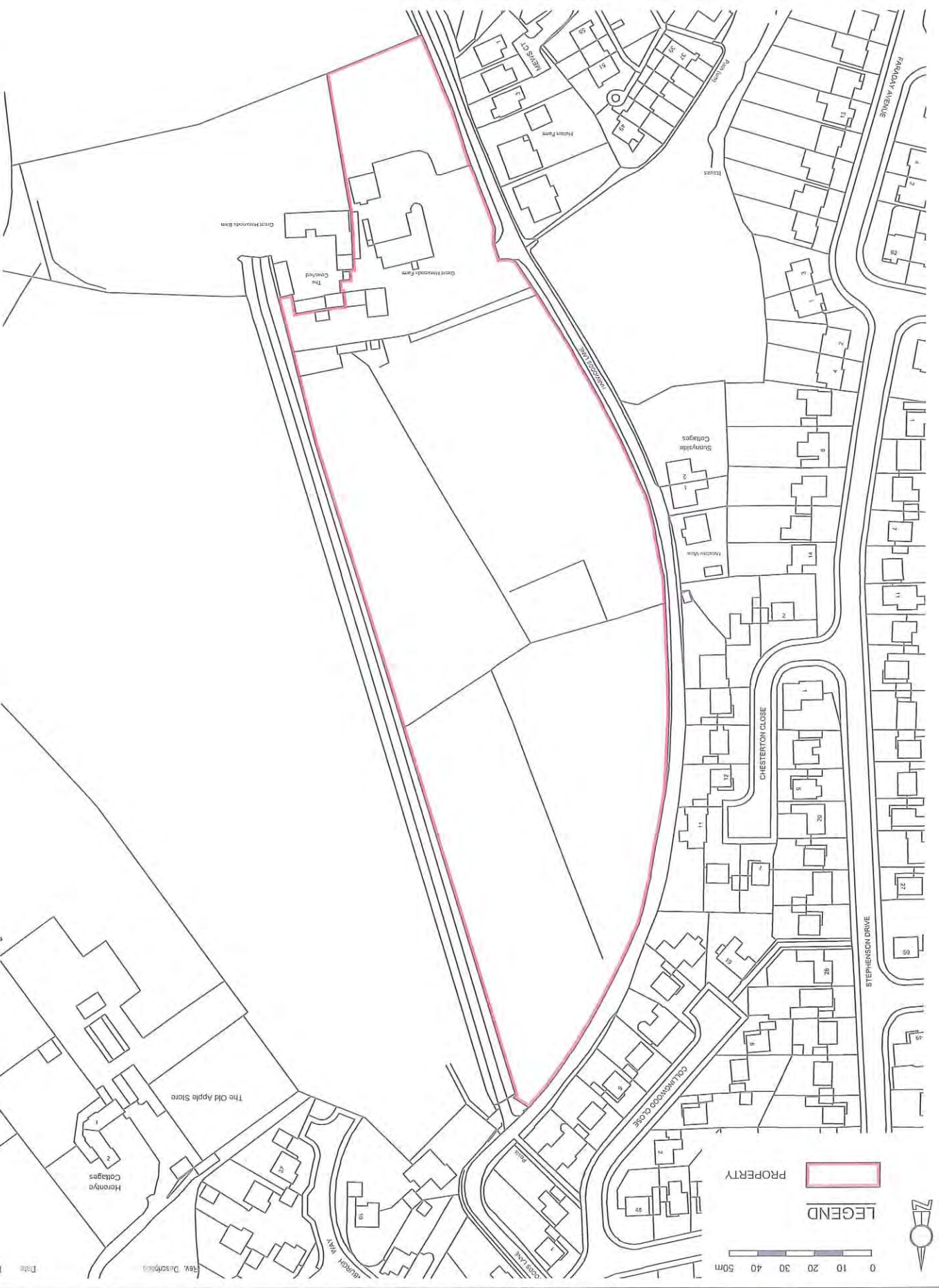


Rydon Homes Ltd
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RH18 5DV
T 01342 825151
E-mail: design@rydon.co.uk

Drawing No: 10597-L-01

Date: October 2018
Drawn by: MMH
Scale: 1:1250 @ A3
Rev:

Great Harwoods East Grinstead Option Plan



Rev. Description Date By

APPENDIX B

Total	
NTS	
Date	03.05.19
	standing at 1263.01



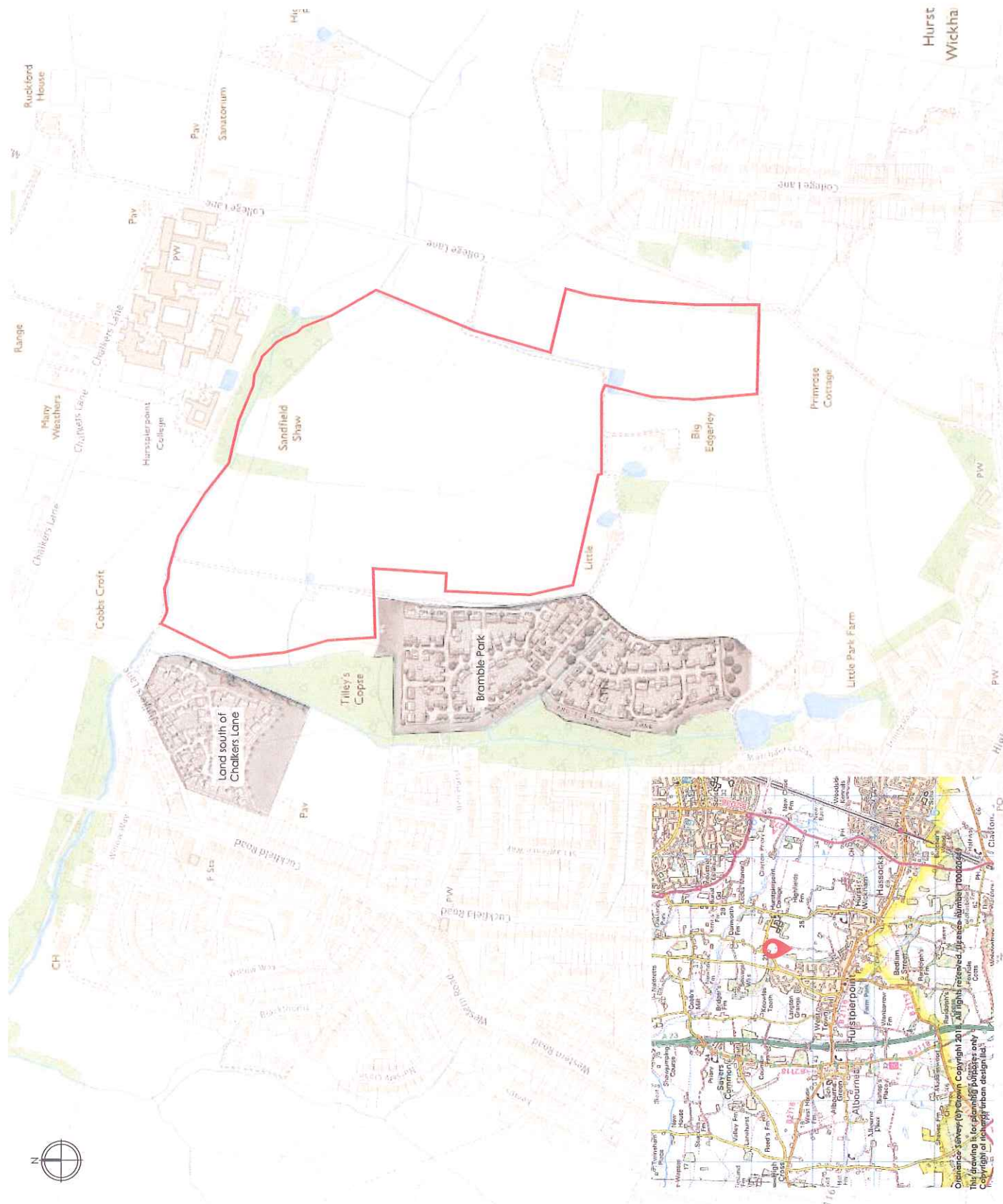
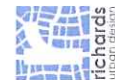
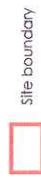
1. View looking north from the centre of the site with new housing south of Chalkers Lane on the left and Hurstpierpoint College on the right



2. View looking south east from the centre of the site with the new housing development at Bramble Park (left) and Tilley's Copse (right) in the background



3. View looking south with Bramble Park in the distance on the right.



LITTLE PARK FARM, HURSTPIERPONT

Drawing
Opportunities and constraints plan

Scale
NTS

Date
03.05.19

Drawing no
1263.03

KEY

Site boundary

Hurst Country Open Space

Existing Public Right of Way

Potential access to site

Contour

Existing mature tree/hedge boundaries enclosing land parcels to be retained, reinforced where appropriate & periodically traditionally lidd.

No development zone associated with Tiley's Copse to protect Ancient Woodland

Listed Building

Hurst Wickham Conservation Area

Potential extension to Hurst Country Space

Potential area for residential development

Potential new public open space / play area

Potential new loopath routes

Potential link to college

Potential childrens play area

Low density landscaped edge

Potential location for subs drainage feature



Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

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Report

Little Park Farm, Hurstpierpoint

Site

High Level Heritage Setting Statement

Client

Rydon Homes

Date

May 2019

Planning Authority

Mid-Sussex District Council

Prepared By

Rob Bourn BA MA MCIfA

Approved By

Dr Rob Smith MCIfA

Report Status

Final

Orion Ref

PN2213/1

1.0 Introduction

- 1.1** The purpose of this report is to present a high level assessment of the potential effect on the setting and significance designated heritage assets of residential development on land to the south west/south of Hurstpierpoint College. This is to support the promotion of residential housing in the western area of study site. It is not a full statement of significance report or a heritage statement.
- 1.2** The site is located to the south east of Chalkers Lane, to the east/north east of Bramble Park housing scheme that is currently under construction and to the south west/south of Hurstpierpoint College at grid ref at grid reference TQ 28529 17530 (Fig. 1).
- 1.3** The development of the study site has the potential to affect the settings and significance of two grade II listed buildings (Hurstpierpoint College and Star House at Hurstpierpoint College) and to the north west of the Hurst Wickham part of Hurstpierpoint Conservation Area (Fig. 2).

2.0 Planning Policy Framework

- 2.1** The Mid Sussex District Plan 2014 – 2031 contains two relevant policies relating to listed buildings and Conservation Areas.

DP34: Listed Buildings and Other Heritage Assets

Listed Buildings Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

DP35: Conservation Areas

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

3.0 Designated Heritage Assets

Hurstpierpoint College (grade II List number 1194726)

- 3.1 The Hurstpierpoint College complex is located immediately to the north east of the study site (Fig. 2). The main college building is grade II listed. The listing describes it as follows:

St John's College, Hurstpierpoint, was the second school established by Nathaniel Woodard, founded in 1849. In 1850 it was established in The Mansion House Hurstpierpoint and in 1853 moved into its permanent buildings. These were designed by R.C.Carpenter but largely built after his death by his partner, William Slater, and his son, R.H. Carpenter. They are in Gothic style and built of flints with tiled roofs. They form 2 quadrangles, the southern one open on the south side, with narrow pointer or trefoil-headed ws. The chapel and Hall form the north side of the north quadrangle. The Chapel at the east end has 7 bays, 4 of them projecting beyond the east side of the quadrangle. Pointed w. of Decorated type flanked by buttresses. At the west end of the Chapel are short transepts which form an ante-chapel, lit by a larger similar w. and above a tower added in 1929. The interior has very beautiful intern stalls. To the west again is a small covered passage, also added in 1929 to join the Chapel to the Ball. the latter is on the first floor with the dining room beneath it. These have 5 bays flanked by buttresses. The ws. on the first floor have flatter pointed heads, those on the ground floor consist of pairs of trefoil-headed lancets.

- 3.2 The significance of the college resides in its architectural, historical and artistic (i.e. aesthetic) interest. It forms the both the main building and core of the college complex and has group value with the immediately adjacent Star House. The setting of

the listed college building will be considered in brief below along with Star House as they form part of the setting of each other and share the same setting.

Star House (grade II List Number 1025664)

- 3.3 Star House is located on the east side of the main college building fronting College Lane. The listing describes the building as follows:

Built in 1873 in matching style to the College and probably designed by R.H. Carpenter. Three storeys. Three windows. Faced with flints with stone dressings and quoins. Tiled roof. Two gables and gabled dormer between casement windows. Two bays on ground and first floors, each with 5 trefoil-headed lights. Wide porch between with 7 similar lights.

- 3.4 As with the college building, the significance of the house resides in its architectural, historical and artistic (i.e. aesthetic) interest. It has group value with the immediately adjacent listed college building. The setting of the Star House will be considered in brief below along with the main college building as they form part of the setting of each other and share the same setting.

Setting of Hurstpierpoint College & Star House

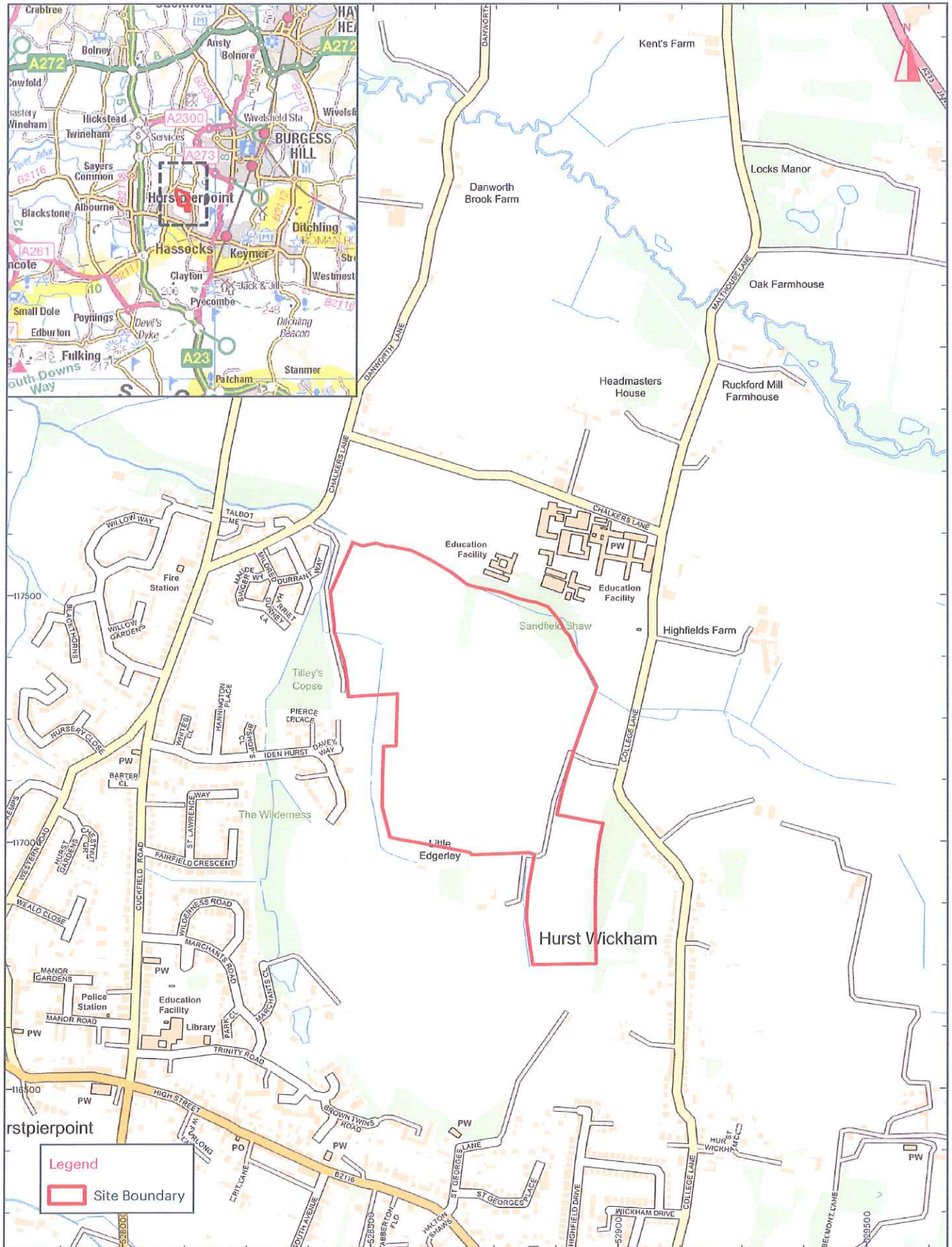
- 3.5 The two listed buildings occupy the main central and eastern area of the college complex. They dominate the grass sports pitches and facilities immediately to the north the buildings and the artificial grass sports pitches immediately to the south of the buildings. There are a series of pre-WWII, 1970s and later school buildings immediately to the west and south west of the main listed college building, with car parking and further artificial surface sports facilities to the west of the school buildings. It is within this area that the setting has a very strong positive contribution to the significance of the two listed buildings in functional, visual and historic terms. The later buildings, while not of the same architectural quality as the listed buildings, are sympathetic and subservient to the main building and the mix of style and date adds a very perceivable time depth to the experience of the school setting. The car parks and artificial sports pitches on the western side of the school complex contain a number of visually prominent lighting stands and fencing with a line of overhead electricity cables and wooden pylons cutting north south immediately to the west of the school grounds. The car parks, lighting stands, fencing and electricity cables detract from the experience of the listed buildings and have a slight negative contribution to their significance.
- 3.6 The College and Star House also have a wider landscape setting beyond the college complex. It is located on a relatively high spot on the landscape and so can be seen from and has at least partial views out over the lower land to the east and the south/south east. This aspect has a mildly positive contribution to the significance of the college as it places it within its wider rural context and enables it to be appreciated in various glimpsed and full views from within the wider area.
- 3.7 The setting to the west/south west of the school is more limited in extent and in its contribution to the significance of the main listed college building. The later school buildings block clear views in to and out from the listed buildings. The tower on the chapel can still be seen in many views due to its height but the main body of the listed buildings cannot be experienced, even at close quarters to the school boundaries, from the west and south west. Consequently, the land to the west/south west does not contribute visually to the significance of the college buildings. The land has historically been fields and so it does have a slight positive contribution to the historic interest significance of the listed buildings. The two new and under construction housing schemes (Land South of Chalkers Lane & Bramble Park) are recent visible changes within this aspect of the setting on the west side of the college which have introduced modern residential form.

Impact Assessment

- 3.8** The study site is being promoted for up to c. 260 residential units located in western and south western area of the site and a substantial area of open space. The layout on the constraints and opportunities plan (Fig. 3). The development parameters have been designed to preserve and enhance the setting of the college to the south west and west of the listed buildings. The layout has been designed to respond to the setting of the college and its contribution to the significance of the listed buildings. The main bulk of the proposed housing area will be screened from view from the college behind existing mature tall hedges and trees and so will have no effect on the setting of the college as they will not be experienced from the college and vice versa.
- 3.1** The north western field of the study site is currently a field which forms a small part of the wider rural context within which the college is experienced. This field is currently an arable field split into two by a north-south orientated footpath. The eastern 2/3 of the field will be retained as public open space with high quality housing in the area of the field to the west of the footpath. By bringing the edge of the built form c. 140m closer to the college complex than it currently is, there will be a slight visual change within this part of the setting. The recently constructed Chalkers Lane residential scheme has already introduced modern houses into this aspect of the setting. Consequently, the proposed high quality housing within this area of the study site will not change the character of the setting. The eastern half of the north western field of the site will be retained as public open space. This will ensure that the views of the tower of the college chapel that are currently possible from the site will be retained. There are no views of the site currently from the listed buildings anyway, as described above. Consequently, views from the listed buildings will be unaffected. The later school buildings to the west of the listed college buildings block all views of the site from within the core of the setting of the college. Therefore, the experience of the listed buildings as they are now, will be unaffected.
- 3.2** The area of the site to the south of college will be retained as an extension to the Hurst Country Space. This will ensure that the setting to the south of the college will be protected and conserved.
- 3.3** In conclusion, the development of the site as proposed in the illustrative concept masterplan, will result in the loss of about 1/3 of a field that has a slight contribution to the significance of the listed college buildings. This will primarily be a slight visual change. The college will still be separated from the edge of the built area of Hurstpierpoint by open space. The aspects of the setting of the college that have a clear and strong positive contribution to the significance of the listed buildings will be unaffected. Consequently, the development of the study along the parameters as outlined in the constraints and opportunities plan (Fig. 3) will not result in harm to the significance of Hurstpierpoint College or Star House.

Hurst Wickham Conservation Area

- 3.4** The area of the proposed housing is considered to lie beyond the setting of all three blocks of the Hurstpierpoint Conservation Area. There is one vista point identified on the significant views map of the Hurstpierpoint Conservation Area from just north of St Georges Lane that is toward the study site. However, the proposed developable area of the site is 0.5km to the north and is screened from the view by intervening hedges, trees and other vegetation. Consequently, there will be no effects on this view. The southern part of the proposed potential extension Country Space would be within this view but there will be no effect on this view. Consequently, the development of the study along the parameters as outlined in the illustrative masterplan will not result in harm to the significance of any of the three blocks of Hurstpierpoint Conservation Area.



Title:
Figure 1: Site Location
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:10,000

0 300m

orion.

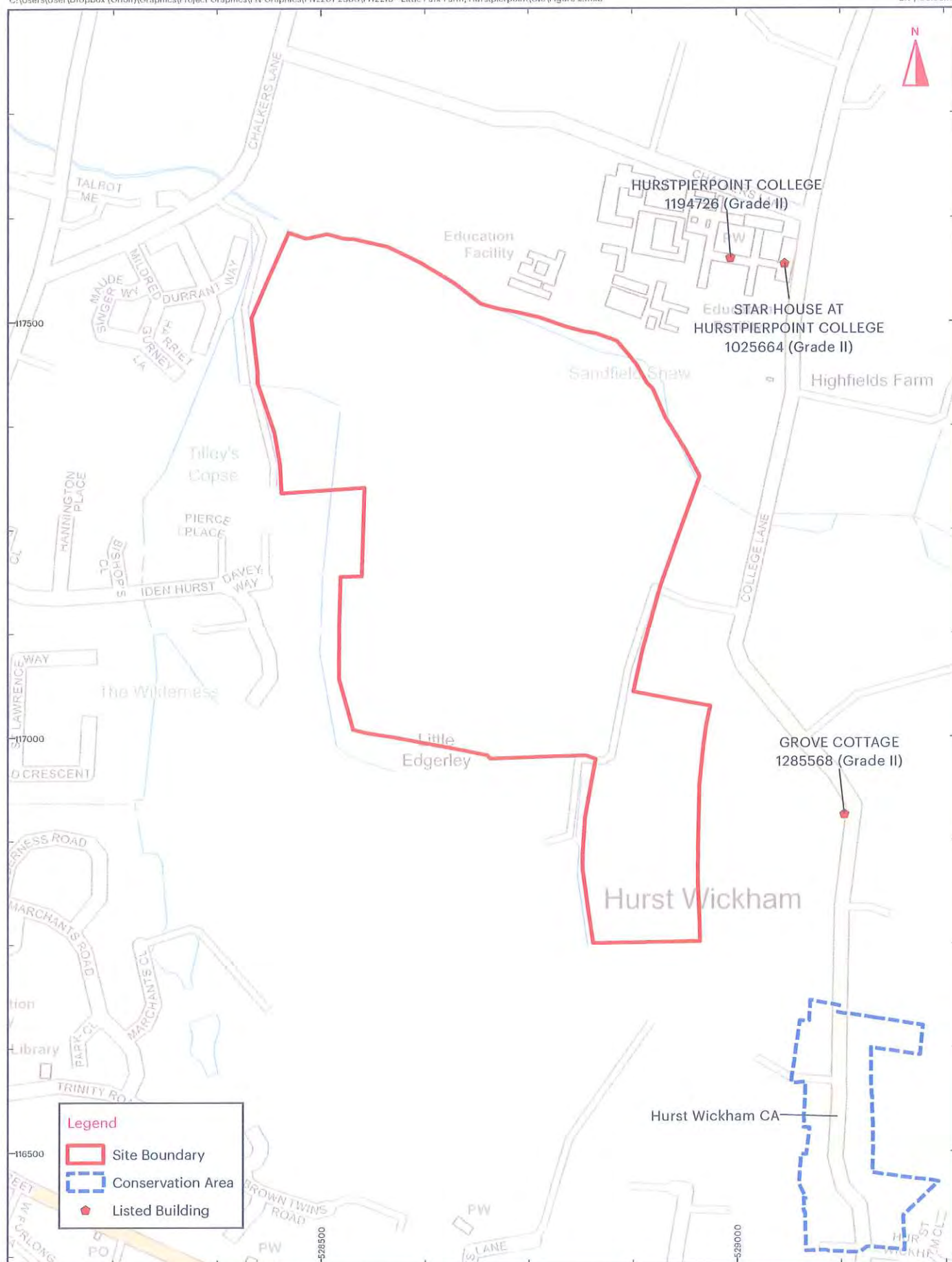
**Title:**

Figure 2: Location of Designated Assets

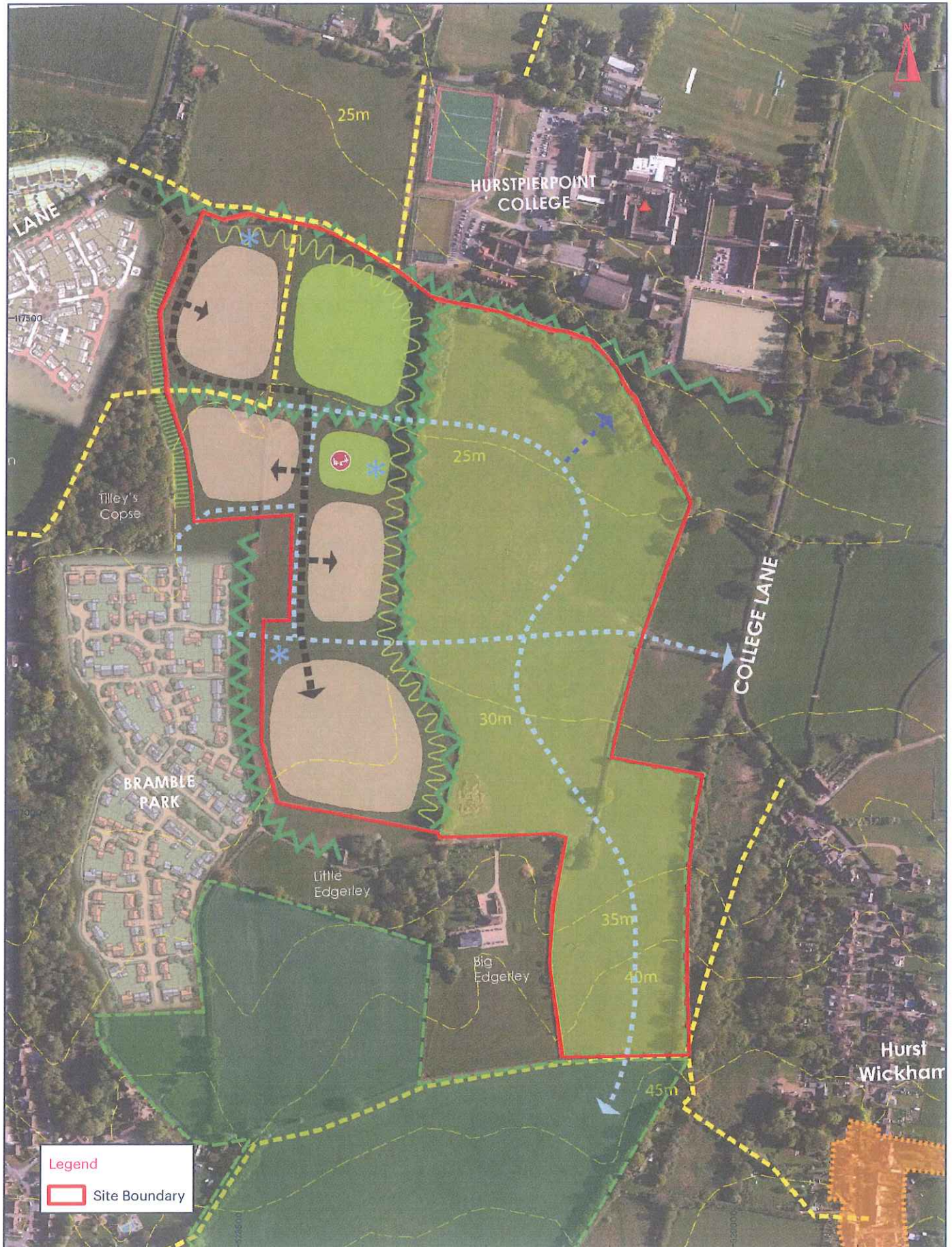
Address:

Little Park Farm, Hurstpierpoint

Scale at A4: 1:6,000

0 180m

orion.



Title:
Figure 3: Opportunities and constraints plan
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:5,000



orion.

2205

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2205

Response Ref: Reg19/2205/1

Respondent: Mrs G Watts

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Gemma Beese [REDACTED]
Sent: 28 September 2020 20:24
To: ldfconsultation
Subject: Objection - SA15 Land south of Southway

Categories: SiteDPD, Estelle

Good evening,

I am writing this email to confirm an objection to the proposed site SA15, land south of Southway, my reasons for this objection are,

Firstly I live at [REDACTED], directly opposite the proposed new development on land which we were told originally was protected and not going to be built on.

The access to this development will apparently work its way through Skylark way which is a very small and narrow road, navigate the bottle neck at Skylark way and Linnet Lane crossroads and furthermore claim 2 of the 5 parking spaces outside my house, in addition to this we will therefore have various trucks and lorries passing through and in front of our house for over a year.

The pavements in both Linnet Lane and Skylark way are already inadequate and parking already insufficient it is going to be extremely dangerous for pedestrians and also very dangerous and difficult having big vehicles getting into and out of the site.

The width of both the roads mentioned, with parking already at its maximum make these roads simply inadequate.

The site boundary encroaches onto Cradock's homes land and a more precise land ownership plan is required.

In addition to this the proposed site conflicts with the District Plan Policy DP38 which refers to enhancing biodiversity. There are numerous species on this site which are afforded statutory protection.

I therefore feel this site is completely unnecessary, and a case of cramming homes in wherever possible. Burgess Hill has many, too many sites already being built surely other surrounding areas can afford to give some space to help our town from being completely taken over.

Kind regards
Gemma Watts

[Sent from Yahoo Mail for iPhone](#)

2218

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2218

Response Ref: Reg19/2218/1

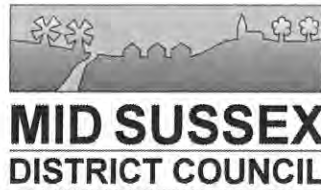
Respondent: Mr R Andrew

Organisation: Hargreaves Management

On Behalf Of: Hargreaves Management

Category: Promoter

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	<input type="text" value="Mr"/>
First Name	<input type="text" value="Richard"/>
Last Name	<input type="text" value="Andrew"/>
Job Title (where relevant)	<input type="text" value="Chairman"/>
Organisation (where relevant)	<input type="text" value="Hargreaves Management"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Hargreaves Management"/>
Address Line 1	<input type="text" value="Rustington House"/>
Line 2	<input type="text" value="Worthing Road"/>
Line 3	<input type="text" value="Rustington"/>
Line 4	<input type="text" value="West Sussex"/>
Post Code	<input type="text" value="BN16 3PS"/>
Telephone Number	<input type="text" value="01903 777775"/>
E-mail Address	<input type="text" value="rra@hprop.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:

Hargreaves Management

3a. Does your comment relate to:

Site
Allocations
DPD

☒

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

15

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 ☒

No ☐

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

Sound

Unsound

(1) Positively prepared

☒☐

(2) Justified

☒☐

(3) Effective

☒☐

(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**.

The site has been allocated for housing. Supporting reports relating to transport and ecology have been submitted in support of the allocation. The site is considered to be well located for new housing and a proposed layout plan has been produced demonstrating how the site could accommodate new housing as well as providing enhanced footpath and cycle links whilst preserving the existing small area of mature woodland on the site. Development on the site could achieve a net gain in biodiversity and could be deliverable within 5 years.

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:

In order to respond if necessary to any objections to the inclusion of the site as a housing allocation within the DPD.

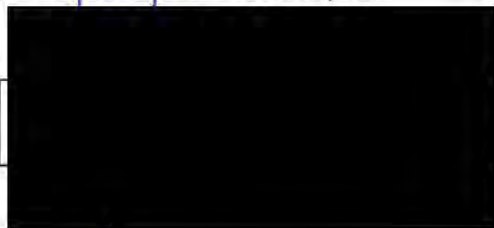
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please notify me when:

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

☒☒☒

Signature:



Date:

28/09/2020

Thank you for taking time to respond to this consultation

2250

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2250

Response Ref: Reg19/2250/1

Respondent: Miss H Farrant

Organisation:

On Behalf Of:

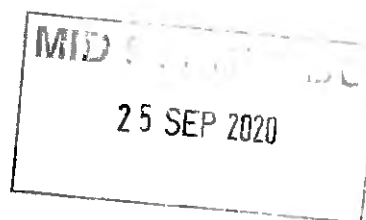
Category: Resident

Appear at Examination? x

Hannah FARRANT. [REDACTED]

F.A.O. [REDACTED] Head of Planning / Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath, West Sussex **RH16 1SS**

21st September 2020



Dear [REDACTED]

Re:- "SA15" proposed site allocation Land South of Southway Neighbourhood Plan

I am a resident at [REDACTED] and I am writing in response to your letter dated 3rd August 2020 "Submission Draft Site Allocations Development Plan Document Publication". Together with my previous comments outlined in my submission initially dated 14th November 2019, I once again write to offer my **objections** to development at the above site. I enclose a copy of my report and also attach a copy of the document "Comments from Organisations/Specific Consultation Bodies" as published by Mid Sussex District Council which outlines a total of 69 independent party's comments (of those 65 Objections, 2 Supporters and 2 Neutral).

My objections are as follows:-

- 1 SA15 allocation is on Local Green Space in **OPPOSITION** with NPPF policies – this site is a "green lung" for Burgess Hill.
- 2 SA15 allocation is an important wildlife site including for nightingales (danger of extinction)
- 3 Additional traffic issues between Haywards Heath and Burgess Hill with adverse town centre traffic effects.
- 4 SA15 allocation conflicts with DPP DP38 enhancing Bio diversity (numerous species on site afforded statutory protection).
- 5 SA15 allocation - Concerns over pedestrian safety, lack of sufficient vehicle parking, congestion and inappropriate access road width to its proposed entry off Linnett Lane.
- 6 SA15 allocation - Proposed access from Linnett Lane unsuitable located between 2no blind bends and directly opposite existing resident drives.
- 7 SA15 allocation - Site selection concerns (geographical and political balance on the sites Member working Group)
- 8 SA15 allocation proposed site boundary shows encroachment onto existing residents maintained land both south of the site and west of the site including access. (See below)
- 9 SA15 allocation- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex' expansion plans in relation to its infrastructure.

I have written to our Solicitor and received an email with the following response:-

"The Transfer provided of the property to you indicated that the Management Company would take over the Common Areas on the Estate. The Common Areas were defined as those parts of the Estate which comprise open space land and intended to remain private and be available for Common use and enjoyment by the owners and occupiers of the estate."

Yours sincerely
HANNAH FARRANT (Miss)

[REDACTED]

Neighbourhood Plan Proposed Development
location:-

"Land South of Southway" Burgess Hill:-

Objection:- as part of the Consultation
Process as requested by Mid Sussex District
Council

issued to:-

Email to:-

LDFconsultation@midsussex.gov.uk

And / or post to:-

Planning Policy

Mid Sussex District Council

Oaklands

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

BY 28th September 2020

Resident Name:-

Address & postcode:-

HANNAH FLARANT



- **Please note:-**

The comments listed below are not listed in any order of importance:-

- **General information:-** Proposed site area listed as 1.2 hectares / Development guidelines 30 properties per hectare / 30% affordable housing allocation
- Before the existing Croudace small residential estate was completed, this land was an arable field used for hay or wheat. One side of the field was bordered by a thick Blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring. Photos below c1975.



- When the last of the new Phase 2 Croudace homes were built 5 years ago, an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. The nightingales continue to sing in the spring on the area of so called 'protected woodland'. We have also seen Buzzards flying low over the area this summer, and have found Elephant Hawk Moth Caterpillars, and in previous years have watched fox cubs playing. Bats and owls fly through the estate regularly – see details below.



Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- Although a small urban area, this woodland is supporting a variety of species, and connects to the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



Adopted footpath with mature oak trees leading to Blackthorn hedge

- **Matters Requiring Clarification:-**
- We are in need of your clarification regarding the following which we would then wish to retain the right of making further comment.
 - A The type of housing stock to be constructed on the development site?
 - B Why at this juncture decision has been made to use Linnet Lane for access to the proposed construction site, notwithstanding the fact other points of access would be less disruptive during and after the construction phase. We have ourselves this issue with West Sussex County Council – see clause 1 below.
 - C A more definitive plan with precise boundaries forming part of the development site – see clause 6 below together with the various sub-sections below, under the heading "Potential Land Ownership Issues"
- **List of Objections:-**
As follows:-
 - **1.0 Highways**
 - **1.1 Highways/traffic:-** We have been discussing the proposed site development South of Southway with Laura Walder at West Sussex County Council and she has asked that concerns and objections be listed and carefully documented and emailed to the Highways Team , customer.service@westsussex.gov.uk for their urgent comments and action. *(this has been actioned – awaiting response)*

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020



Robin Road access to Croudace estate Existing road network and footpaths

- **1.2 Existing road access /Lack of infrastructure :-** Inappropriate access road widths Robin Road, Woodpecker Crescent for a further 70+ cars with proposed development. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten potential danger despite the installation of warning signs "slow children" - this has increased significantly with Internet shopping in recent years and food delivery such as DPD/amazon prime etc.



Emergency vehicle on "999 call out"



**Usual parking patterns would make
The ambulance access impossible**

- **1.3 Location of proposed access:-** New proposals show proposed access road shows to be located between 2 blind bends on Linnet Lane directly opposite existing resident drives. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians who do not "know" the road layouts and location of homes



**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

Blind bend Brambling Way

remove 2 middle car parking spaces min turning



**Pedestrian crossing points/safe
Visibility splays required**

Junctions

road visibility splay



Proposed Access to New Estate

Proposed access through parked cars

This existing Croudace estate is a "built – up" area and the general principle is that junctions are to be avoided near bends, unless adequate 'sight lines/visibility splays' and other 'safety' features can be achieved. Our concerns for any new access road in Linnet Lane to any potential housing development "Land South of Southway" are due to the fact it will adversely affect safety of both pedestrians and vehicle drivers. Forward visibility is vital - access to existing driveways, activities, junctions and other features will put residents and members of the public at risk.

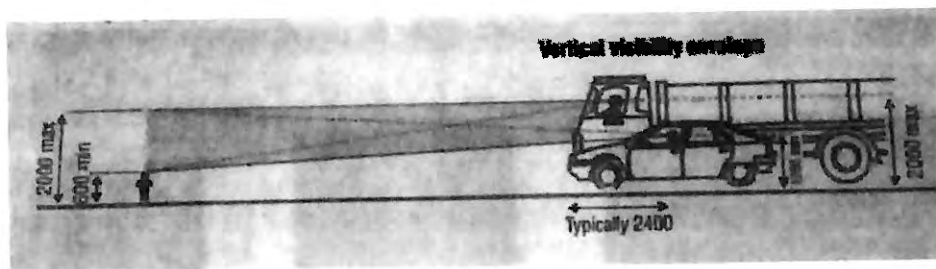


Proposed development shown hatched

Existing amenity land

- **1.4 Vehicular accidents:-** 2.5yrs ago, a large white fully laden delivery van reversed from the staggered crossroads from Skylark Way up the hill towards Brambling Way at speed reversing round the corner into Woodpecker Crescent crashing into a stationary vehicle who had anticipated its erratic driving – it then drove at speed up onto the pavement on the wrong side of the road (Linnet Lane) prior to coming to a standstill. A lost delivery driver panicking at speed!

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020



- **1.5 Traffic surveys:-** The residents of the existing Croudace Estate would like to highlight that there are significant increases of vehicular traffic at different times of the day and different days of the week due to the following, (and this we feel has not been taken into account whilst preparing this site for listing as a potential development site allocation.)



Staggered parking Robin Road entrance



Parking directly on a junction (staggered crossroads)

View from Woodpecker Crescent eastwards



**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Quiet section of the day Linnet Lane (west)



View Robin Road southwest to York Way

Monday to Friday

- **6 – 9am:-** residents leaving for work commitments by car and high pedestrian footpath usage to mainline station at Burgess Hill/school children/parents walking to schools/cycling and scooting to school/Kiddi Caru childcare centre
- **8.15am:-** non estate residents enter the existing Croudace estate via York Road to park for the morning or the day whilst at work.
- **Midday:-** residents and non resident vehicular and pedestrian traffic / school/pre-school/day-care/part time work place changeover.
- **3pm:-** residents use vehicles and / or pedestrian usage to collect children from childcare Kiddi Caru / schools – St Wilfred's Primary/Southway Primary/Hassocks infants/Windmills Primary/Downlands Secondary/Burgess Hill Academy, St Pauls Secondary/Oathall/Burgess Hill Girls etc
- **5pm:-** non residents return on foot to collect their cars to drive out of the existing Croudace estate
- **5pm onwards:-** residents return to Croudace estate
- **Tuesday**
- **7.15am:-** Dustcart access for emptying refuse and recycling bins to the whole Croudace estate
- **9.15am:-** Dustcart access for emptying 'paid' green bin emptying to the whole Croudace estate



NB:- (School term time and holidays have a bearing on the above)

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **Saturday and Sunday:-**
- Allowance for existing residents vehicular parking together with any visiting residents and potential no- resident parking affording access to Town.
- **2.0 Parking**
- **2.1 Existing parking on York Road:-** Existing vehicular parking on York Road (feeder road to Victoria Industrial Estate for juggernauts , delivery vans and cars is restricted due to car parking along this extremely busy feeder access road on both sides of the road especially outside Park Cameras and Kiddi Caru. The short distance from Jane Murray Way roundabout gives rise to 'backing up' of queueing traffic which will be worsened significantly if a further 70 vehicles from any proposed development is agreed. Furthermore, sightlines are significantly restricted affording difficult access from Robin Road to York Road especially during 'rush hour' due to the car parking along York Road (entrance feeder road to the Victoria Industrial Estate)



No visibility right at "T" junction
from Robin Road



Overcrowded resident parking
Woodpecker Cresc. to Linnet Lane

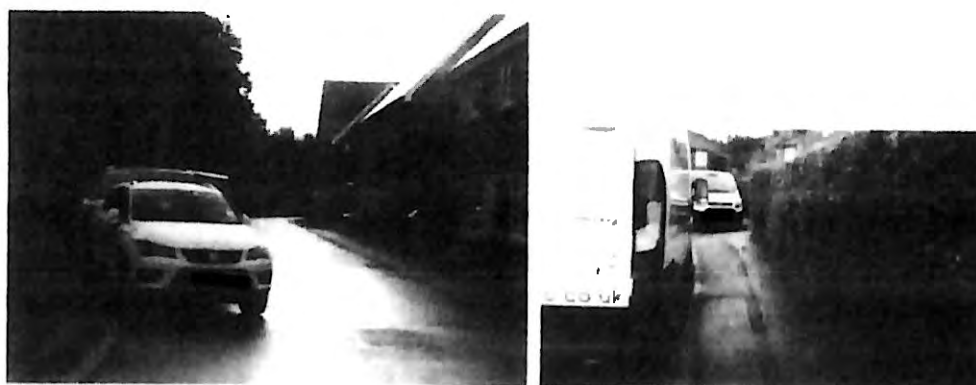


Visibility whilst in road in front
Park Cameras York Road



Retail home delivery service "parks" in middle of road

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Inadequate existing residents parked vehicles create "pinch" points

- **2.2 Dropped kerbs to Croudace estate:-** Dropped kerbs on the whole of the existing estate allow car parking half on/half off existing pavement – any further



proposed development will increase footfall and vehicular traffic numbers making this unworkable and potentially dangerous.



Drop kerb parking (cars on rh side)

Residents drop kerb parking

- **2.3 Unsafe pedestrian access:-** The above practise restricts safe pedestrian access on existing tarmac pavement zones. I.e. prams, double buggies, pedestrians with children & dog owners. Speed of "visiting" cars and more importantly Delivery lorries and vans heighten danger to pedestrians whereby they may not "know" the road well and cannot see around "blind bends".

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



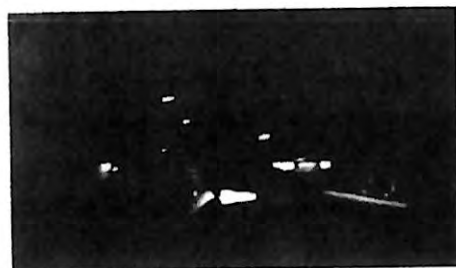
"Parked" delivery van / driver on foot looking for access to houses 7 & 9 Siskin Close.

- **2.4 Free parking:-** Robin Road and Woodpecker Crescent are currently used as 'free parking' sites for employees of "Royal Mail", Kiddy Caru and other local employment sites in the adjacent light industrial estate Victoria Business Park. Recent extensions to double yellow lines in Robin road by Highways to aid visibility splays and safe access have forced such free parking further into the Croudace estate making pedestrian access and vehicular access even more problematic, dangerous and unacceptable.



Owner of black car parked directly on junction apparently works part time hours at a local employer

- Some people stagger parking at junctions particularly on Robin Road which gives rise to vehicular traffic using the 'wrong' side of the road to drive round these parked cars meeting oncoming traffic. This is highly dangerous and has given rise to many "near misses" and several accidents. This risk increases significantly in winter months with ice on the road (we do not receive any salt bins gritters – partly because the roads are too narrow)



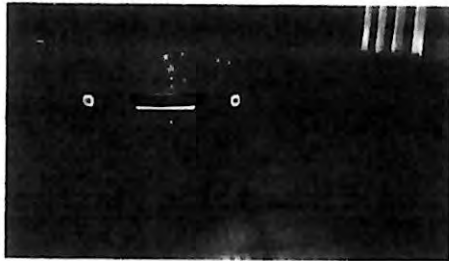
Due to parked car at staggered crossroad junction corner, vehicle forced to drive diagonally in path of oncoming vehicle to access Woodpecker Crescent from Linnet Lane



7.30am staggered crossroads after residents leave for work and PRIOR to non residents arrive to "free – park"

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**

- **2.5 Residents existing parking:-** Currently there is inadequate provision for residents and visitor parking on the Croudace estate.



Drop kerb parking at night



Residents using drop kerb parking due to inadequate estate parking provision

- **2.6 Visitor parking allocation to existing site:-** Existing parking spaces Linnet Lane (Deeds of properties in Croudace existing estate (Phase 2) allocate visitor spaces (as part of afforded Amenity) adjacent to the proposed site development South of Southway School. New proposals state 2no visitor spaces will be removed to afford new access road to proposed development 30 homes and provision reallocated elsewhere. Loss of this amenity due to development would be hard to enforce if relocated in a differing "new estate" road.



Visitor parking in Linnet Lane (viewed southwards from Brambling Way)

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- **2.7 Parking – proposed new location:-** Concern is raised to the legality of this and how far into the proposed 30 home estate they will be allocated?



Proposed point of new access road to Land South of Southway

Visibility splays from road junctions and existing resident's driveways from a car driver and a pedestrian coming out of their property is vital to afford safe egress from the street edge.

NB:- *Painting yellow lines around the site roads is not a solution to inadequate parking provision*

• 3.0 Footpaths

- **3.1 Footpaths:-** looking at the Council 'Ordinance Survey plan of the area (see attached) there are "Paths" marked (by a dashed line) to the north and east perimeter of the proposed development that are used as "unofficial" footpaths and have been used since 1975 at least by dog walkers.



Unofficial footpaths

- **3.2 Street lit footpath to rugby field:-** Existing Croudace constructed site (planning application granted phase 1 homes 2009 and phase 2 application granted total for both 94 homes granted 2010) construction completed 2015 gave enhanced public footpath access to Rugby field/Burgess Hill town centre and Southway Primary School.



Adopted footpath leading to Rugby pitch
Brambling Way / Linnet Lane junction
footpath

Therefore, even more children and parents use this as safe access and currently need to walk in the road to get to the twitten and to school. Pedestrians from the Croudace (some 84 homes in Phase 1 and 94 in Phase 2) estate together with the existing wider estates along Sparrow Way etc

- **3.3 Cycling:-** Routes to school, routes to facilities and neighbourhoods should be safe - our children are encouraged to cycle to school and often cycle up Linnet Lane to meet the adopted footpath shown above.

With the existence of the Brambling Way blind bend and a potential new junction to negotiate if Land South of Southway is developed, (and if 2 car parking spaces are removed from Linnet Lane) children's and adult's lives can be potentially put at risk. There is insufficient distance to introduce a new access road between 2 blind bends at this pinch point of vehicle, pedestrian and cyclist activity in our view.

Many adults cycle to work accessing cycle ways and there have been several accidents whereby cyclists (especially in wet conditions) when cycling south from Brambling way down Linnet Lane have fallen off their bikes when trying to brake on seeing an oncoming vehicle travelling towards them north up Linnet Lane.

3.4 'Often' overgrown footpath continuation Skylark Way:- We have spoken to the Footpaths Officer Laura Walder who has advised us that the existing footpath ref:- "32BH" across the existing Croudace site has been maintained regularly but where it crosses the private land prior to its end at Southway, it has not been maintained by the landowner. A kind Croudace resident has trimmed both overhanging sides to afford safe access to school for children who access this adopted footpath.

Many residents walk that footpath regularly and the Town Council need to enforce the landowner of the private land either side to maintain this footpath. See documents attached min 10 residents affording regular access to Town Centre and Southway school. We have been advised to contact West Sussex County Council "public Rights of Way" online to report overgrown footpaths for clearance. (Land Registry have landowner listed)



32BH Skylark Way footpath
Viewed from Skylark flats



Start of private access via 32BH footpath

- **4.0 Environmental issues:-**
- **4.1 Existing environment:-** Before this small (Croudace constructed) residential estate was completed, this was an arable field used for hay or wheat. One side of the field was bordered by a thick blackthorn hedge, a known local site for nightingales. The nightingales could be heard every spring.
- When the new houses were built (completed 4 years ago), an area of the field was left as a protected green space, retaining the Blackthorn hedge. This has now developed into a scrubland of oak, bramble and assorted native trees. See 4.2 below



Fenced surface water overflow pond looking north to Land South of Southway

- The **Nightingales** continue to sing in the spring on the area of so-called protected woodland. We have also seen **Buzzards** flying low over the area this summer, and have found **Bats**, **owls** and this has been part of previous **Planning approval** see 4.2.
- **Elephant Hawk Moth Caterpillars**, and in previous years we have watched fox cubs playing.

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Nightingale



Elephant Hawk Moth Caterpillar



Buzzard



(above images taken from free image sources)



View towards Snakes Wood



**Mature oak (not TPO)
Leading to rugby pitch**

4.2 Planning Application & Regulation Ecology Plan:- *Planning Application 09/00605/FUL* entitled Submission of Details Pursuant to "Condition 8" 'Ecology' of Planning Permission on Land North of Maltings Park, Burgess Hill:- Documents clearly state that an **Applied Ecology Ltd Report and Habitat Management and Maintenance Plan** were required as part of the Planning Permission being granted. The document shown below states that this Condition 8 has been agreed and the condition discharged by the Implementation of provisions for badgers, bats (bat boxes) and reptile habitats dated 12th March 2012. See copy letters photographed below.

Documentation also exists stating that "Condition 7" for Planning Permission relating to *Planning Application 10/00107/FUL* has also been agreed and discharged letter dated 23 March 2012. See copy letters photographed below.

- Although a small urban area, this woodland is supporting a variety of species, and connects with the playing fields of Burgess Hill Rugby Club, and West Park Nature Reserve- and ultimately with the Green Crescent surrounding our side of the town.



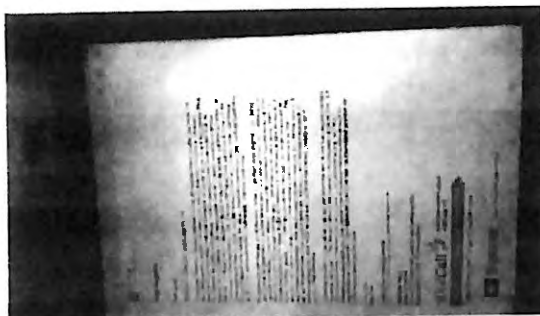
Maintained "Wild flower meadow" strip by Croudace Management Company

- **4.3 Sussex Wildlife Trust:-** Charlotte Owen has been contacted (Wildcall Officer) and she has drafted email replies as appended. "nightingales are protected under the "wildlife & Countryside Act" and it is an offence to damage or destroy an active nest"
- **We would like to ask the following :-**
 - 1 is there any official form of 'protection' granted to this area as part of the existing Croudace estate development? **YES See above (4.2)**
 - 2 is there any official form of 'protection' granted to the site of proposed development South of Southway? **YES See above (4.2)**
 - 3 Are there any binding measures put in place to prevent future damage, destruction or development on this part of the proposed development site South of Southway?

This is highly relevant and to be questioned and looked into further...Awaiting Sussex Wildlife Trust investigations.

OR

- 4 whether the retention of ongoing management of this area was a formal condition of the previous Planning Condition?
- It is our understanding , "Developers and Local Planning Authorities **MUST** seek to retain hedgerows and other valuable wildlife habitats, especially those that have been previously identified as "wildlife areas" and ensure that there is an overall net gain for biodiversity Ideally this area would be retained protected and sustainably managed but not necessarily for humans but wildlife. We need to ensure that as an important wildlife habitat, It is managed with the advice of Sussex Wildlife Trust.



Sussex Wildlife Trust letter

- **4.3 Nightingales:-** "Any applicant's ecological report should also include a desktop search of species records held by the Sussex Biodiversity Record Centre for this area which would provide all known records for protected and priority species including Nightingales". There have been sightings of nightingales on this site since 1975. – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.4 Bats:-** Residents frequently see Bats flying from the west of Linnet Lane to the direction of Land South of Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.5 Buzzards:-** Residents have seen Buzzards flying over this area regularly (last sighting during late summer 2019) Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.6 Wildlife:-** Since the re-development of B1 use buildings to flats and apartments to the rear of the Croudace Development Goldfinch Road and Snakes Wood (Victoria Drive) the fox number has declined/moved and the rat population has increase significantly.
- **4.7 Blackthorn Hedging:-** The existing Blackthorn hedge affords nesting provision for Nightingales that have lived in the area for a numbers of years. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.
- **4.8 Mature Oaks:-** There are a number of mature oaks on site - this is a wildlife corridor – some of the mature oak and other trees are not listed on the proposed ideas as mature and are not TPO listed. We have spoken to Irene Fletcher (Tree Officer) Mid Sussex District Council and she has confirmed that mature species bounding the existing estate along Skylark Way and Goldfinch Drive have Tree preservation Orders. Southway – This needs to be fully investigated to highlight nesting site in light of the Conditions namely section 7 and 8 of the **2 Planning Application Approvals 4.2** above.

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- There doesn't appear to be any protection orders for the mature hedging and trees. We asked what protection could be sought for this area of land which is a valuable wildlife habitat. The proposed site is visible to the public from the existing maintained footpaths, unofficial footpaths, existing estate and Snakes Wood. We feel that the proposed site is of significant amenable value and is a site of expediency which we understand are both categories listed for consideration by the County Council Planning Dept.



Area requires protection



Conditional Planning Permission documentation

- **5.0 Development construction:-**

- **5.1 Noise:-**

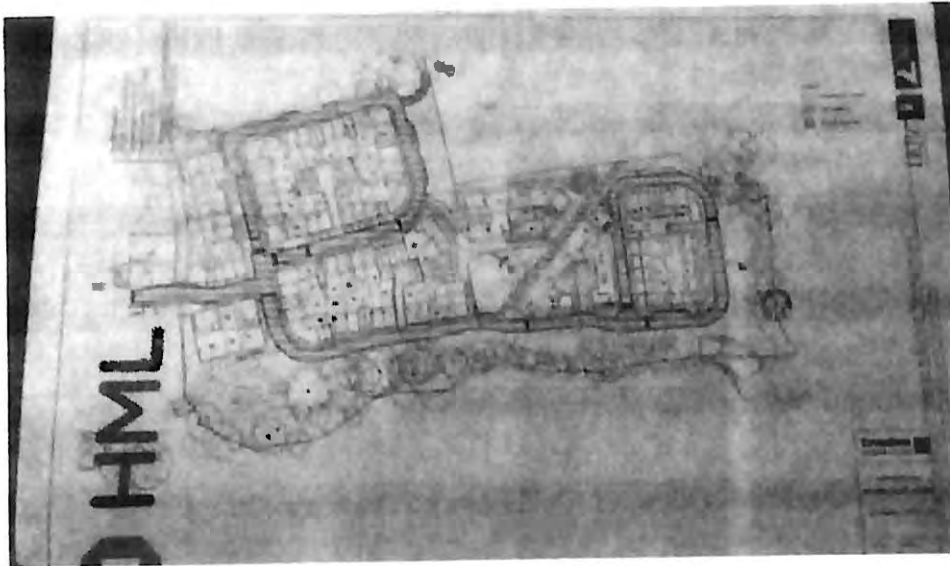
- **Development construction:-** this will cause disruption to wildlife species.
- **Construction vehicular access:-** large vehicles and materials will not be able to afford safe access through the existing Croudace site for the above mentioned reasons. (parked cars/vans/delivery vehicles etc)

- **6.0 Potential Land Ownership query:-**

- **6.1 Ownership:-** There is a potential discrepancy in the outline of the boundary plan – Currently Croudace Management Company "HML" (paid for by each resident on site annually) maintain this area of wild flower meadow strip – yet the proposed outline for the allocation of development land is shown to include this land up to the tarmac Croudace constructed pedestrian footpath shown above. Likewise, the grass treelined strip of land to the east of Linnet Lane is also maintained by the Croudace Management Company "HML" (paid for by each resident on site annually) – yet the

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

proposed outline for the allocation of development land is shown to include this land up to the edge of the visitor parking bays. HML Management Company that we the Residents own will know the precise boundary and ownership details – information has been requested.



Plan showing areas that residents are liable for maintenance (ie 1/94th)

- 6.2 Fencing:- Fencing was installed during the Croudace phased construction period and it is clearly signed "Private Property Keep Out" – surely this fencing and notification demarcates land ownership ?



Corner fence opp Siskin Close



Fencing east side

**Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020**



Fencing on Linnet Lane



Fencing at end of Brambling Way



Signage either side of 32BH footpath

- 6.3 Legalities:-** From documentation, it appears that Mid Sussex County Council own Snakes Wood. It is unclear whether Croudace own the "AMENITY" land that HML manage? (we the 94 residents pay for the management of the amenity land including the wildflower meadow. Surely there would be a need for a compulsory purchase Order, at the very least, with 3 Independent valuations. The proposed "Allocation development of Land South of Southway" shows development right up to the tarmac footpath bordering numbers 1 and 9 Siskin Close – if the above strip is owned by 'others' yet maintained by the 94 residents, a monetary transaction would have to be presumably refunded 'pro-rata' to the 94 residents as "compensation" for loss of amenity as we the residents have been paying into the maintenance fund for the last 4 years (at time of writing this document) for phase 2 properties and 5yers for plphase 1 properties.



Amenity land east of Linnet Lane



Amenity land/wild flower strip east of Skylark Way

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020



Amenity land/wild flower strip view
Towards Snakes Wood



Amenity land view towards Snakes Wood

Documents state "94 properties contribute equally associated charges of the (existing) development including the Housing Association (28/94ths) to include administration charges.

"HML are responsible for the upkeep and management of company lands including NATURE CORRIDORS and NATURALLY LANDSCAPED BUFFER ZONES surrounding the site and the ongoing Ecological requirements in accordance with the Natural England Licence and Amenity planting beds and grass areas, surface water drainage, attenuation ponds and outfalls and the compensation areas within the MANAGEMENT COMPANY LAND: sundry highway and footpaths and open spaces (LEAP + LAP), as applicable, and emptying of any bins in these areas, footpath, cycleway link attending fortnightly."



Amenity :-
maintained grass area / wild flower meadow and wooded wildlife corridor as existing

7.0 Buyers information from Croudace Homes:-

- 7.1 Residents in Linnett Way, Siskin Close and Brambling Way were told when asked that the land south of Southway would not be built on for 20 -25 years – we feel that we have been mis sold or properties in this respect.

Public Consultation Comments on Initial Allocation Development for Neighbourhood Plan :-
Proposed site "South of Southway", Burgess Hill, West Sussex by 28th september 2020

- In summary, our concerns centre on six issues, as detailed below – which will form the basis of our formal objections following the Consultative process:-

Highways – see clause 1 of this report

Parking – see clause 2 of this report

Footpaths – see clause 3 of this report

Environmental issues – see clause 4 of this report

Development Construction – see clause 5 of this report

Potential Land Ownership Issue

2341

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2341

Response Ref: Reg19/2341/1

Respondent: Ms S Diss

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

F.A.O. [REDACTED] Head of Planning / Planning Policy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath, West Sussex RH16 1SS

September 2020

Dear [REDACTED]

Re:- "SA15" proposed site allocation Land South of Southway Neighbourhood Plan

I am a resident at [REDACTED] and I am writing in response to your letter dated 3rd August 2020 "Submission Draft Site Allocations Development Plan Document Publication". Together with my previous comments outlined in my submission initially dated 14th November 2019, I once again write to offer my **objections** to development at the above site. I enclose a copy of my report and also attach a copy of the document "Comments from Organisations/Specific Consultation Bodies" as published by Mid Sussex District Council which outlines a total of 69 independent party's comments (of those 65 Objections, 2 Supporters and 2 Neutral)

My objections are as follows:-

- 1 SA15 allocation is on Local Green Space in OPPOSITION with NPPF policies – this site is a "green lung" for Burgess Hill.
- 2 SA15 allocation is an important wildlife site including for nightingales (danger of extinction)
- 3 Additional traffic issues between Haywards Heath and Burgess Hill with adverse town centre traffic effects.
- 4 SA15 allocation conflicts with DPP DP38 enhancing Bio diversity (numerous species on site afforded statutory protection).
- 5 SA15 allocation - Concerns over pedestrian safety, lack of sufficient vehicle parking, congestion and inappropriate access road width to its proposed entry off Linnett Lane.
- 6 SA15 allocation - Proposed access from Linnett Lane unsuitable located between 2no blind bends and directly opposite existing resident drives.
- 7 SA15 allocation - Site selection concerns (geographical and political balance on the sites Member working Group)
- 8 SA15 allocation proposed site boundary shows encroachment onto existing residents maintained land both south of the site and west of the site including access. (See below)
- 9 SA15 allocation- Burgess Hill is carrying a disproportionate share of the burden for Mid Sussex' expansion plans in relation to its infrastructure.

MID

25 SEP 2020

F.A.O. [REDACTED] Head of Planning / Planning
Policy
Mid Sussex District Council

September 24th 2020

Dear [REDACTED],

We have lived at [REDACTED]
[REDACTED] Our house is [REDACTED]
[REDACTED] and we overlook an area of woodland rich in native trees, and with a variety of wildlife, insects and flowers. The area where there is a proposal to build 30 more houses is a valuable habitat and wildlife corridor, and we strongly object.

We bought our house on the firm promise from Croudace that there would be no further development for at least 25 years. We instructed our solicitor to make enquiries about ownership of the woodland, and any future development plans. Our solicitor found no evidence of future planning, and received NO information from Croudace about this. We would never have bought a house in this position if we had known, and have no desire to stay here if development proceeds. But any application for development will devalue our house, so we are stuck. Our living room windows are only 94cm from the pavement at the narrowest point, and the pavement is 120cm wide. We already have vehicles mounting the pavement onto our garden, and we do not wish to see construction traffic so close to our house. We will also face problems reversing out of our driveway if the houses are built, as we are directly opposite the proposed new access road. We will be reversing out into the path of construction traffic, and eventually the traffic from 30 extra houses, because this is the only access to the site, and the only way in and out of our

estate.

We already face daily problems with crowded roads, not enough parking, parking on the dropped kerbs, and difficulties making an exit from Robin Road to get to the Jane Murray Way. At the moment there are safe grassed areas where children can play and walk to school, and adults can cycle and take exercise. There are a large number of flats on this estate, without gardens, and some of these important recreation areas will be lost, and traffic will increase.

The area for proposed development is also crossed by several footpaths which have been in common use for the 45 years we have lived in this part of Burgess Hill. Croudace have already effectively blocked one footpath when they built the estate, by using it as an area to dump building spoil. It is now difficult to negotiate, as they have raised the level so much there is a drop of several feet to the crossing point of the stream running through the estate. This was used as a route to Burgess Hill Academy, but was blocked without consultation, and the West Sussex Footpath Officer has been very unhelpful when contacted.

Drainage problems continue to be an issue on this estate. Some residents have already paid for drainage works to make their gardens useable, and 30 extra houses at the top of the woodland site will further increase problems with surface water.

Trees make a significant contribution to the character and appearance of the area, and the trees in the woodland which may be lost are of considerable amenity value to local residents. One of the oaks has a girth of 364cm, and clearly needs a Tree Protection Order. Irene Fletcher, Tree Protection Officer says she is unable to help us. But the loss of so many trees on this side of town, on the A2300, makes these tree more important than ever.

To conclude- we strongly object to this site allocation plan. We have concerns for our own property, the character of the area, and the quality of life of the people who live here. We have been unable to get help from the Footpath Officer, or the Tree Protection Officer. But we are certain that the access and layout of this estate do not lend themselves to the traffic that will be generated if this proposal moves forward, and the loss of the woodland will affect the quality of life for all the people who live here.

Yours sincerely,

Susan M. Diss



2470

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA15

ID: 2470

Response Ref: Reg19/2470/4

Respondent: Ms E Lake

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

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