

SA24: Land to the north of Shepherds Walk - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
713	Mrs H Hyland	Environment Agency		Statutory Consultee	<input type="checkbox"/>
777	Mrs L Howard	South Downs National Park		Local Authority	<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"/>

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA24

ID: 713

Response Ref: Reg19/713/4

Respondent: Mrs H Hyland

Organisation: Environment Agency

On Behalf Of:

Category: Statutory Consultee

Appear at Examination? x

Name	Hannah Hyland
Job title	Planning Specialist
Organisation	Environment Agency
Address	Environment Agency Oving Road Chichester West Sussex PO20 0AG United Kingdom
Email	hannah.hyland@environment-agency.gov.uk
Name or Organisation	Environment Agency
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA24 - Land North of Shepherds Walk, Hassocks
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	We are pleased to see detailed site specific requirements in relation to flood risk associated with this site. We support that no housing development will be located within the flood zones, in line with the sequential approach, and the requirement to ensure that any crossing of the Herring Stream will ensure no increase in flood risk.
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
Date	23/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA24

ID: 777

Response Ref: Reg19/777/5

Respondent: Mrs L Howard

Organisation: South Downs National Park

On Behalf Of:

Category: Local Authority

Appear at Examination? x

Planning Policy Team
Mid-Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

28 September 2020

Dear Sir/Madam

Mid Sussex District Plan 2014 – 2031 – Draft Sites Allocations Development Plan Document Regulation 18 Consultation

Thank you for consulting the South Downs National Park Authority (SDNPA) on your Pre-Submission Sites Allocations Development Plan Document (DPD) Regulation 19 consultation, which is seeking to gather comments on the housing and employment sites proposed to meet the requirements up to 2031 set out in the District Plan, and on additional strategic policies proposed necessary to deliver sustainable development in Mid Sussex.

As you are aware, the SDNPA and all relevant authorities (including MSDC) are required to have regard to the purposes of the South Downs National Park (SDNP) as set out in Section 62 of the Environment Act 1995. The purposes are ‘to conserve and enhance the natural beauty, wildlife and cultural heritage of the area’ and ‘to promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public.’

We support Mid Sussex’s continuing liaison with neighbouring authorities, including the SDNPA, to ensure cross-boundary strategic priorities are fully addressed. I would take the opportunity to highlight the SDNPA’s strategic cross-boundary priorities, which provide a framework for these discussions and are the topics of focus in this consultation response:

- Conserving and enhancing the **natural beauty** of the area.
- Conserving and enhancing the region’s **biodiversity** (including green infrastructure issues).
- The delivery of new **homes**, particularly affordable homes for local people and pitches for Gypsies, Travellers and Travelling Showpeople.
- The promotion of sustainable **tourism**.
- Development of the **local economy**.
- Improving the efficiency of **transport** networks by enhancing the proportion of travel by sustainable modes and promoting policies which reduce the need to travel.

We continue to welcome the aim of the document to allocate sufficient sites to ensure that the housing requirement in Mid Sussex is met in full. We can confirm that we are committed to continued liaison and joint working towards achieving effective outcomes. Below, we set out our comments on a number of sites and some overarching matters.

SA GEN: General Principles for Site Allocations

We note that the General Principles for Site Allocations, previously in Appendix C of the Regulation 18 version of the Site Allocations DPD, has now been moved and form new policy SA GEN. This change gives these principles greater prominence and weighty, which we support.

Under *Landscape Considerations*, we continue to welcome the third bullet point which sets out requirements with regard to the SDNP.

We also continue to welcome the principles under the *Biodiversity and Green Infrastructure* section. The SDNPA has recently published the People and Nature Network¹ (PANN) which sets out how a wide range of partners can work together to plan positively for nature and natural services within and around the protected landscapes of the south east. One of the Natural Capital Investment Areas *Haywards Heath to Burgess Hill* is located at the boundary of the National Park, stretching north in Mid Sussex via Hassocks, Burgess Hill, to Haywards Heath. The PANN identifies a number of opportunities for enhancement of green infrastructure in this area. We would welcome reference to the wider strategic green infrastructure opportunities of the area within Policy SA GEN, requiring allocations within the NCIA to identify and incorporate opportunities they may have to contribute to strategic green infrastructure. We welcome the opportunity to continue working with MSDC on green infrastructure matters.

Under 'Historic environment and cultural heritage' we suggest reference is also made to historic landscape.

SA12 (Land South of 96 Folders Lane) and SA13 (Land East of Keymer Road and South of Folders Land, Burgess Hill).

In our response to the Regulation 18 consultation draft of the Mid Sussex Site Allocations DPD we raised some concerns regarding proposed allocations SA12 and SA13. Our concerns were principally in regard to two matters:

- Erosion of the rural buffer between Burgess Hill and the SDNP and the subsequent likely harm to the special qualities and landscape character of the setting of the SDNP and,
- Additional traffic arising from proposed development and subsequent adverse impacts on rural roads, which form part of the transition between the built up areas of Mid Sussex District, and the SDNP, and those rural roads and villages within the SDNP itself.

The objective for development of these sites to be informed by a landscape-led masterplan which respects the setting of the SDNP is welcomed. We also welcome a number of changes which have been made to the requirements of SA12 and SA13 which go some way to addressing matters raised, however, we do have some outstanding concerns on these points and this is discussed further below.

SA12 – Land South of 96 Folders Lane

As noted in our Regulation 18 consultation response, this site forms part of a surviving post-medieval landscape and is within 200m of the SDNP, glimpsed from the Downland ridge in the SDNP. This site would form an extension to adjacent development, allowed on appeal, of 73 dwellings within the area shown as 'Built Up Area Additions' on the map on page 34 of the consultation document. Notwithstanding this development, concern is raised that the proposed allocation would erode the rural buffer between Burgess Hill and the SDNP. This concern was raised in response to a planning

¹ <https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management/people-and-nature-network-pann/the-people-and-nature-network-pann/>

application for 43 dwellings on this site; the planning application (DM/19/0276) was submitted and then withdrawn in 2019.

We welcome the new addition referring to the setting of the National Park in the first bullet point in the *Landscape Considerations* section. To achieve the objective as set out for SA12, as a rural/edge of settlement location, the site would need to both knit-in to the settlement and respond to its sensitive protected landscape setting. In order to respond to and maintain the rural/edge of settlement character, characteristic layouts (i.e. non suburban layouts), characteristic materials, and avoiding severance of green infrastructure is required. Based on the requirements outlined for SA12 it appears that there is increasing density towards the National Park and it is unclear how this supports the objective for this proposed allocation.

Landscape evidence is required to inform site capacity, layout and other aspects of design, in order to respond to the character and sensitivities of the site. The definition of landscape referred to here encompasses all types and forms including the historic landscape character and also townscape. The number of units identified for this proposed allocation has been reduced by three dwellings to a figure of 40 dwellings, however, we query whether the site has capacity to deliver this figure when landscape and other matters are accounted for.

We welcome the new second bullet point to the *Landscape Considerations* section which requires the design of external lighting to minimise light spillage and to protect dark night skies. We refer you to our Dark Skies Technical Advice Note², which includes guidance on how development can avoid, minimise and mitigate to protect dark night skies.

The adjacent footpath on the western edge of the site forms part of the gateway for pedestrian access from Burgess Hill to the SDNP, linking with public rights of way in the area which connect to the Sussex Border Path long distance route. The adjacent path is largely within the existing adjacent development site, however, there is an opportunity to secure in policy requirements to prevent negative impacts upon users of this route and seek enhancements to the route.

SA13 – Land East of Keymer Road and South of Folders Land, Burgess Hill

As noted in our Regulation 18 consultation response, this site is a proposed extension to Burgess Hill of 300 dwellings and it is located approximately 100 metres from the SDNP at the nearest point, with glimpsed views from/to the high ground of the Downland ridge approximately 4.3km to the south. 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 SDNP and this coherence in historic character suggests the site contributes positively to the setting of the SDNP. This coherence historically and across a wider area makes this site highly sensitive to change. The assart fields, hedgerows, trees including large mature trees, geology/landform and relatively undisturbed nature of the site all means that it is likely to have high ecological value. Concern is raised that 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.

We welcome the addition to the second bullet point in the *Urban Design Principles* section which recognises the transitional nature of the site, and the addition to the fourth bullet point requiring provision of lower density development toward the southern end of the site to reflect the existing settlement pattern. We note that the southern part of the site is the most sensitive as it is here that the surviving landscape is the oldest, and aerial photography indicates high ecological sensitivity too. Further to our representation at Regulation 18, we suggest that it may be appropriate to move the

² <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TLL-10-SDNPA-Dark-Skies-Technical-Advice-Note-2018.pdf>

open space to the southern part of the site in order to acknowledge its greater sensitivity, to better respect settlement form, and to add a landscape/ecological buffer between the development and the SDNP.

The new second bullet point under Landscape Considerations which says '*ensure the design and layout of the development works with the natural grain of the landscape following the slope contours of the site, minimising cut and fill*' is a positive statement which can contribute to maintaining character, but we suggest this could be further articulated with reference to how other elements of the landscape characteristically respond to contours, for example, roads usually follow or go right against contours. Other ways of maintaining rural/settlement edge character through design include characteristic layouts (i.e. non suburban layouts), and avoiding severing green infrastructure.

Landscape evidence is required to inform site capacity, layout and other aspects of design, in order to respond to the character and sensitivities of the site. The definition of landscape referred to here encompasses all types and forms, including historic landscape character and also townscape. However, as an overarching point, we note that the number of units stated for this site has remained 300 dwellings and we query whether the site has capacity to deliver this figure when landscape and other matters are accounted for.

We welcome the new second bullet point to the *Landscape Considerations* section which requires the design of external lighting to minimise light spillage and to protect dark night skies. As above, we refer you to our Dark Skies Technical Advice Note, which includes guidance on how development can avoid, minimise and mitigate to protect dark night skies.

Water quality and quantity have the potential to be negatively affected here and we note that watercourses from the site, running through the southern part of the site, although initially heading north, eventually drain into rivers passing through the SDNP, for example the River Adur. We suggest that the watercourse should be referenced, for example in the *Landscape Considerations* section.

The first bullet point of *Highways and Access* is supported. Enhancements to non-motorised connectivity to the SDNP is supported and we note the proximity of this site with a footpath to the south that has connections to the wider Public Rights of Way network into the wider countryside and to the SDNP.

Traffic

In our comments on the Regulation 18 consultation on the Draft Mid Sussex Site Allocations Plan we raised concerns about increased traffic in and through the village of Ditchling and other parts of the SDNP, and its impact on tranquillity.

It is noted in the Transport Assessment work published in support of this Regulation 19 Pre-Submission Draft Mid Sussex Allocations Plan, that one junction in the centre of Ditchling village is identified as a 'significant' impact, with an increased overcapacity at peak PM hours from 87% to 94%. It is also noted that the junction is downgraded out of the 'significant' category with proposed mitigation.

Travelling through and around the National Park by road (often by car, but also by bicycle) is one of the key ways in which people experience the National Park. Our rural and historic roads contribute to the special character and sense of tranquillity experienced by people. In addition to the work noted above, it is necessary to consider the increased traffic, including its contribution to the cumulative increase in traffic movements in the area, and the subsequent impacts on the character and tranquillity, particularly for the village of Ditchling. We refer you to the recent examination of the proposed

Eastleigh Local Plan and the Inspector's post hearing letter³ which recognises that developments on the edge of the National Park, even outside its boundaries, lead to '*increases in traffic movements within and on the edge of the National Park*', and must be taken into account. As recognised in our recently published Statement of Common Ground⁴, we will continue dialogue to address this matter during continued preparation of the Site Allocations DPD ahead of its submission.

SA24 – Land to the north of Shepherds Walk, Hassocks

In our comments to the Regulation 18 draft of the Mid Sussex Site Allocations DPD, we supported the reference made in the *Social and Community* section of SA24 to ensuring safe and inclusive access across the railway line on the east boundary of the site through the provision of a tunnel. We supported this requirement recognising the enhancement to non-motorised user (NMU) access to the countryside (including the SDNP) this would offer, for the existing residents of Hassocks as well as those of the proposed new allocation site.

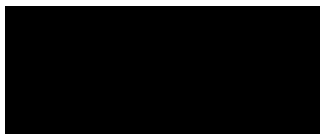
It is now noted that this has been amended to state 'provision of either a tunnel or footbridge'. We are concerned that provision of a footbridge would limit access to the countryside for wider NMU's and suggest that wording be amended to state 'provision of a tunnel or overbridge suitable for non-motorised users'. We would also recommend that the design of such an access should be carefully considered for a positive NMU experience that supports the transition into the countryside, and makes a contribution to green infrastructure.

Air Quality and impacts on Ashdown Forest

The SDNPA and MSDC are members of the Ashdown Forest Working Group, which is chaired by the SDNPA. We do not raise any concerns regarding the proposals of this Regulation 19 consultation document and air quality impacts on Ashdown Forest SAC. We look forward to continue working together alongside other partners of the working group.

Notwithstanding the above concerns and requested changes, we would like to wish you well in the progression of your Site Allocations DPD. If you have any questions on the content of this letter, please do not hesitate to contact me.

Yours faithfully



Lucy Howard

Planning Policy Manager

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³ <https://www.eastleigh.gov.uk/media/7309/ed71-eastleigh-post-hearings-final.pdf>

⁴ <https://www.midsussex.gov.uk/media/5267/south-downs-national-park-statement-of-common-ground.pdf>

2065

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA24

ID: 2065

Response Ref: Reg19/2065/13

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.

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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 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.

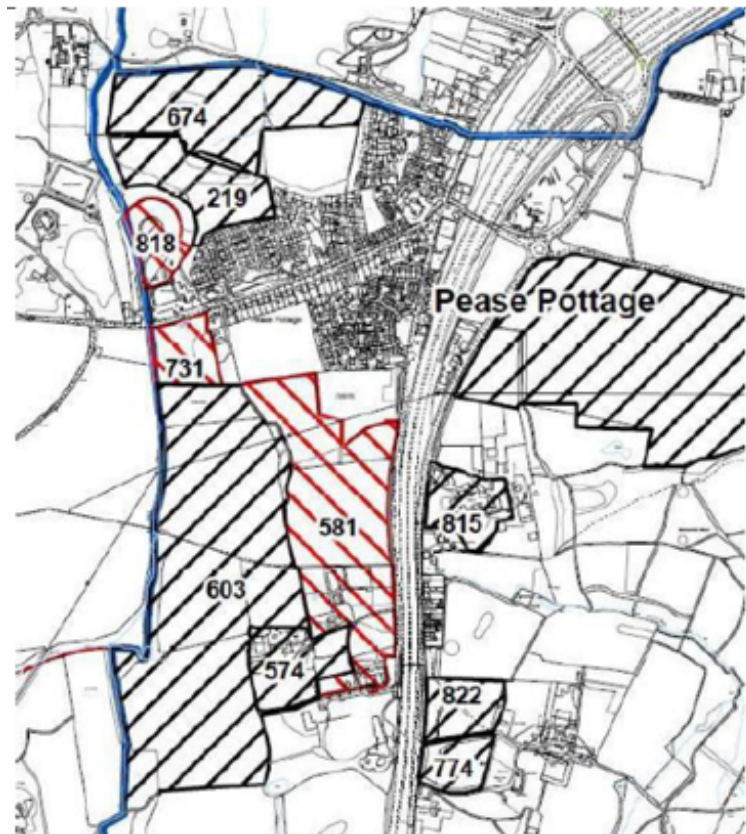


Figure 1 – SHELAA Extract

- 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.

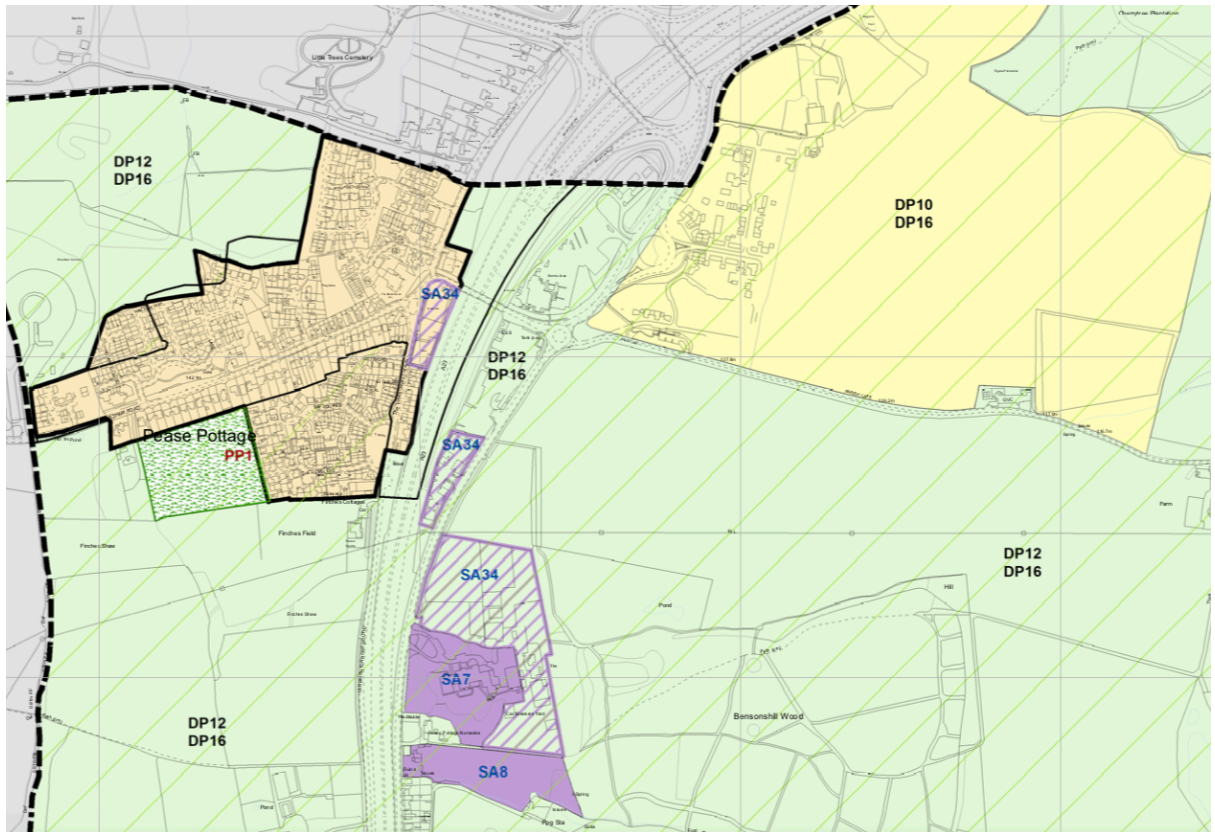


Figure 4 – SADPD Proposals Map

- 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

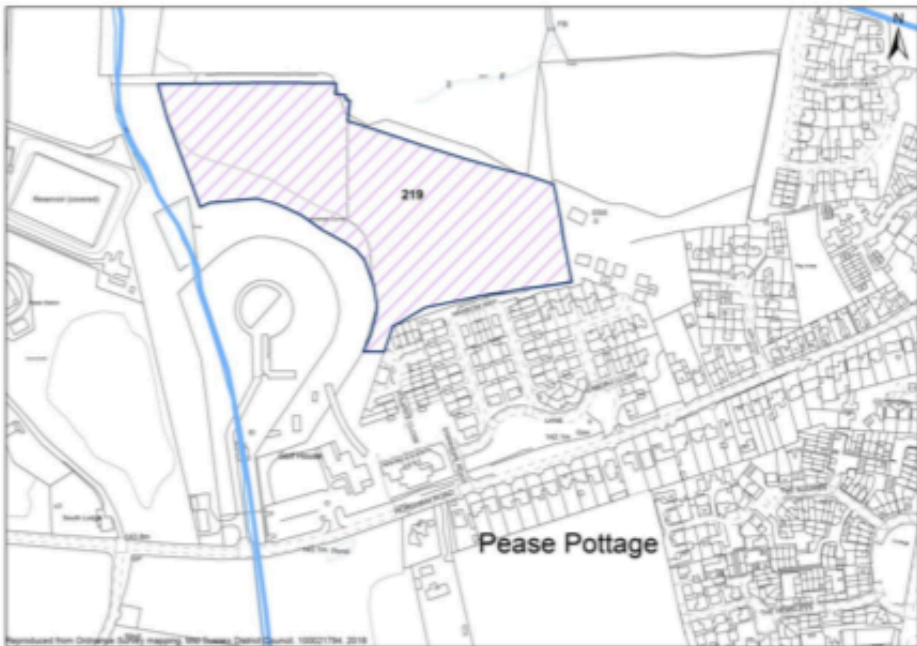
- 5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct 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 Policy 1 Protecting AONB Policy 2 Protection of landscape Policy 3 Protection of the open countryside Aim 1 Preventing coalescence	Minerals Minerals considerations unnecessary as site does not progress past detailed assessment stage.
Waste Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental Health Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
Sustainability Appraisal Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	Notes

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: SA24

ID: 2067

Response Ref: Reg19/2067/14

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.

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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: SA24

ID: 2079

Response Ref: Reg19/2079/14

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.

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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 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:

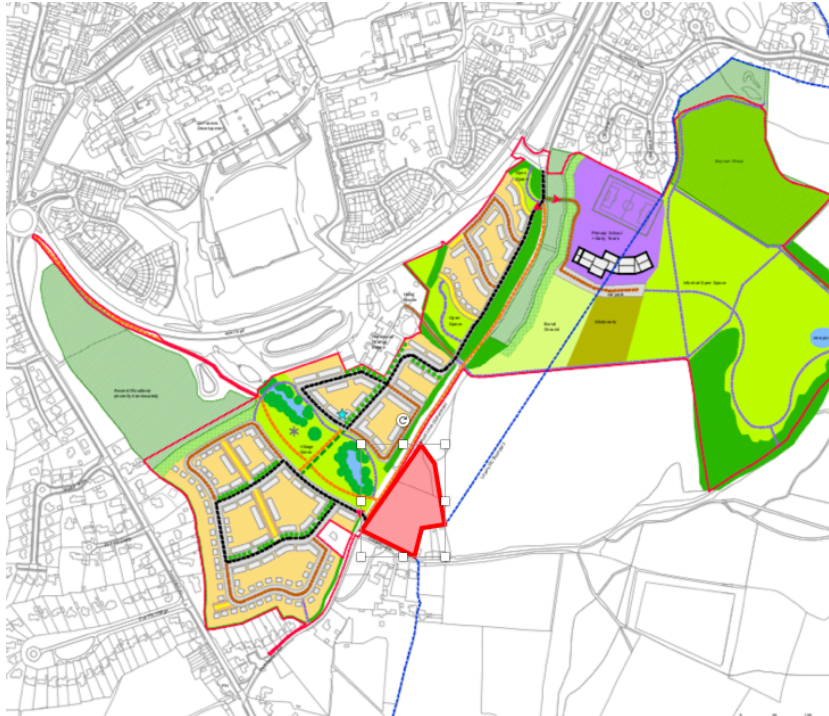


Figure 2 – Proximity of Site to significant application

- 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.

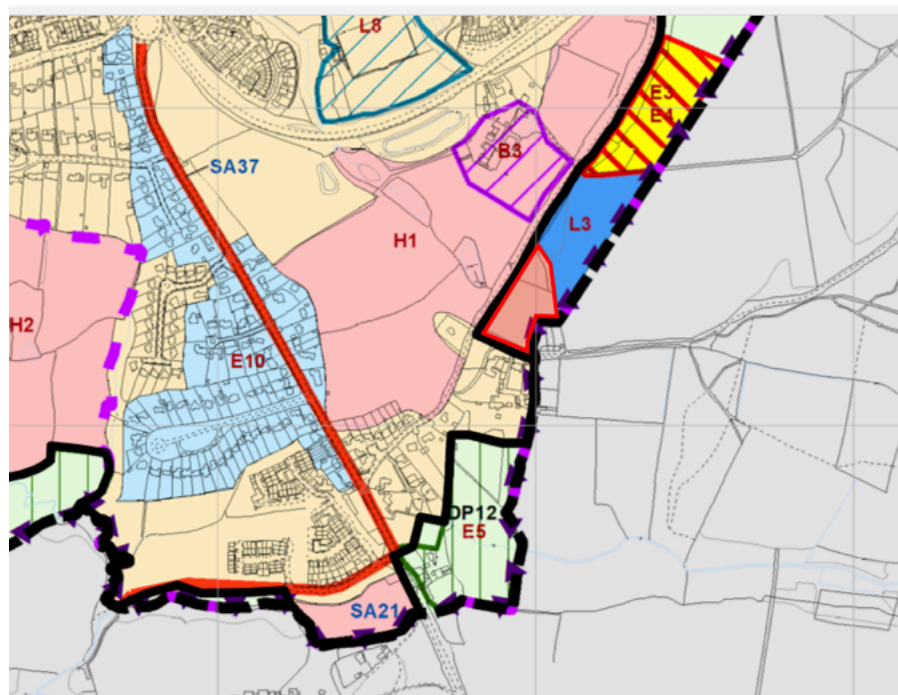


Figure 3 – Proposed Site Allocations Proposals Map

- 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 housebuilder in control of site. Advanced discussions with potential developers/Contractors. Pre application submission within a couple of months.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

Site Selection - Housing**Part 3 - Sustainability / Access to Services**

14 - Education	More than 20 Minute Walk	Note: facilities are likely to be provided at Hurst Farm
15 - Health	More than 20 Minute Walk	
16 - Services	15-20 Minute Walk	
17 - Public Transport	Poor	

Part 4 - Other Considerations

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

Part 5 - Conclusion

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

2080

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA24

ID: 2080

Response Ref: Reg19/2080/16

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.

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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 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.

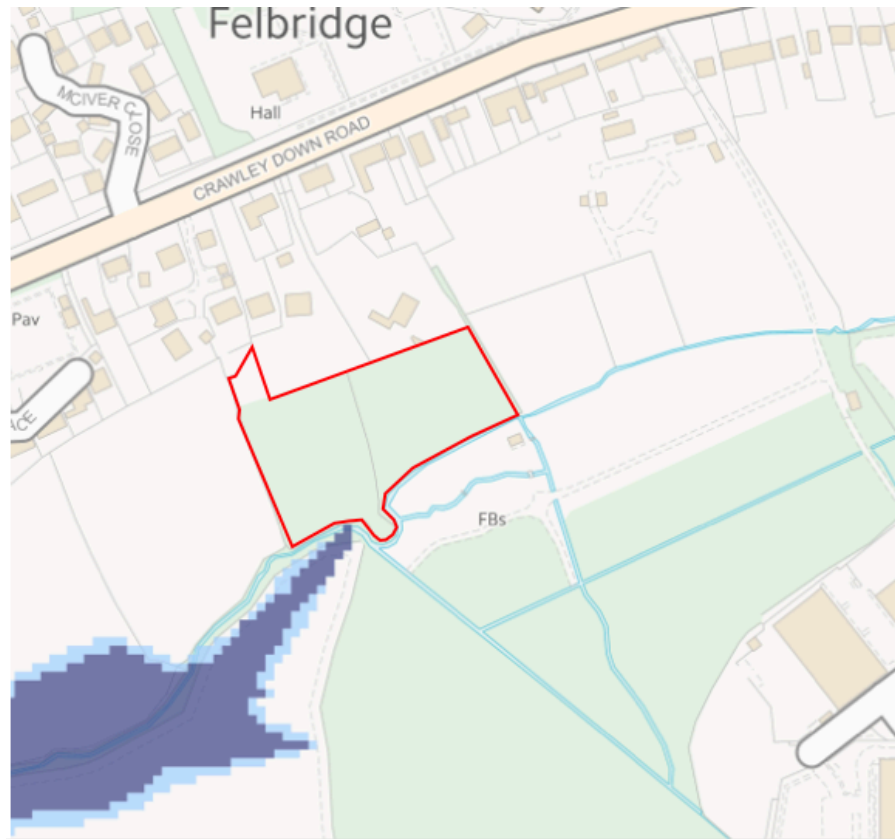


Figure 2 – Extract from Environment Agency Flood Risk Map

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.

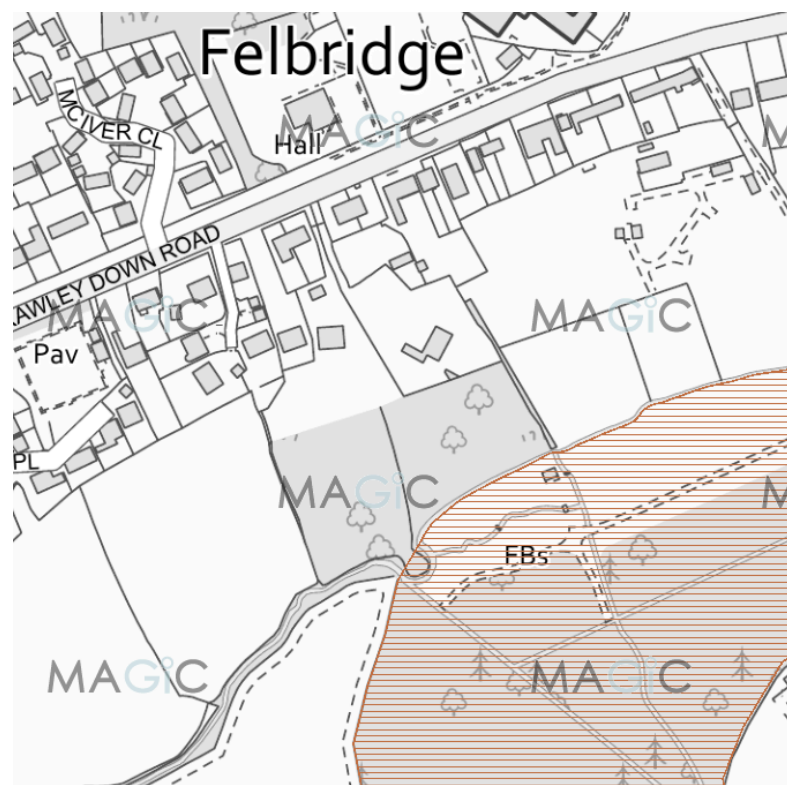


Figure 3 – Location of Ancient Woodland

- 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).

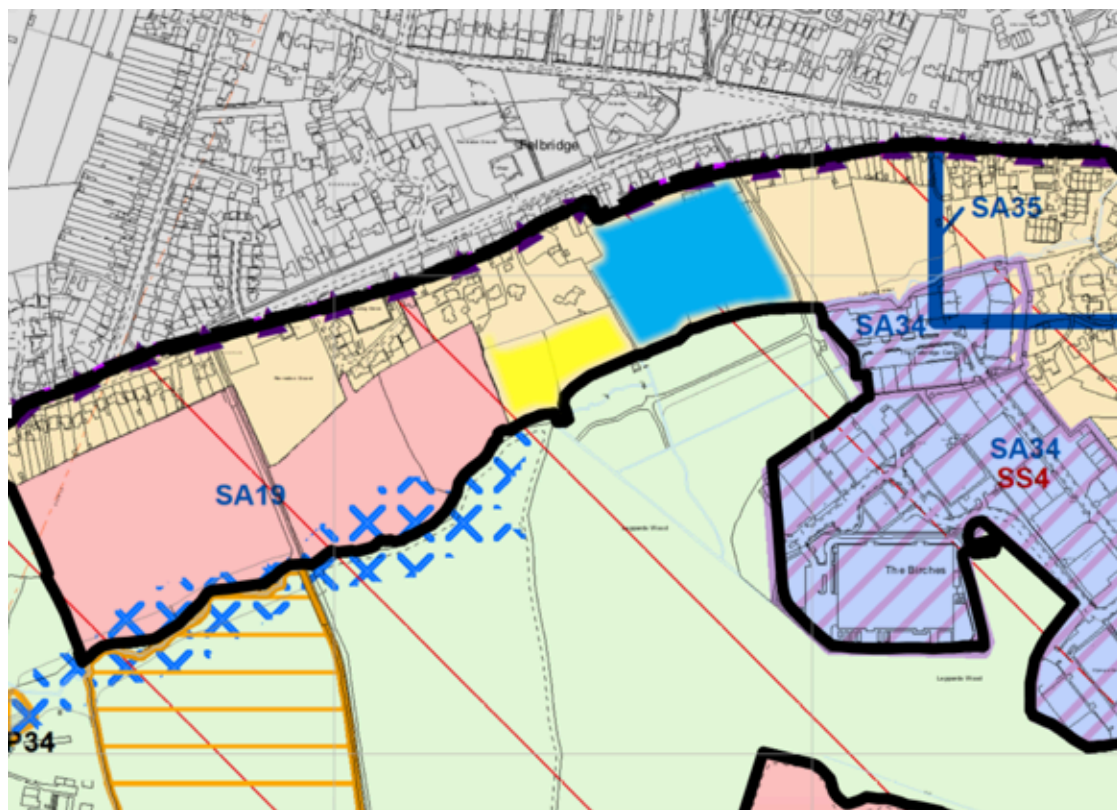


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

- 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.

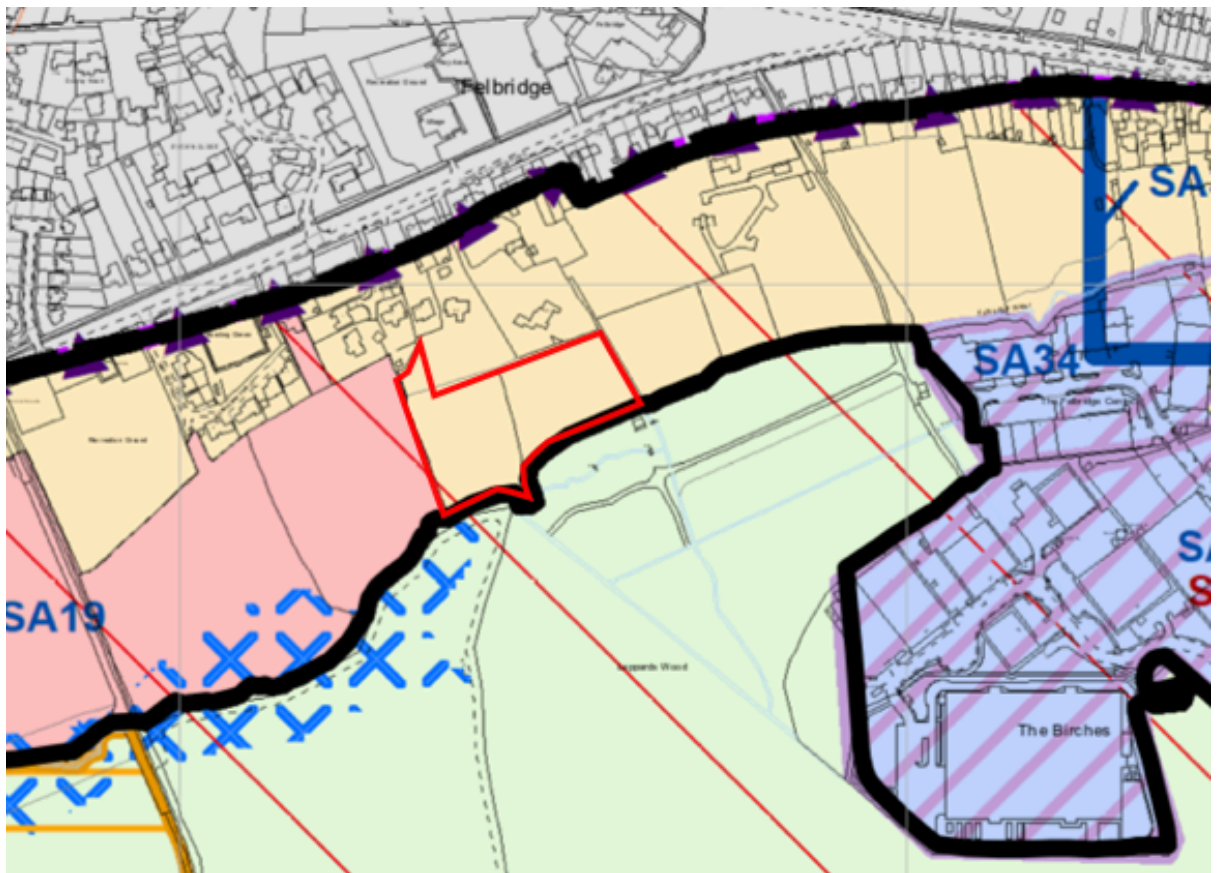


Figure 9 – Proposed BUAB

- 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: SA24

ID: 2140

Response Ref: Reg19/2140/10

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



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I.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.

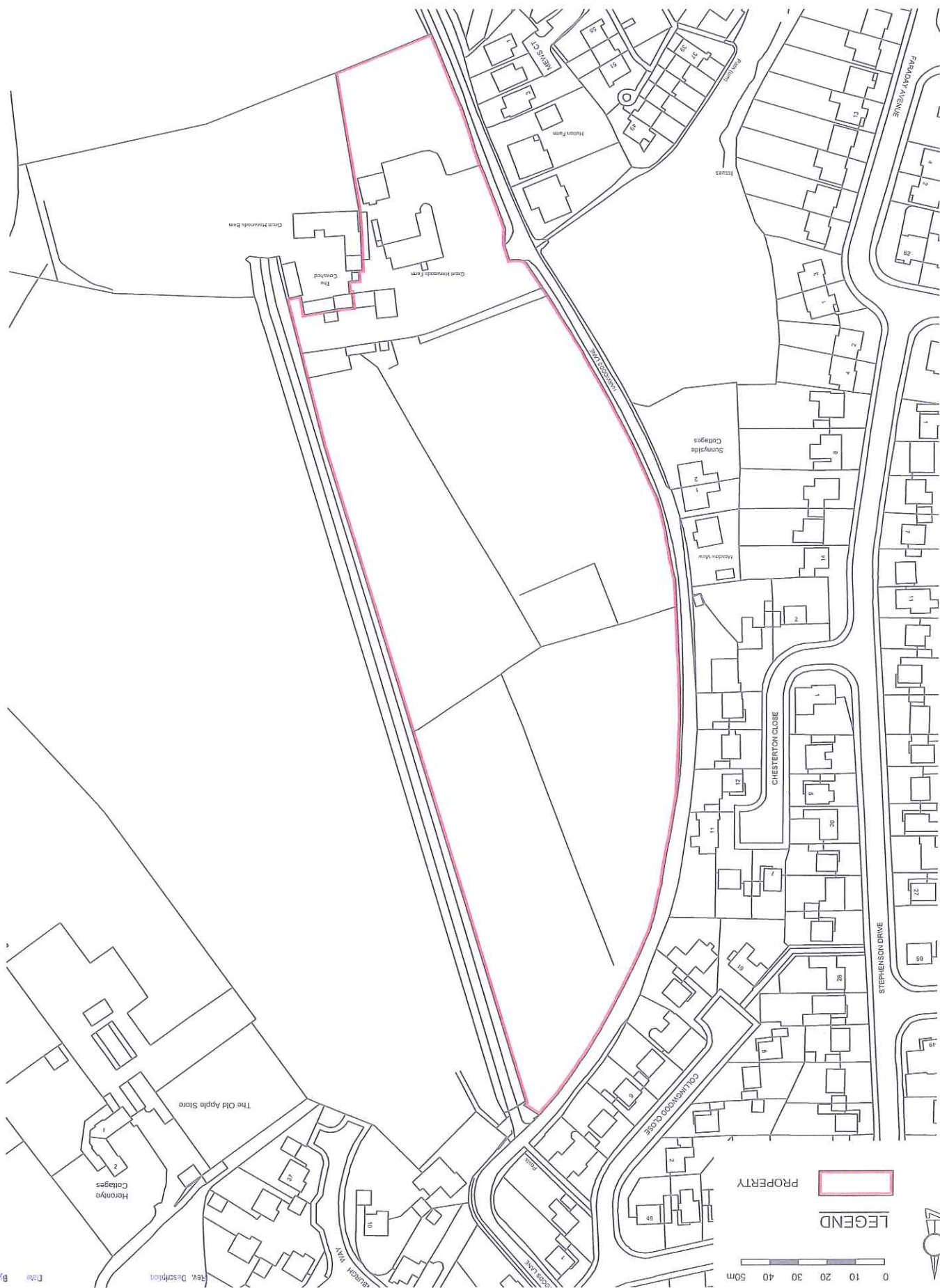
**REGULATION 19 SUBMISSION DRAFT
SEPTEMBER 2020**

**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

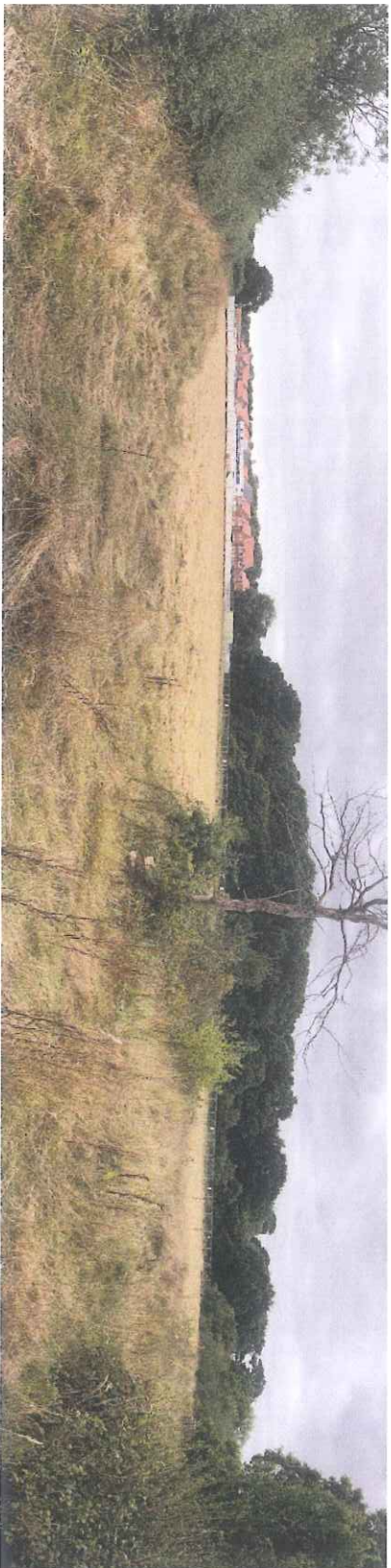


APPENDIX B

Total	
NTS	
Date	03.05.19
	estimated at 1263.01



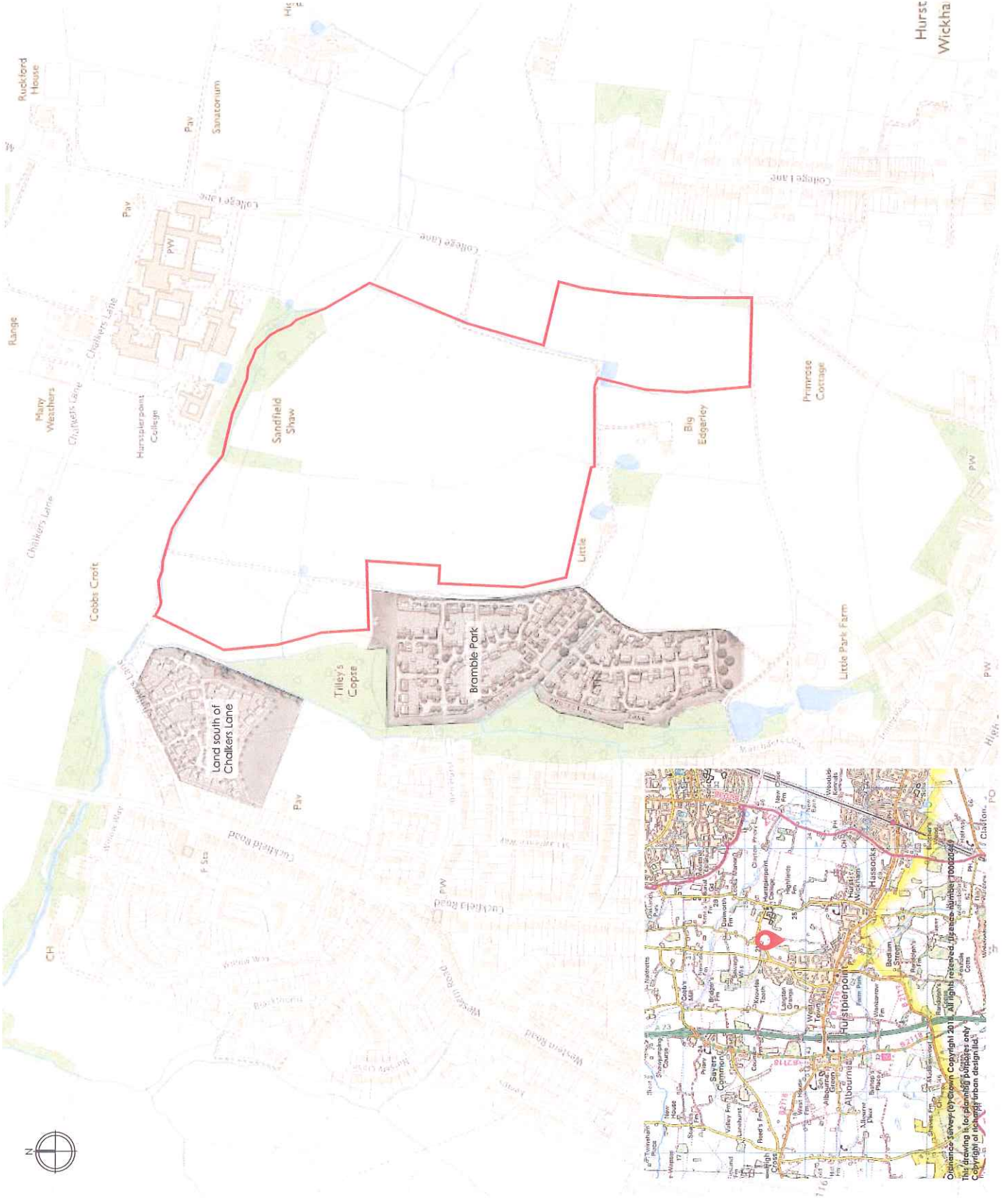
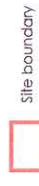
1. View looking north from the centre of the site with new housing south of Chalkers Lane on the left and Hurstpierpoint College on the right



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.



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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 lobl.

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 looppath routes

Potential link to college

Potential childrens play area

Low density landscaped edge

Potential location for SuDS 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

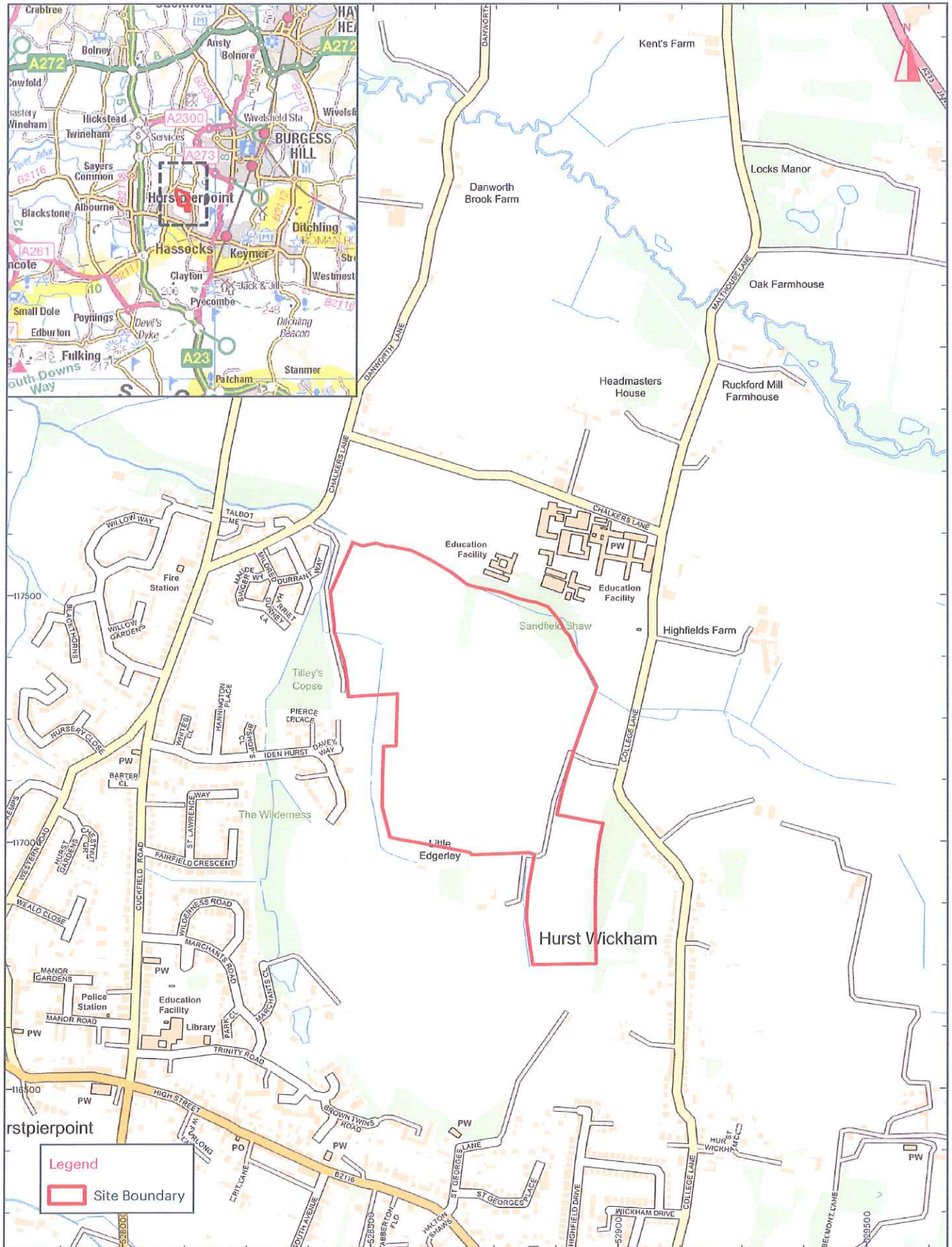
- 3.5 The two listed buildings occupy the main central and eastern area of the college complex. They dominate the grass sports pitches and facilities immediately to the north the buildings and the artificial grass sports pitches immediately to the south of the buildings. There are a series of pre-WWII, 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

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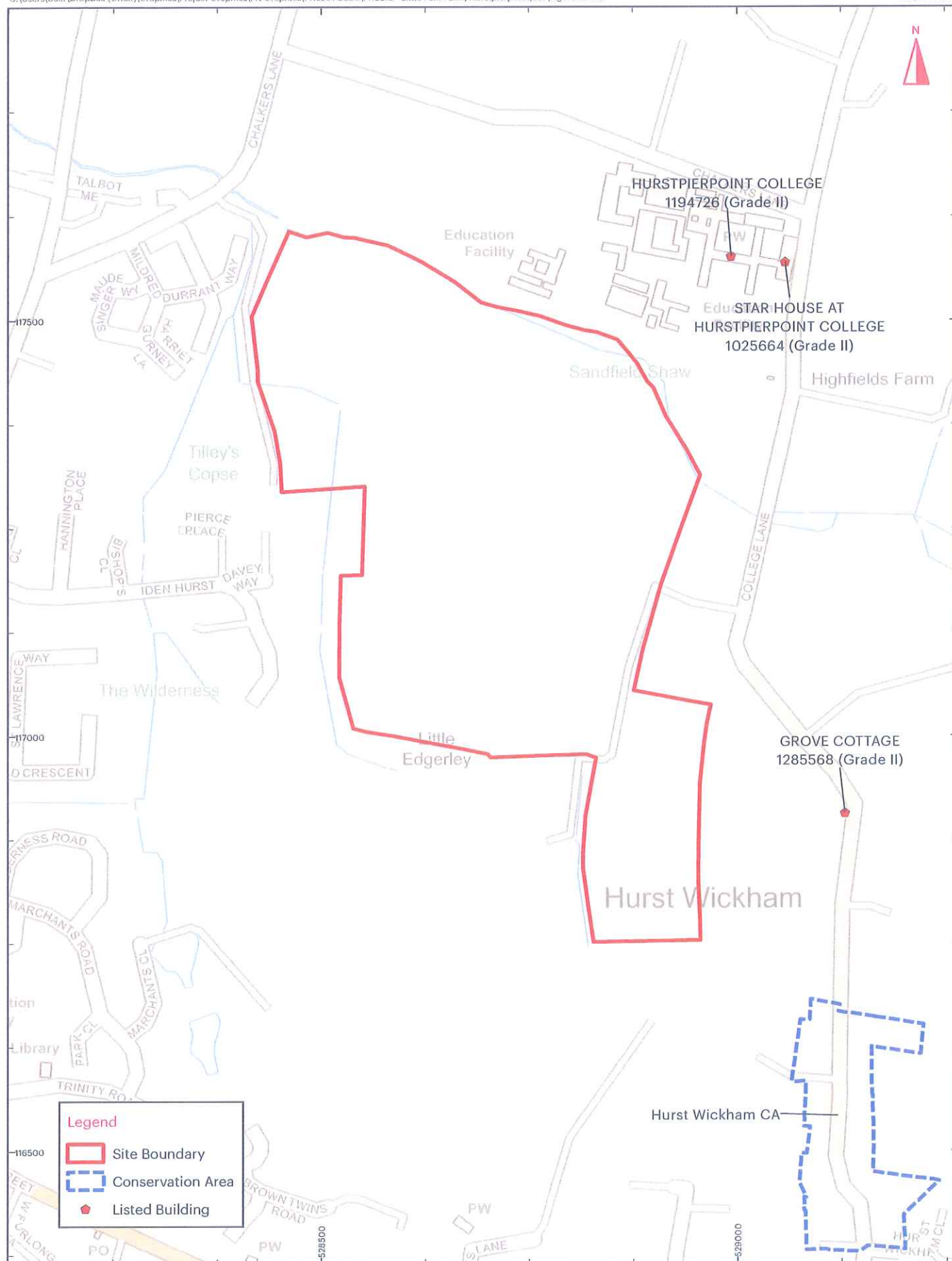
**Title:**

Figure 2: Location of Designated Assets

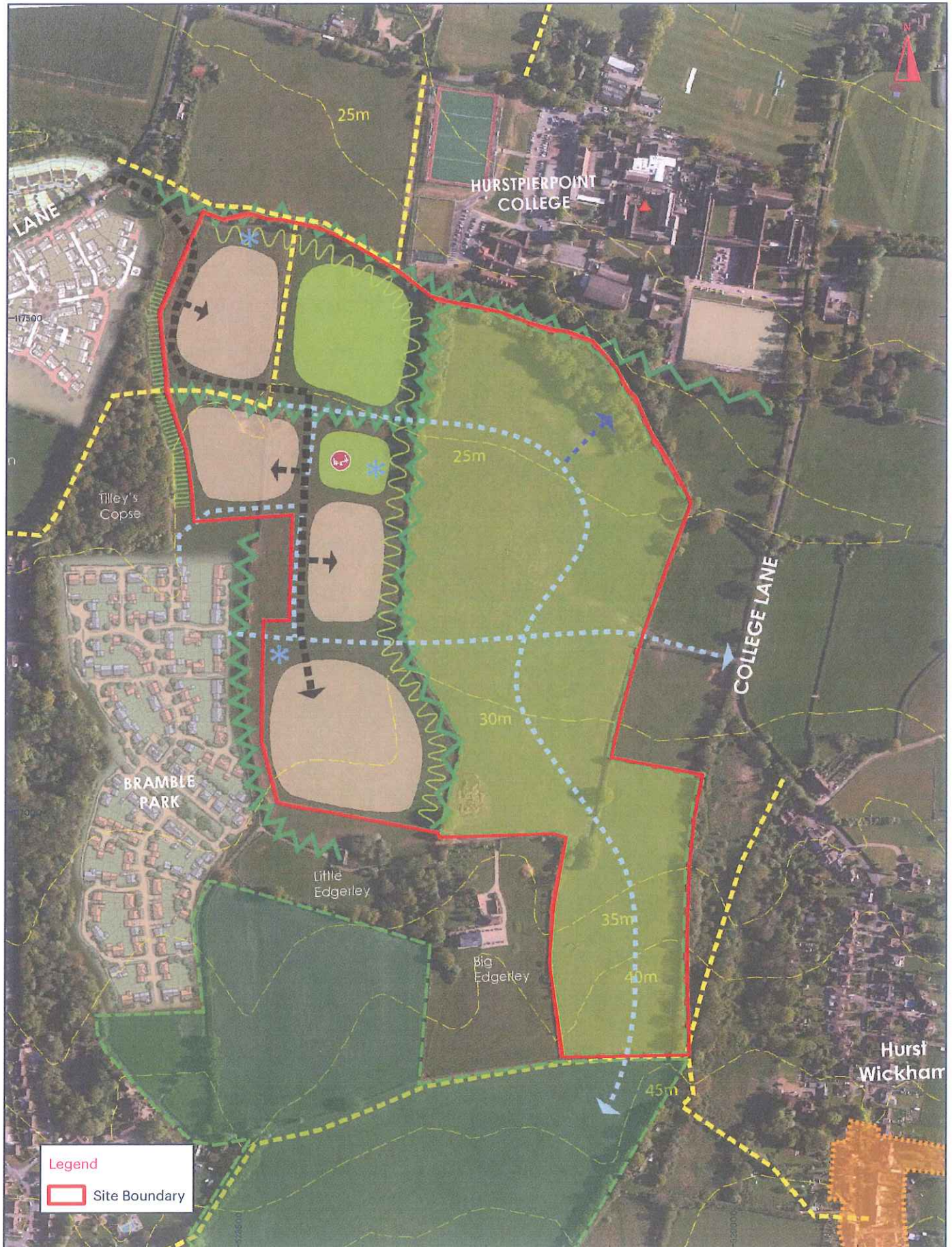
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Little Park Farm, Hurstpierpoint

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Title:
Figure 3: Opportunities and constraints plan
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:5,000



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