

SA28: Land South of The Old Police House, Birchgrove Road - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
585	K Lawton			Resident	<input type="checkbox"/>
642	Ms C Tester	High Weald AONB Unit		Statutory Consultee	<input checked="" type="checkbox"/>
710	Mr N Burns	Natural England		Statutory Consultee	<input type="checkbox"/>
710	Mr N Burns	Natural England		Statutory Consultee	<input type="checkbox"/>
713	Mrs H Hyland	Environment Agency		Statutory Consultee	<input type="checkbox"/>
775	Ms K Castle	Batcheller Monkhouse	Griffiths Family	Developer	<input checked="" type="checkbox"/>
779	Ms A Catlow	Strutt and Parker	Sunley Estates	Promoter	<input type="checkbox"/>
1025	Mrs H Griffiths			Resident	<input checked="" type="checkbox"/>
1243	Mrs K Griffiths			Resident	<input type="checkbox"/>
1243	Mrs K Griffiths			Resident	<input type="checkbox"/>
1243	Mrs K Griffiths			Resident	<input checked="" type="checkbox"/>
1486	Mr J Staples			Resident	<input type="checkbox"/>
2222	Ms L Staples			Resident	<input type="checkbox"/>

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 585

Response Ref: Reg19/585/1

Respondent: K Lawton

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Kenton Lawton [REDACTED]
Sent: 11 September 2020 08:05
To: ldfconsultation
Subject: Site Allocations Development Plan consultation

Sirs,

I would like to make the following comments on the MSDC SADP.

I support SA28.

Whilst this site is not ideally located being on the North Eastern side of the village, with most traffic needing to head through the village to get to most of the amenities (Lindfield with medical centre / shops etc and Haywards Heath for larger town and rail links), it is on the edge of the village with good site access.

I object to site SA29.

This site should not be developed.

The access to the site is very poor. The only access to the site is via a very congested cul de sac serving c. 125 existing dwellings.

The access road, Hamsland, is virtually continuously parked on one side from its junction with Lewes Road right up to Challoners.

Visibility for cars entering Hamsland, the access road to the new site, is poor given the significant on street parking. This often results in cars having to reverse as two cars cannot pass.

Adding a further 30 dwellings with probably c 60 additional vehicles, to this already heavily congested access Road is not good.

The actual access to the site from Hamsland looks like it will require the felling of some significant number of mature large trees, which in an AONB should be avoided.

I understand from the High Weald AONB that this site is part of a medieval field system and therefore development of the site should be avoided if at all possible.

I would also like to add that I am surprised that these are the only two sites included in your development plan for Horsted Keynes. There are more suitable and sustainable sites to the west of the village, on the village edge with good access which have appear to have been not considered e.g Jeffries Farm sites which with previously on the MSDC SHELAA. Sites 68, 69 and 971.

Yours faithfully,

Kenton Lawton
[REDACTED]

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 642

Response Ref: Reg19/642/8

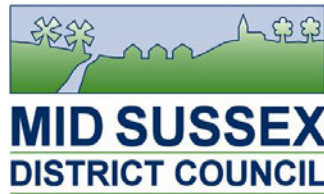
Respondent: Ms C Tester

Organisation: High Weald AONB Unit

On Behalf Of:

Category: Statutory Consultee

Appear at Examination? ✓



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

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

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

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

How can I respond to this consultation?

Online: A secure e-form is available online at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text" value="Ms"/>
First Name	<input type="text" value="Claire"/>
Last Name	<input type="text" value="Tester"/>
Job Title (where relevant)	<input type="text" value="Planning Advisor"/>
Organisation (where relevant)	<input type="text" value="High Weald AONB Partnership"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<input type="text" value="Woodland Enterprise Centre"/>
Line 2	<input type="text" value="Hastings Road"/>
Line 3	<input type="text" value="Flimwell"/>
Line 4	<input type="text" value="East Sussex"/>
Post Code	<input type="text" value="RH7 5PR"/>
Telephone Number	<input type="text" value="01424 723018"/>
E-mail Address	<input type="text" value="Claire.test@highweald.org"/>



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

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

Part B – Your Comments

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

Name or Organisation: High Weald AONB Partnership

3a. Does your comment relate to:

Site Allocations DPD	<input checked="" type="checkbox"/>	Sustainability Appraisal	<input type="checkbox"/>	Habitats Regulations Assessment	<input type="checkbox"/>
Community Involvement Plan	<input type="checkbox"/>	Equalities Impact Assessment	<input type="checkbox"/>	Draft Policies Maps	<input type="checkbox"/>

3b. To which part does this representation relate?

Paragraph	<input type="text"/>	Policy SA	SA 28	Draft Policies Map	<input type="text"/>
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4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate. Yes ☒ No ☐

4b. Sound Yes ☐ No ☒

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

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

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

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

The requirement under the Countryside and Rights of Way Act and the NPPF is that development should conserve and enhance the AONB.

'Special qualities' is a phrase used in the legislation for National Parks and AONB Conservation Boards but is not applicable to the High Weald AONB.

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

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

Please can you make the following amendments in red – **additions in bold** and deletions ~~crossed through~~.

Under 'Objectives'

"To deliver a high quality, landscape led, sustainable extension to Horsted Keynes, which respects the character of the village and **conserves and enhances the landscape of** the High Weald AONB, and which is comprehensively integrated with the settlement so residents can access existing facilities".

Under 'AONB' first bullet point

"Ensure that the site layout, capacity and landscape mitigation requirements are informed by the recommendations of a Landscape and Visual Impact Assessment (LVIA) in order to conserve and enhance the landscape of the High Weald AONB, ~~and minimise impacts on its special qualities~~, as set out in the High Weald AONB Management Plan".

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

To ensure that development proposals in the DPD conserve and enhance the High Weald AONB.

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

21.09.2020

Thank you for taking time to respond to this consultation

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 710

Response Ref: Reg19/710/13

Respondent: Mr N Burns

Organisation: Natural England

On Behalf Of:

Category: Statutory Consultee

Appear at Examination? x

Date: 28 September 2020
Our ref: 324095



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

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir / Madam

Planning consultation: Mid Sussex District Council Site Allocations DPD - Regulation 19 Consultation

Thank you for your consultation on the above dated 03 August 2020 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the approach taken by your authority to consult with Natural England at various stages in the preparation of the Site Allocations Development Plan Document. We are pleased that our engagement has resulted in our comments/concerns being addressed in this version of the plan. In particular, we welcome the positive engagement by Mid Sussex District Council with both Natural England and the High Weald AONB Unit in the assessment of the Regulation 19 proposed site allocations within the High Weald Area of Outstanding Natural Beauty (AONB).

From this assessment, we recognise and welcome that a conclusion has been reached that none of the proposed site allocations (Policies SA7, SA8, SA25, SA26, SA27, SA28, SA29, SA32) constitutes major development within the AONB.

Our comments on your Regulation 19 Site Allocations Development Plan Document (DPD) Site allocations and development policies, followed by general comments are as follows.

Comments on specific allocations

SA 7 - Cedars, Brighton Road, Pease Pottage

We support the requirement of this allocation to undertake a Landscape and Visual Impact Assessment (LVIA) to consider potential impacts on the special qualities of the High Weald AONB.

SA 8 - Pease Pottage Nurseries, Brighton Road, Pease Pottage

We support the requirement of this allocation to undertake a Landscape and Visual Impact Assessment (LVIA) to consider potential impacts on the special qualities of the High Weald AONB.

We also support the requirements regarding nearby ancient woodland in line with Natural England's [standing advice](#).

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

We recommend a requirement be included for this development to contribute to the existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

SA 19 – Land south of Crawley Down Road, Felbridge

We recommend a requirement be included for this development to contribute to the existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

We support the requirement of this allocation to provide suitable SuDS and greenspace to address potential impacts on the Hedgecourt Lake SSSI.

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

We support the requirements of this allocation to provide an appropriately managed strategic Suitable Alternative Natural Greenspace (SANG) to mitigate increased recreational disturbance on Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC); such a SANG proposal must be considered in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

We also support the requirement for potential impacts of development on Hedgecourt Lake SSSI to be understood and adequately mitigated.

We also support the requirements regarding nearby ancient woodland in line with Natural England's [standing advice](#).

SA 22 – Land north of Burleigh Lane, Crawley Down

We recommend a requirement be included for this development to contribute to the existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

SA 25 – Land west of Selsfield Road, Ardingly

We recommend a requirement be included for this development to contribute to the existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

We support the requirements of this allocation to undertake a LVIA to consider potential impacts on the special qualities of the High Weald AONB.

SA 26 – Land south of Hammerwood Road, Ashurst Wood have

We recommend a requirement be included for this development to contribute to the existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

We support the requirements of this allocation to undertake a LVIA to consider potential impacts on the special qualities of the High Weald AONB.

SA 27 – Land at St. Martin Close, Handcross

We support the requirements of this allocation to undertake a LVIA to consider potential impacts on the special qualities of the High Weald AONB.

SA 28 – Land South of The Old Police House, Birchgrove Road, Horsted Keynes

We recommend a requirement be included for this development to contribute to existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

We support the requirements of this allocation to undertake a LVIA to consider potential impacts on the special qualities of the High Weald AONB.

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

We recommend a requirement be included for this development to contribute to the existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

We support the requirements of this allocation to undertake a LVIA to consider potential impacts on the special qualities of the High Weald AONB.

SA 32 – Withypitts Farm, Selsfield Road, Turners Hill

We recommend a requirement be included for this development to contribute to the existing strategic solution in accordance with District Plan Policy **DP17: Ashdown Forest SPA and SAC**.

We support the requirements of this allocation to undertake a LVIA to consider potential impacts on the special qualities of the High Weald AONB.

Comments on Development Policies

SA38: Air Quality

Whilst we support the requirement of this policy for applicants to demonstrate there is not an unacceptable impact on air quality resulting from their proposals we recommend the following change in wording to strengthen the protection of designated sites.

*“Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMA)s or **designated nature conservation areas sensitive to changes in air quality**, will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.*

We recognise there is specific wording established for air quality impacts for Ashdown Forest and this suggestion is additional for any other relevant sites which could be potentially impacted by changes to air quality.

General comments

Biodiversity net gain

We strongly support the requirements of all allocations to ensure there is a net gain to biodiversity as well as the general principle for site allocations to: *“Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy”.*

We would still however recommend that your DPD should include requirements to monitor biodiversity net gain. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible to help build an evidence base to take forward for future reviews of the plan, for example the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.

We recommend that Mid Sussex District Council works with local partners, including the Local Environmental Record Centre and Wildlife Trusts, to share data and consider requirements for long term habitat monitoring. Monitoring requirements should be clear on what is expected from landowners who may be delivering biodiversity net gains on behalf of developers. This will be particularly important for strategic housing allocations, and providing as much information on monitoring upfront as possible will help to streamline the project stage.

Water efficiency

Your Authority contains areas of Serious Water Stress as designated by the Environment Agency. For developments in Southern Water Services drinking water supply area Natural England recommends water efficiency policies should be developed to support Southern Water's "Target 100".

This target, of 100 litres per person per day by 2040 has been identified by Southern Water to avoid the need for water supply options that are likely to damage biodiversity or/and effect protected landscapes. For development in other companies' supply areas Natural England supports the Environment Agency's recommendation of a maximum of 110 litres per person per day.

Water efficiency measures will help reduce the current impact of water resources on the natural environment and thereby contribute to more resilient landscapes and seas, one of the aims in Natural England's 'Building partnerships for nature's recovery: Action Plan 2020/21'¹. Reducing the water we use will also contribute to the Government's 25 Year Environment Plan aspirations for clean and plentiful water and to restore sustainable abstraction.

Soil

Soil is a finite resource, and fulfils many roles that are beneficial to society. As a component of the natural environment, it is important that soils are protected and used sustainably.

The DPD should recognise that development (soil sealing) has a major and usually irreversible adverse impact on soils. Mitigation should aim to minimise soil disturbance and to retain as many ecosystem services as possible through careful soil management during the construction process.

Soils of high environmental value (e.g. wetland and carbon stores such as peatland) should also be considered to contribute to ecological connectivity, as such these soils should be conserved and protected from negative impacts.

We recommend that allocation policies refer to the [Defra Code of practice for the sustainable use of soils on construction sites](#).

Comments on HRA

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of this DPD in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the implementation of this DPD will not result in adverse effects on the integrity of any of European sites in question.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, chiefly changes in air quality and increased recreational disturbance, Natural England advises that we concur with the assessment conclusions, providing that all required mitigation measures are appropriately secured in any future planning permissions given.

Comments on SA

We have no specific comments to make regarding our statutory remit and your sustainability appraisal.

If you have any queries relating to the advice in this letter please contact me on 07554226006 OR 02080266551.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/906289/natural-england-action-plan-2020-21.pdf

Should the DPD change significantly, please consult us again.

Yours faithfully

Nathan Burns
Area Team 14 - Kent and Sussex

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 713

Response Ref: Reg19/713/6

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)	SA28 - Land South of Old Policy House, Horsted Keynes
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 that the policy has been updated in line with our advice on groundwater source protection zones. We support the requirements for development to ensure groundwater is protected.
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: SA28

ID: 775

Response Ref: Reg19/775/3

Respondent: Ms K Castle

Organisation: Batcheller Monkhouse

On Behalf Of: Griffiths Family

Category: Developer

Appear at Examination? ✓

From: Kirsty Castle <K.Castle@batchellermonkhouse.com>
Sent: 28 September 2020 15:43
To: ldfconsultation
Subject: REGULATION 19 CONSULTATION MID SUSSEX DISTRICT COUNCIL – DRAFT SUBMISSION SITE ALLOCATIONS DPD
Attachments: 2020-09-28 Reg19 Reps - Final.pdf; Apendix 1 RegisterPlanWSX381300 Jeffreys Farm Gifted HMG SJG THJG PWMG.pdf; Appendix 2 Covenant.pdf; Appendix 3 Counsel opinion on Front field covenant.pdf; Appendix 4 GTA civils access to farm buildings March 2020.pdf; Appendix 5 AONB Challenge.pdf; Appendix 6 Response to AONB Challenge.pdf; site-allocations-consultation-form - DPD General.doc; site-allocations-consultation-form - Evidence Base Site Selection Paper 3.doc; site-allocations-consultation-form - SA11.doc; site-allocations-consultation-form - SA28.doc; site-allocations-consultation-form - SA29.doc

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Dear Sir/Madam

Please find attached representations made on behalf of The Griffiths Family in response to the Regulation 19 Consultation. I would be grateful if you could please confirm receipt.

Many thanks and regards

Kirsty Castle MRTPI AIEMA | Partner



Batcheller Monkhouse | Chartered Surveyors

No 1. London Road, Tunbridge Wells, Kent, TN1 1DH

Direct Ph: 01892 509287 Mob: 07713897070

www.batchellermonkhouse.com



[To read a copy of Rural Outlook please use this link](#)

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28 September 2020
Our Ref PL010-327/KAC

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

Estate Agency
Estate Management
Rural Business Advice
Planning
Valuations
Lettings
Telecommunications

Telephone: 01892 509287
Mobile: 07584 708995
Email: k.castle@batchellermonkhouse.com

By email only: LDFconsultation@midsussex.gov.uk

Dear Sir/Madam

REGULATION 19 CONSULTATION MID SUSSEX DISTRICT COUNCIL – DRAFT SUBMISSION SITE ALLOCATIONS DPD

I write on behalf of the Griffiths Family owners of land at Jeffreys Farm, Lewes Road, Horsted Keynes, RH17 7DY. The family have consistently promoted three land parcels in and around the farm through the Local Plan process. The sites were assessed in the SHELAA which was reported on in September 2018 and have been assessed again in the Site Selection Paper 3 which is included in the evidence base section of the current submission version of the Site Allocation DPD. The three sites are identified in the Site Selection Paper 3 Proformas as:

- Site 68: Existing farm buildings at Jeffreys Farm
- Site 69: Land at Jeffreys Farm (Fields to North of farm buildings)
- Site 971: Land at Jeffreys Farm (Fields to South of farm buildings)

It is noted that Site Allocations DPD does not seek to identify any of the above sites as suitable housing development allocations, yet they are suitable, sustainable, deliverable and developable. The representations made within this letter seek to focus upon the accuracy of the Council's assessment of each of the above sites and whether the Site Allocations DPD has been prepared in a manner that would meet the tests of soundness set out in the NPPF.

A significant change in circumstances since the previous representations is that Gleeson Strategic Land Ltd, have agreed terms with the landowners to enter into a Promotion Agreement across Sites 68 and 69. Gleeson Strategic Land Ltd has a proven track record of delivering high quality residential development within the Mid Sussex District. Further representations are being made by Dr H Griffiths and Gleeson independently in respect of all three sites to which my commentary refers where appropriate.

Chartered Surveyors & Town Planners

1 London Road, Tunbridge Wells, Kent, TN11 1DH Tel: 01892 509280 Fax: 01892 509289 Email: twells@batchellermonkhouse.com
Offices also at Battle, Haywards Heath and Pulborough

PARTNERS: D N BLAKE MRICS FAIV, T M BODLEY SCOTT MRICS FAIV, M T BRAXTON BSc, M HAFENDEN, S J HENKEL BA (HONS), L R HICKISH FRICS MBAC, R M PARKES MRICS FAIV, C P THACKER (Managing Partner),
P A C TROWER MA FRICS, A P WILKS MRICS FAIV, C BARTLETT MRTPI PRIMA, A J C CAMERON MRICS FAIV, G CHAPMAN MS MRICS, D HARVEY BSc (HONS), C PEARSON-WOOD MRICS FAIV,
O H B ROBINSON MRICS, W STIRK, C J TIPPING FRICS FAIV. **CONSULTANTS:** R G BATCHELLER FNAEA, A D BROOKS, R R WATERS FRICS FAIV.



www.batchellermonkhouse.com



Accuracy of Assessment of Sites 68, 69 and 971

Evidence Base – Site Selection Paper 3

Access

Site 68, 69 and 971 are identified in the site selection paper 3 as not being considered further following detailed assessment. The detailed assessment is set out in the proforma for each site contained at Appendix B of the Site Selection Paper 3. Site 68 and 971 are assessed as not being able to achieve suitable access' This is because the Council consider that a suitable form of access is unlikely to be achievable given potential conflict with the existing junction opposite in creating a crossroad and the ability to achieve adequate visibility.

In this regard we would highlight the fact that the Griffiths family own the track to Jeffreys Farm. This can be seen on the land registry documents WSX381300 attached as **Appendix 1**. The Griffiths Family also own the land either side of the track including the 'Front Field' to the north of the track as shown. There is a covenant on the 'Front Field' that requires the family to *'not erect a building of any type.... with the exception of a sports pavilion'*. This covenant is documented on the land registry documents for the 'Farmhouse, Jeffreys Farm' which are submitted as **Appendix 2**. The beneficiary of the covenant is the owner the Farmhouse (Mr and Mrs Vince, formerly Parish Cllr Vince). They do not own the field; they merely have the benefit of the covenant that is attached to the property they own. The Griffiths Family have sought Counsel's opinion on the implications of this covenant, the conclusion being that *'the construction of an access road across (the land) ... would not constitute the erection of a building within the meaning of the covenant'*. A copy of the legal opinion is produced as **Appendix 3** to this letter.

On the strength of the above it is very clear to see that the landowner controls all of the land necessary to provide visibility to a required standard to allow the access to operate safely. Furthermore, the site access drawing submitted at **Appendix 4** of this letter provides substantial evidence that visibility can indeed be achieved at the access, with land in the Griffiths family ownership available to ensure this. Pine trees to the north of the existing access are in a poor state, with storm damage, and they overhang the road precariously, so will have a finite lifespan. In addition a large sycamore just to the north of the farm track, that was considered to be an obstacle to suitable visibility has also been removed due to dry rot, thus increasing the existing visibility and the ability to provide better access.

The site assessments undertaken for sites 68 and 971 are based on inaccurate information and are therefore flawed in respect of their conclusions on access. The Jeffreys Farm sites are accessible given adequate visibility can be secured and all of the land is within the Griffiths Family's ownership to do so.

Notwithstanding this, a safe alternative access can also be provided to both sites 68 and 69 within the Griffiths Family land ownership as has been proposed in two prior planning applications on the sites (DM/19/0957 and DM/16/3974). On both occasions this alternative access was supported by West Sussex County Council as the Highway Authority. The application documentation can be made available again to the Inspector should they request it and can be viewed on the Council's online planning application files.

It is patently clear that sites 68, and 971 and site 69 for that matter are all capable of being accessed via a safe access route and 68 and 971 in particular do not warrant the conclusion that a suitable and safe access cannot be achieved.

Sustainability

The representations submitted by Dr H Griffiths make significant assessment of the location of each of the sites in terms of their relative proximity to the services and facilities found in the village at Horsted

Keynes. Detailed analysis of each of the sites indicates each to be located in closer proximity than is being identified in the detailed assessment proformas. These representations were also made at Regulation 18 stage, however if these have been considered by the Council, there is no reflection of this in either the site assessment or scoring. We would therefore conclude that each of the above sites presents an accessible and sustainable development option and should have been assessed more favourably than is set out in the assessment.

Furthermore, with particular regard to site 68, this site scores highly in every aspect except for conclusions about access which we have detailed above to be incorrect and the perceived unsustainability of location. However we would strongly suggest that the proximity to services and facilities is in fact lower than is detailed in the site assessment and in view of the higher scores in every other respect this site should have been a stronger contender for development. Site 68 should have been considered as a reasonable alternative and is ideally suited to fill the deficit of 15 houses for Horsted Keynes meaning that the village meets its requirement and other surrounding villages do not have to provide additionally.

AONB Impact

The Site Assessments draw on advice and guidance provided by the High Weald AONB Unit with which to assess the impact of development upon the AONB. With regard to site 69 and 971 where the reason for not being taken forward for detailed assessment is the impact of development upon the AONB, there is fundamental concern about the way in which each site has been assessed and the inconsistency in the methodology applied to these sites compared to others assessed in Horsted Keynes. The representations made by Dr H Griffiths set out in detail the inconsistencies found which have been put to the High Weald AONB Unit as a formal challenge to their assessment. The content of that challenge is included as **Appendix 5** of this letter along with the response received from the High Weald AONB Unit at **Appendix 6**. The representations made by Dr H Griffiths are supported and corroborated by a Landscape and Visual Impact Assessment which was prepared as part of a previous application for development of sites 68 and 69 (Application reference DM/16/3974). This can be made available to the Inspector should they wish and is otherwise publicly available from the Council's online planning records. The representation made to the AONB unit as set out in Appendix 5 were submitted as part Dr H Griffiths Regulation 18 consultation representations although as previously detailed, if consideration has been made, it is not reflected in the assessments or site allocation choices.

It is clear that the assessment undertaken by the AONB unit was a desktop analysis and was not based upon having visited the sites to gain any understanding or any physical appreciation of their context and surroundings. The challenge document sent to the AONB Unit (**Appendix 5**) describes in detail the evidence that sites 69 and 971 have little visual impact on the AONB and could be fully mitigated through careful landscaping, a detailed examination of which is set out in Dr H Griffiths' representations. The AONB Unit's response to the challenge is set out at **Appendix 6** of this letter but does not substantially answer the matters raised or provide credible reasons for the inequity of assessment between sites.

Whilst it is appreciated that the High Weald AONB Unit's role is primarily advisory, many of the conclusions they have drawn are reflected in the site assessment of sites 69 and 971 and are used to directly inform the assessments included in the Site Selection Paper 3. The detailed examination of the AONB impact set out in the documents at **Appendix 5** to this letter indicates that further attention must be paid to justifying the conclusion of "high impact" in the AONB for sites 69 and 971. This was raised at Regulation 18 stage of the process and no further dialogue has been offered by Mid Sussex DC in respect of this. The assessment of "high impact" has been carried through to Regulation 19 Submission stage with no recognition of the flaws in the High Weald AONB unit's assessment having been examined. We therefore dispute the basis upon which the site assessments for sites 69 and 971 have been made with regard to AONB impact and would suggest that there would be no conflict with Sustainability Appraisal

objective 9 relating to the protection of the countryside and protection of designated landscapes for these sites.

Deliverability

Sites 68, 69 will shortly be controlled under a Promotion Agreement with established land promoter Gleeson Strategic Land Ltd. Gleeson has an excellent track record in delivering small, medium and large-scale housing sites across the country, including land and sites within Mid Sussex District. Gleeson are experienced land promoters who have local knowledge gained through working closely with Mid Sussex District Council to bring forward other development sites within the district. With Gleeson's forthcoming involvement, the deliverability of the land at Jeffreys Farm at sites 68 and 69 is assured. Whilst the site assessments indicate each of these sites has a "Reasonable prospect of development" we consider this should be amended to "Developable" in the same ways as other sites under the control of a housebuilder are scored. With regard to Site 971, the land offers a realistic development prospect albeit on a longer-term deliverability.

IS THE DRAFT SUBMISSION SITE ALLOCATIONS DPD SOUND?

The four tests of soundness to be applied to examination of local plan DPDs and strategic frameworks are set out at para 35 of the NPPF. These are:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy when considered against the reasonable alternatives based on proportionate evidence

Effective – The plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and

Consistent with National Policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Test 1 – Positively Prepared

Draft Submission Site Allocations DPD - Policy SA11 Additional Housing Allocations

The Mid Sussex District Plan was formally adopted in 2018 and provides a strategic framework for growth in Mid Sussex to 2031, including identifying the level of housing need in the District and the spatial strategy by which this growth will be distributed.

Policy DP4 Housing sets a minimum housing provision figure of 16,390 homes over the period 2014 – 2031 to meet the Council's Objectively Assessed Needs (OAN) as well as contributing towards the unmet need of neighbouring authorities, primarily the unmet need arising in the Northern West Sussex Housing Market Area from Crawley.

The supporting text for the policy indicates The District Council will prepare a Site Allocations Development Plan Document (DPD). This will allocate non-strategic and strategic sites of any size over 5 dwellings (with no upper limit), in order to meet the remaining housing requirement over the rest of the Plan period as reflected in the 'stepped trajectory' of 876dpa until 2023/24 and 1,090dpa thereafter, and

with the aim of maintaining a 5-year land supply to meet this requirement. The Site Allocations DPD confirms that there is a residual housing requirement of 1,280 dwellings to be met through the Site Allocations DPD.

Policy DP6 of the District Plan identifies Horsted Keynes as a Category 3 settlement and indicates that Horsted Keynes will be required to provide a minimum of 69 dwellings over the plan period but with completions and commitments at April 2017 this minimum requirement was 53 dwellings. An updated picture is provided in the Sustainability Appraisal for the Site Allocations DPD at Table 12 which confirms that the residual requirement for Horsted Keynes is 70 dwellings, taking into account commitments and completions as of April 2020.

The Site Allocations DPD allocates two sites in Horsted Keynes to deliver 55 dwellings collectively. Given the above, this leaves an additional 15 dwellings required to meet the identified residual requirement for the village over the plan period. The NPPF states that the planning system should be genuinely plan led and as part of this should positively identify sufficient housing to meet its objectively assessed needs. The Site Allocations DPD does not identify sufficient housing to meet all of the identified need for Horsted Keynes and there is therefore a need to reconsider the site assessments undertaken to date to find a further 15 dwellings.

As detailed in the paragraphs above and in the extensive representations made by Dr H Griffiths in respect of Sites 68, 69 and 971, each of these sites offers a sustainable location for development, can demonstrably be shown to have moderate or low impact on the AONB and wider landscape and can provide safe access to the main highway network. Each of the sites promoted could provide the additional 15 dwellings required in a sustainable manner.

The NPPF requires Local Authorities to identify housing supply that offers specific sites that are deliverable in the first 5 years and specific sites that are developable for years 6-10 and where possible years 11-15. To be considered deliverable a site must 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. Given the level of detail in previous planning applications submitted (DM/19/0957 and DM/16/3974), and now with Gleeson's forthcoming involvement, Sites 68 and 69 can be delivered immediately whilst site 971 offers a realistic future development prospect.

The sites at Jeffreys Farm are demonstrably in a suitable location, adjacent to the settlement boundary and within walking distance of the village centre. Analysis contained in Dr H Griffiths representations shows each of the sites to be closer to the village centre and facilities than is detailed in the site assessments. The impact of development of these sites on the AONB is in part overplayed and as detailed it is considered entirely possible to mitigate any effects entirely through an appropriate landscape strategy which maximises views from the settlement into the countryside and wider AONB, whilst providing an integral and soft urban edge to the settlement that blends appropriately with the rural setting of village. The site has direct access onto Sugar Lane which is shown to be capable of being modified to ensure adequate visibility with the opportunity to create an alternative access point which performs equally well in terms of safe operation.

The sites score positively when assessed against the requirements of policy DP15 of the District Plan which seeks to govern the scale and type of development that occurs outside of the defined settlement boundaries. Each of the sites could provide for up to 15 dwellings and are contiguous with the built-up area of the village. Contrary to the site assessment prepared, Site 971 is not detached from any existing part of the settlement but directly abuts the rear curtilage boundary of existing dwellings along Treemains Road. None of the sites at Jeffreys Farm would exacerbate or otherwise impact on the dispersed nature of development alleged on the western side of Sugar Lane and all can be shown to be sustainable.

Sites 68 and 69 are available for development now (as demonstrated by previous planning applications) and with the forthcoming involvement of Gleeson Strategic Land, there is a more than reasonable prospect that development will come forward within the next five years. Sites 69 and 971 are currently undeveloped, in a single ownership and do not have any existing uses or activities to relocate. Site 68 is already developed and retains a number of existing farm buildings but are also in a single ownership and could be vacated at any point. The sites promoted at Jeffreys Farm all offer a viable option for development and meet the criteria of being “deliverable” as well as “developable” as required of sites identified for the early to medium stages of the plan period.

In summary we consider that Site Allocations DPD has not been positively prepared. Policy SA11 does not identify enough housing to meet the full requirement for Horsted Keynes across the plan period and there is a need to reconsider sites which were not put through to detailed assessment such as the sites at Jeffreys Farm, not only in light of the above detailed inaccuracies in the assessments but as a means of providing alternative sustainable locations to meet the shortfall in requirement which is now apparent.

Test 2 – Justified

Evidence Base - Site Selection Paper 3

The Site Selection Paper 3 details the process of assessment undertaken in arriving at the proposed allocations set out in the Site Allocations DPD. This essentially comprised a three-stage selection process:

Stage 1: Call for sites to inform SHELAA – This established the pool of site to assess

Stage 2: High Level Site Assessment – Sites more than 150m from settlement boundary and capable of providing significantly more housing than accounted for in the District Plan were ruled out.

Stage 3: Detailed Assessment – traffic light scoring methodology used to assess sites against primary planning constraints. Any sites with a red score against any identified planning constraints were ruled out.

With regard to the appropriateness of the methodology for assessing sites, we have concerns that the Stage 3 Detailed Assessments did not display a thorough balancing exercise covering all planning constraints. In ruling out sites automatically on the strength of a low score in one area means that the potential benefits and much higher scores against other planning merits are not considered in any comparative way and any judgement about whether the low scores might be outweighed by the higher scores on different areas is simply not made or any means of mitigating the low scores. Just because one site falls down in one area does not mean that the other benefits and attributes that it displays as a development site do not outweigh that. It is therefore our view that the methodology undertaken to site selection does not demonstrate a thorough consideration of the pros and cons of each site in the round with no evidence of any weighting having been undertaken in the Council’s final decision. If no weighting has been undertaken it cannot be reliably contended that the Site Allocations proposed are the most suitable when considered against reasonable alternatives. Mitigation of any negative points has been fully considered for the sites that have been allocated and other sites assessed in Horsted Keynes but there is no consideration of mitigation for the sites at Jeffery’s Farm.

Draft Submission Site Allocations DPD - Policy SA28 and SA29

The two sites advanced as proposed site allocations in Horsed Keynes are Site 807 Land south of The Old Police House site (Policy SA28) and Site 184 Land south of St Stephens Church (Policy SA29)

Policy SA28 Site 807 would require the removal of the hedge line and possibly some mature trees to gain visibility splays and access to the site along Birch Grove Road' which would have direct impact upon the AONB and of views into the site. The site assessment concludes the site as having a moderate impact on the AONB despite stating in the assessment text that there is a high impact on the AONB due to loss of medieval fields and the development being too isolated and separate from the existing village core. There is nothing further stated in the assessment which would counter this statement and no justification for why conclusion of moderate and not severe impact is concluded. Given that a conclusion of severe impact on the AONB alone would have ruled this site out of the assessments we consider it essential for there to have been greater explanation and justification for the conclusions drawn in this respect.

The site assessment concludes that there would be less than substantial harm to listed buildings through developing Site 807. However, Grade II-listed Lucas Farm is located immediately to the north of the site and is not screened from the site by any retained vegetation nor do the promoters plans indicate mitigation to that effect. Given the proximity of the site to this local Heritage Asset and lack of any apparent respect to its setting, it is not understood why the site scores as having such a low impact – again there is no justification provided for the conclusion drawn.

We therefore consider that Policy SA28 of the Site Allocations DPD is not justified

Policy SA29 Site 184 is considered to be reasonably well related to the existing built up area of Horsted Keynes with low potential harm to the AONB. However, when comparing this site with Site 971 in particular at Jeffreys Farm, it is clear that the two sites present the same position, immediately abutting the rear curtilage boundary of existing properties within the settlement boundary. Site 971 is deemed to be detached from the existing built up part of the village whereas Site 184 is deemed to be relatively well related.

Policy SA29 Site 184 is considered to be in no better location in terms of proximity to services and facilities to any of the Jeffreys Farm sites particularly when taking account of the detailed examination set out in Dr H Griffiths representations of true walking distances.

The site assessment states that there are no issues with site access, and that 'Access to site 184 can be achieved. However, we are aware that the developer promoting this site has openly stated that there will need to be a 5-metre protection zone adjacent to the mature trees along the western edge of the access track, to protect and retain the distinctive tree line. Given that the access track is only 7m wide currently and that land to the east is not in the developers ownership it would seem that there is some question as to whether access to the site can indeed be achieved satisfactorily for two way traffic or that adequate visibility can indeed be achieved. In order to provide an access road capable of allowing the traffic movements associated with 30 dwellings without damage to the tree root system will require the access to be moved to the east. This is not achievable as the land is in third party ownership, and therefore this mitigation is impossible. The developers proposed plans show the access road clearly to be within 1.5m of the tree trunks.

This information has been discussed in public meetings and the Council are aware of this. The matter was raised in our previous Regulation 18 representations but has not been considered further within the Regulation 19 Draft Submission version of the document.

In view of the above information relating to the width of the access, it is contended that Site 184 should have been assessed as having a severe impact against the access planning constraint which would have ruled this site out automatically using the Council's chosen methodology. The site assessment says that there are no constraints to achieving access when there clearly are. Conversely the assessment undertaken for the sites at Jeffreys Farm should have concluded a lower impact than severe given that access can safely be achieved, which would have ruled the site back into the assessment.

At 30 dwellings the density of development allocated for Policy SA29 Site 184 is quite high given the size of the site. Once road and drainage infrastructure are designed in it is hard to see how development of the site could adhere to a transitional layout whereby density lowers nearer to the site boundaries providing a softer edge running into the AONB countryside beyond. It is considered far more likely at this density that there will be no option but to create a hard, developed edge to the site given size constraints.

We therefore consider that Policy SA29 of the Site Allocations DPD is not justified

Conclusions with regard to whether the Draft Submission Site Allocations DPD is justified.

In summary, it is considered that the methodology employed to assess the sites is flawed in that there is no weight given to the relative pros and cons of developing each site in a balanced way – ruling sites out immediately upon receiving a high impact score does necessarily indicate that the negative attributes cannot be mitigated in some way or that they are not outweighed by the other benefits the site might bring.

The sites at Jeffreys Farm have been unfairly scored, particularly in terms of the AONB impact as is detailed in depth in the attached documents, which has resulted in their exclusion from the process where they might not otherwise have been – especially given that all have relatively low impact scores against other planning constraints.

In order to demonstrate the Site Allocations DPD is justified it should demonstrate that it offers the most appropriate strategy when considered against reasonable alternatives. We do not consider the site allocations put forward in the DPD in Horsted Keynes do offer the most appropriate strategy when compared against reasonable alternatives such as the sites at Jeffreys Farm. There are several inconsistencies in the assessments for both Site 184 and 807 which indicate that it should be scored less favourably than they are and the sites at Jeffreys Farm would in our view score more favourably if all of the points we have raised are taken account of.

Furthermore, as it appears that there is a 15-dwelling deficit remaining in Horsted Keynes currently, the site allocations DPD does not provide an appropriate strategy to address this compared with the reasonable alternative of identifying a further site/s to accommodate the dwellings. The sites at Jeffreys Farm would provide suitable, sustainable, deliverable and developable options to secure this.

Test 3 – Effective

Draft Submission Site Allocations DPD

In terms of the Site Allocations DPD's effectiveness, consideration of whether it is deliverable over the plan period and whether it is based upon effective joint working on cross boundary strategic priorities is necessary.

The housing requirement for Horsted Keynes is known to be greater than the 55 dwellings allocated in the Site Allocations DPD. It is clear that additional sources of housing should be identified to meet the full requirement. We have raised concerns about the ability to successfully access Site Allocation Policy SA29 (Site 184) and if this site does not come forward for development or actual housing capacity is found to much lower than the 30 dwellings allocated, anticipated supply in Horsted Keynes will be significantly short. The NPPF requires Local Plans to be able to "*flexibly adapt to rapid change*" In order to ensure a robust supply that can adapt to changes such as these, there is in our view, a pressing need to reconsider the sites that were initially assessed at Stage 3 and to allocate further land to provide sustainable and deliverable options.

The Site Allocations DPD seeks to identify the sites that will provide for the residual housing requirement already set out in the District Plan once existing commitments and completions and strategic sites are accounted for. The District Plan indicates that the housing requirement set out includes for an element of unmet need arising from elsewhere in the Northern West Sussex Housing Market Area (specifically Crawley) and that 1498 dwellings are included within the housing requirement for the district agreed through the duty to co-operate. On that basis the Site Allocations DPD is in our view based upon effective joint working although as a whole, for the reasons above, it is not considered to be effective as it will not deliver the up to date housing requirement for Horsted Keynes in its entirety and there are inherent uncertainties about the deliverability of at least one of the sites that have been allocated.

Test 4 – Consistent with National Policy

Paragraph 14 of the NPPF sets out the general presumption in favour of sustainable development. With specific regard to plan making the NPPF confirms that this means:

“Local planning authorities should positively seek opportunities to meet the development needs of their area and;

Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or;*
- *Specific policies in this Framework indicate development should be restricted”.*

As discussed in detail in the preceding sections of this letter whilst the Site Allocations DPD has on the face of it sought to meet the residual housing requirement derived from the District Plan, it is clear that the plan is not meeting the residual requirement of 70 dwellings for Horsted Keynes as set out at Table 2.6 of the Site Allocations DPD

Significant concerns have been raised about the accuracy and consistency of assessment of sites in Horsted Keynes and it is considered that these two aspects combined demonstrate that the supply identified in the village is not robust, does not meet the full requirement and does not demonstrate sufficient flexibility to adapt rapidly to change. The Draft Submission DPD does not fully meet the requirements of Para 14 of the NPPF in this respect.

Paragraph 47 of the NPPF details the requirement for Local Planning Authorities to “*boost significantly the supply of housing*”. In order to do this Para 47 suggests Local Planning Authorities should:

“Use their evidence base to ensure that their Local Plan meets the full and objectively assessed needs for market and affordable housing on the housing market area as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period”

In this regard as indicated previously the Site Allocations DPD does not meet the full OAN requirement for Horsted Keynes. There is a need to identify additional, deliverable and developable sites to meet this. The Jeffreys Farm sites offer suitable additional sites which have been thoroughly examined in representations and shown to score more favourably than the Council has credited them in the assessments. The sites offer more certainty of supply and comparable if not better locational, environmental and accessibility credentials which indicate that the sites should be considered capable of delivering sustainable development. Sites 68, 69 and 971 are capable of making a genuinely deliverable contribution to housing supply in the village with least impact on the health and well-being of existing residents

The Draft Submission Site Allocations DPD is therefore as a whole not considered to be consistent with a number of key elements of the NPPF namely the need to boost supply and identify sufficient deliverable and developable sites for housing to meet OAN requirements.

Legal Compliance

The Council is required under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 to demonstrate how it has consulted on the Site Allocations DPD once the plan is formally submitted for examination. The Council is also required to demonstrate how it has complied with the Duty to Co-Operate introduced by the Localism Act 2011.

The Community Involvement Plan which is submitted in support of the Draft Submission Site Allocations DPD details the consultation process that has informed the drafting of the DPD. Section 3 of the Community Involvement Plan details the Council's negotiations with neighbouring local authorities in pursuance of their Duty to Co-operate and refers to the Statements of Common Ground entered into in preparing to fulfil the housing requirements of Mid Sussex District through the DPD.

The Council has gone through the relevant Regulation 18 and Regulation 19 consultation exercises and it is therefore considered that the DPD has been drafted in compliance with the relevant legislation at this stage.

I trust the above and enclosed documentation clearly outlines our concerns in relation to the soundness of the Draft Submission Site Allocations DPD and the way in which it has been formulated. We welcome the Council's further consideration of these points and trust the inaccuracies highlighted will be addressed and our commentary taken account of in future iterations of the DPD document.

Yours faithfully



Kirsty Castle MRTPI AIEMA

Enc Appendices as detailed .

Part B – Your Comments

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

Name or Organisation:

The Griffiths Family

3a. Does your comment relate to:

Site
Allocations
DPD

☒

Sustainability
Appraisal

☐

Habitats Regulations
Assessment

☐

Community
Involvement
Plan

☐

Equalities
Impact
Assessment

☐

Draft Policies
Maps

☐

3b. To which part does this representation relate?

Paragraph

Policy SA

28

Draft Policies Map

4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.

Yes

☒

No

☐

4b. Sound

Yes

☐

No

☒

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

Sound

Unsound

(1) Positively prepared

☐

☒

(2) Justified

☐

☒

(3) Effective

☐

☒

(4) Consistent with national policy

☐

☒

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

t is

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

Please attached covering letter

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

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

Please see covering letter

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

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

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

☐

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

☒

Yes, I wish to participate at the oral examination

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

In order to answer questions directly from the Inspector with regard to land at Jeffreys Farm as an alternative site allocation.

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☐

(iii) The Site Allocations DPD is adopted

☐

Signature:

Batcheller Monkhouse

Date:

28/09/2020

Thank you for taking time to respond to this consultation

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 779

Response Ref: Reg19/779/1

Respondent: Ms A Catlow

Organisation: Strutt and Parker

On Behalf Of: Sunley Estates

Category: Promoter

Appear at Examination? x

From: CATLOW Antonia <Antonia.Catlow@Struttandparker.com>
Sent: 28 September 2020 09:45
To: ldfconsultation
Cc: Jennifer Hollingum
Subject: Reg 19 Response - Site Allocation Policy SA28 - Land at Old Police House, Horsted Keynes
Attachments: SA28 Old Police House_SADPD Consulation Form reg 19.pdf; SA28 Old Police House_Sunley_MSDC SADPD Reg19_18.09.2020.pdf
Follow Up Flag: Follow up
Flag Status: Completed
Categories: TBC

Dear Sir/Madam,

**Land at Old Police House, Horsted Keynes, Site Allocation Policy SA28
Regulation 19 Consultation Response.**

Please find attached a representation in respect of policy SA28 of the MSDC Site Allocations DPD.

Kind regards,
Antonia

Antonia Catlow BSc(Hons) MA MRTPI

Associate Director – Planning Department
Strutt & Parker, 201 High Street, Lewes, East Sussex, BN7 2NR
Direct: 01273 407016 | Mobile: 07458 057121 | Secretary: 01273 407002

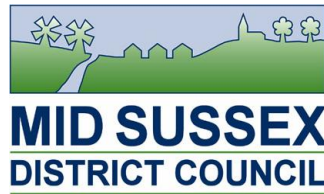


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Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

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

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

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

How can I respond to this consultation?

Online: A secure e-form is available online at:

www.midsussex.gov.uk/planning-building/development-plan-documents/

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

Title	<input type="text"/>
First Name	<input type="text" value="Antonia"/>
Last Name	<input type="text" value="Catlow"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Strutt and Parker"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text" value="Sunley Estates Ltd"/>
Address Line 1	<input type="text" value="201 High Street"/>
Line 2	<input type="text" value="Lewes"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="BN7 2NR"/>
Telephone Number	<input type="text" value="01273 407016"/>
E-mail Address	<input type="text" value="Antonia.catlow@struttandparker.com"/>



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

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

Part B – Your Comments

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

Name or Organisation:

Antonia Catlow – Strutt & Parker on behalf of Sunley Estates Ltd

3a. Does your comment relate to:

Site Allocations DPD	<input checked="" type="checkbox"/>	Sustainability Appraisal	<input type="checkbox"/>	Habitats Regulations Assessment	<input type="checkbox"/>
Community Involvement Plan	<input type="checkbox"/>	Equalities Impact Assessment	<input type="checkbox"/>	Draft Policies Maps	<input type="checkbox"/>

3b. To which part does this representation relate?

Paragraph	<input type="text"/>	Policy SA	<input type="text" value="28"/>	Draft Policies Map	<input type="text"/>
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4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4b. Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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

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

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

Please refer to cover letter from Strutt & Parker dated 18th September 2020

t is

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

Please refer to cover letter from Strutt & Parker dated 18th September 2020

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

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

Please refer to cover letter from Strutt & Parker dated 18th September 2020

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

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

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

☒

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

☐

Yes, I wish to participate at the oral examination

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

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

A Catlow

Date:

16.09.2020

Thank you for taking time to respond to this consultation



Mid Sussex District Council Site Allocations DPD

Regulation 19 Consultation

Representations on behalf of Sunley Estates Ltd

Site SA28: Land South of The Old Police House, Horsted Keynes

Our ref: AC 215205

18th September 2020

Comments in relation to: Policy SA11 Housing Allocation and Site SA28, Land South of The Old Police House**1. Introduction**

- 1.1. Strutt and Parker are instructed by Sunley Estates Ltd to respond to the Regulation 19 consultation Site Allocations Development Plan Document (SADPD) published by Mid Sussex District Council in July 2020. Sunley has recently been appointed by the landowner as the developer and has a legal interest in land at The Old Police House which it is promoting for new housing.
- 1.2. This supporting statement provides further information regarding the deliverability of the site and seeks to support its formal allocation within the emerging Site Allocations Development Plan Document.

2. Spatial Strategy for the District – Horsted Keynes Site Allocations

- 2.1. During the Regulation 18 consultation in November 2019, it was noted that the SADPD under-delivered housing numbers in Category 3 settlements (known as Medium Sized Villages) when assessed against the District Plan targets, proposing 303 units against the required 439 units (an under-delivery of 136 units). In the District Plan, Medium Sized Villages are specifically identified by Mid Sussex DC as settlements that provide essential services for the needs of their own residents and immediate surrounding communities.
- 2.2. It is notable that the Regulation 19 SADPD continues to under-deliver housing numbers in Category 3 settlements when assessed against District Plan targets. The minimum residual requirement for Category 3 settlements has since reduced from 439 to 371, however, only 238 of the minimum 371 homes required are proposed in the Regulation 19 SADPD, still resulting in a shortfall of 133 dwellings.
- 2.3. Although the minimum residual requirement for Category 3 has decreased, this category remains the most underrepresented in the proposed SADPD despite being recognised as sustainable settlements. It is therefore imperative that any current proposed allocations in Category 3 settlements continue to be supported for allocation and the proposed number of units on these allocated sites be accurately assessed to ensure the most efficient use of the land.
- 2.4. The SADPD identifies two sites for allocation within Horsted Keynes, a Category 3 settlement; Land South of St. Stephens Church (Site SA29) and Land South of The Old Police House (Site SA28). These were identified as the sites within Horsted Keynes that would have least overall impact on the AONB and confirmed in March 2020 as not being Major Development in the High Weald Area of Outstanding Natural Beauty (AONB). Between them, the two sites are identified by the Council as being able to provide 30 units and 25 units respectively. These allocated sites have the confirmed support of Horsted Keynes Parish Council and have been agreed for inclusion in the emerging draft Horsted Keynes Neighbourhood Plan.

- 2.5. The number of units identified for the Land South of The Old Police House during stage 2 of the SHELAA in April 2019 was originally assessed as 30. This was later reduced during the Regulation 18 draft of the SADPD to 25 units. Despite submitting evidence during the Regulation 18 consultation regarding the site capacity, the number of units proposed by the Council for this site remains at 25.
- 2.6. It is not clear in the Site Selection Paper 3 or on the latest version of Draft Policy SA28, why the number of units was reduced and subsequently has remained at 25, however, it is understood that the reduction of 5 units was anticipated as a result of the scale of the landscape buffer required to the north east corner of the site. This reduction in numbers by MSDC has not, at any stage, been explained in writing or supported by any detailed technical work.
- 2.7. It is our recommendation that any Policy wording to read either 'approximately 25 units' or 'circa 25 units' in order to remove any unnecessary cap allowing the use of the site to be maximised and to contribute towards the Council's continued shortfall of housing in Category 3 settlements.
- 2.8. An indicative layout was submitted to the Council in June 2020, which indicates how the site could accommodate 30 units, compliant with the Council's recommended housing mix policy and using evidence published in the Horsted Keynes Housing Needs Survey available on the Horsted Keynes Parish Council. The example layout takes into account a positive active frontage, trees and access as required. This plan is continuously being developed and ongoing detailed and technical work is being undertaken to inform a further iteration.

3. Site Allocation SA28 – Land South of The Old Police House

- 3.1. Sunley is a well-established house builder with an excellent track record of housing delivery, and are presently building homes in Mid-Sussex to house local families. They are committed to bringing this opportunity forward within the next 1-5 years. They are in contact with the Horsted Keynes Community Land Trust and are committed to exploring all options to ensure that the correct provision and mix of affordable housing can be both provided, and delivered on site. A significant library of supporting technical studies for the site have already begun to take place.
- 3.2. Detailed drawings identifying a suitable point of access onto Birchgrove Road including sufficient visibility splays, have been prepared and verified through discussion with West Sussex County Council Highways in July 2017 and subsequent discussions in October 2019. These studies confirm that safe access can be achieved and the existing Oak Tree along the frontage can be retained.
- 3.3. A preliminary ecology assessment does not identify any constraints that would preclude development.
- 3.4. A Landscape Character and Visual Appraisal report was prepared in October 2017. This was more recently updated with a full Landscape and Visual Impact Assessment in March 2020. Both concluded that whilst the character and appearance of the northern part of the site itself would change from pasture land, there is the potential to set new development within a robust green framework, allowing it to be integrated into the existing village without resulting in

unacceptable adverse effects or causing any substantial landscape impact beyond the site's boundaries. This small extension to Horsted Keynes is within an enclosed field framework below the skyline and is not out of keeping with the characteristic high ground settlement pattern. It concludes that a development of 'up to 30 units' would not result in undue adverse effects on the wider landscape of the AONB or on Horsted Keynes.

- 3.5. An early version of the illustrative site layout plan has a landscape led design and seeks to ensure the delivery of high quality and mix of housing that respects the character of Horsted Keynes whilst offering an appropriate transition to the wider High Weald AONB. This is an indicative drawing only at this stage but presents scenario for 30 dwellings and indicates how a possible site layout would allow for retention of the mature trees and hedgerows along the boundaries of the site.
- 3.6. The Reg 18 draft policy indicated that a 'sufficiently sized' landscape buffer to the north eastern corner of the site should be provided as appropriate mitigation to protect the setting of the nearby Grade II listed Lucas Farm. An initial Heritage Impact Assessment was therefore completed in January 2020 to investigate this. The report concludes there is a less than substantial harm to Lucas Farm with the retention of the existing vegetation acting as a suitable buffer. The report does not identify any reason for the requirement of further landscaping in this location to act as mitigation for the Heritage Asset. The identified harm would remain as less than substantial regardless of an increase in size to the existing buffer.
- 3.7. The current allocation broadly requires a higher density development towards the 'northern part' of the site and to have a 'positive active frontage'. This is supported given that there is evidence that the north eastern corner of the site was previously subject to built form. Technical reports have evidenced that the relationship with Birchgrove Road and Lucas Farm can be achieved successfully with the retention of the existing boundary and a reduced, but well-designed landscape buffer. We are therefore of the opinion that the wording of an allocation should not specifically request a further landscape buffer in relation to the Heritage Asset, but instead the retention of a suitably planted boundary. This requirement is already covered more generally within the draft Policy.
- 3.8. We are aware that there are other constraints that need to be considered on the site including SUDs and the PROW as well as additional landscaping. It would therefore be appropriate to have flexibility with the number of units if more units were found to be achievable, in order to ensure the most efficient use of the land. We would therefore again suggest a policy wording of 'approximately 25 units' or 'circa 25 units'. This would allow for more (or less) than 25 units to come forward depending on what is found to be appropriate.
- 3.9. The current urban design principles of the SADPD encourages the site to bring forward pedestrian and/or cycle links. In particular, the current allocation requests that the character of the existing public footpath 9HK be retained and integrated into Green Infrastructure in the proposal. Following the Landscape and Visual Impact Assessment in March 2020, it was accepted that the character of a small section of the existing footpath would be changed, however, a 'sequence' of native hedgerows could be supplemented with small, native trees to provide a natural route between the field beyond and house boundaries on Birchgrove Road to mitigate the impact. This is currently being worked into the latest illustrative design. It would be

impossible to retain the current character of this section of the footpath in its entirety. We would suggest that any wording relating to the retention of the 'existing character' of the footpath be re-worded to acknowledge this. Whilst this pedestrian link will be retained, any cycle access would need be provided on the highways, and as such we would request that the allocation does not stipulate separate cycle links on this constrained site.

4. Summary

- 4.1. Sunley Estates Ltd have prepared an illustrative layout plan which allows for an appropriate mix of high quality dwellings which integrate into and reflect the design character of Horsted Keynes, whilst retaining the mature trees and hedgerows along the site boundaries and offering an appropriate transition to the wider High Weald AONB. This illustrative plan is subject to ongoing development but has already provided an example of a scheme which shows compliance with the current site allocation SA28 of Policy SA11 of the draft Site Allocation Development Plan Document.
- 4.2. It is evident from the figures published in the Regulation 19 SADPD that there remains a significant shortfall of homes in sustainable Category 3 settlements across the District. It is imperative that the Council seek to support and maximise the use of this allocated site in order to contribute towards the Council's shortfall of housing in this category.
- 4.3. Following the provision of evidence through further technical studies, it is not considered necessary to specifically stipulate a provision of a dense landscape buffer in the north eastern corner specifically for the protection of the identified heritage asset at Lucas Farm. The draft policy already indicates that consideration should be given to retain important trees and hedgerows along the boundaries of the site. This, along with a well-designed planting scheme along this section of the boundary would result in the retention of a suitably sized buffer.
- 4.4. We would suggest a policy wording of 'approximately 25 units' or 'circa 25 units'. This would allow for more (or less) than 25 units to come forward pending further technical studies.
- 4.5. The appointment of Sunley as a developer on site is confirmation of the commitment to bring the site forward within 1-5 years of adoption of the plan. There is no reason why a planning application could not come forward immediately following the adoption of the SADPD.
- 4.6. We therefore support the continued allocation of the site. Further detail can be provided on request.

1025

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 1025

Response Ref: Reg19/1025/3

Respondent: Mrs H Griffiths

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? ✓

[REDACTED]

From: Helena Griffiths Colin's Field Camping [REDACTED]
Sent: 28 September 2020 14:12
To: ldfconsultation
Subject: Reg 19 Comments to DPD consultation
Attachments: Reg 19 site-allocations-consultation H GRIFFITHS SUBMISSION.pdf; ATTACHMENT A Hamsland transport challenge.pdf; ATTACHMENT B H GRIFFITHS factual corrections Reg 19.pdf; Appendix 1 RegisterPlanWSX381300 Jeffreys Farm Gifted HMG SJG THJG PWMG.pdf; Appendix 2 Covenant.pdf; Appendix 3 Counsel opinion on Front field covenant.pdf; Appendix 4 AONB Challenge.pdf; Appendix 5 Response to AONB Challenge.pdf; Appendix 6 GTA civils access to site 68 971 March 2020.pdf; Appendix 7 Transport report for access to site 68 69.pdf; Appendix 8 JeffreysFarm LVIAppraisal.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TBC

Please find attached my comments in document entitled:

Reg19 site-allocations-consultation H GRIFFITHS SUBMISSION

and also supporting documentation as **Attachments A and B**, and **Appendices 1 through 8**.

Should you have any question on this submission, please do not hesitate to contact me.

Regards,

Dr. Helena Griffiths

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

1. Personal Details

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

Note: Three separate submissions are included under this cover sheet:

- Representation against **St Stephens SA29**
- Representation against **Police House field SA28**
- Representation for sites at **Jeffreys Farm SHELAA 68, 69 and 971**

Part B – Your Comments (St Stephens SA29)

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

Name or Organisation:

Helena Griffiths

3a. Does your comment relate to:

Site
Allocations
DPD

Yes

Sustainability
Appraisal

Yes

Habitats Regulations
Assessment

Community
Involvement
Plan

Yes

Equalities
Impact
Assessment

Draft Policies
Maps

3b. To which part does this representation relate?

Paragraph

Policy SA

SA29

Draft Policies Map

4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.

Yes

☐

No

☒

4b. Sound

Yes

☐

No

☒

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

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

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

N/A

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

I believe the allocation of site SA29 shows the DPD to not be sound.

Mid Sussex have failed to declare an interest in land adjacent to site SA29 in Horsted Keynes. Inconsistencies exist in how sustainability assessments (SA) have been made, meaning that their land benefits in the longer term, due to the allocation of SA29 being made in this plan. This enables their previously land locked property to be accessed via this site in the future, resulting in over development of the area (in breach of DP13). This clear conflict of interest should require that the SA be able to stand up to local comparisons and public scrutiny. To date, the assessments fall short of any comparison by those who have knowledge of the sites, and the strong positive bias for the allocation of Site SA29 at St Stephens has led to other alternative sites being repeatedly negatively discriminated against.

Positive bias of SA29 includes failure to notify the AONB of the critical risk to the tree belt along the western boundary and access road (with the road being within 2m of the tree trunks with overhanging branches) in breach of DP37 and DP16. Highways have failed to critically assess the parking stress survey, which is in no way a reflection of the reality of the day to day issues on access and parking experienced by the 125 households that are already serviced by the access along the cul-de-sac Hamsland, in breach of DP21 and DP29. The proposed layout in SA29.1 shows the access road bordering the tree belt and boundary to the land owned by MSDC, providing ease of access and spread of development unchallenged in the future. With this representation I submit detailed documentation evidencing the incorrect factual information and inappropriate surveying methods used in the Transport survey submitted by the promoter to incorrectly assess the impact of the development on the residents of Horsted Keynes Attachment A.

Furthermore, I believe the owner of Summerlea (directly affected by the allocation of SA29) applied for TPO's to be put on the trees along his boundary with the proposed access to protect this distinctive tree belt, but this was refused by Mid Sussex Tree Officer after the tree officer consulted with the office – surely a conflict of interests.

Site SA29 is not accessible without destruction of the tree belt, and will have an immense impact on the character of this part of the village as the proposed access runs along a single track road that already serves 125 houses. A petition with over 350 signatures was submitted to MSDC in opposition to the allocation of this site. No attempt has been made to mitigate the impact on the community showing a lack of community involvement.

Discrimination against other sites includes the failure to promptly correct factual information in the SA proformas to sites SHELAA 68, 69 and 971, leading to their omission from allocation. If these factual corrections had been made in a timely manner it would have resulted in the sites being considered as reasonable alternatives. No mitigation of the minor negative impacts of these sites have been considered, even though they have been proposed by the site promoter. With this representation I submit detailed documentation evidencing the incorrect factual information on the site proformas for the omitted sites and also the allocated sites as Attachment B.

I believe the DPD to not be justified. The strategy has failed to take into account suitable and reasonable alternatives, which have been supported by a strong evidence base to be appropriate for allocation. The site SA29 is assessed in the DPD against an 'alternative', SHELAA 216. This site is inappropriate as an alternative, as it is a subset of site SA28 that has been allocated. Other suitable, sustainable, deliverable and developable sites, namely SHELAA 68, 69, and 971 should be used in the reasonable alternatives comparison.

None of my previous concerns outlined in my Reg 18 comments have been addressed in the DPD, now open for Regulation 19 consultation. The plan is thus not being prepared using correct facts or current information, or in a positive manner. The plan is not sound as Mid Sussex have failed to comprehensively assess other sites within the village that are suitable, sustainable, deliverable and developable.

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

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

With this representation I submit detailed documentation evidencing the factually incorrect information on the site proformas for the omitted sites (SHELAA 68, 69 and 971) and also the allocated sites (SA28 and SA29) as Attachment B. This information should be used to update and amend the SA for the specified sites in Horsted Keynes. The transport and Parking Stress Survey for SA29 should be critically assessed by Highways and a site visit should be made to Hamsland to observe the day to day safety issues experienced down this single-track road leading to 125 homes. The prompter should be asked to resubmit a more realistic, appropriate and accurate assessment. There should be recognition of residents opposition to the allocation of SA29, and the 350 residents who signed a petition against the allocation of this site. Mitigation measures on the effect on the community need to be adequately addressed. The AONB should be asked to reassess the impact level of this development given the detrimental impact on the distinctive tree belt along the access to site SA29, and the restricted access. The policy should enable the defence of the boundary with adjoining fields, not enabling access and the spread of unchecked development in to adjoining fields owned by Mid Sussex. The SA for Horsted Keynes sites should be reconsidered, using factually corrected data, in a clear and transparent manner so that meaningful comparisons can be done between sites, to mitigate any perceived discrimination or positive bias of sites as MSDC have a conflict of interest to allocate site SA29. Following the revised SA, appropriate reasonable alternatives should be considered and all appropriate mitigation measures should be assessed. Had the factual corrections been made to the proformas to HK sites in a timely manner (when first submitted to MSDC in Feb 2019), then this revisiting of the site allocations would not need to be made, but sites should not be discriminated against further by dismissing this as a change 'too late in the day'.

Please note the ability of this representation to cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change is difficult for Policy SA29 given the number of corrections and amount of justifying evidence is vast, as previous representations in Regulation 18 have not been acted upon. Should the inspector require more detail of the evidence I am happy to provide this information.

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

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

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

☐

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

☐

Yes

Yes, I wish to participate at the oral examination

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

The ability of this representation to cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change is difficult for Policy SA29, given the number of factual corrections and amount of justification of evidence is vast, as previous representations in Regulation 18 have not been acted upon.

I would like to participate in the oral part of the examination to be able to address the issues in a timely manner, and to be available for the inspector to ask questions of me.

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

H/M Griffiths

Date:

28/9/20

Thank you for taking time to respond to this consultation

Part B – Your Comments (Police House field SA28)

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

Name or Organisation:

Helena Griffiths

3a. Does your comment relate to:

Site Allocations DPD	<input checked="" type="checkbox"/>	Sustainability Appraisal	<input checked="" type="checkbox"/>	Habitats Regulations Assessment	<input type="checkbox"/>
Community Involvement Plan	<input type="checkbox"/>	Equalities Impact Assessment	<input type="checkbox"/>	Draft Policies Maps	<input type="checkbox"/>

3b. To which part does this representation relate?

Paragraph	<input type="checkbox"/>	Policy SA	<input checked="" type="checkbox"/> SA28	Draft Policies Map	<input type="checkbox"/>
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4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate. Yes ☐ No ☒

4b. Sound Yes ☐ No ☒

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

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

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

N/A

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

I believe the allocation of site SA28 shows the DPD to not be sound.

Inconsistencies exist in how sustainability assessments (SA) have been made for sites in Horsted Keynes, due to the SA being undertaken using incorrect factual information. With this representation I submit detailed documentation evidencing the factually incorrect information on the site proformas for the omitted sites and also the allocated sites as Attachment B.

The SA need to be able to stand up to local comparisons and public scrutiny. To date, the assessments fall short of any comparison by those who have visited the sites, leading to other alternative sites being repeatedly negatively discriminated against.

The allocation of SA28 was in part due to the failure to notify the AONB of the critical risk to the characterful oak tree which is sites on Birch Grove Road, directly adjacent to the required visibility splays for safe access (with the road being planned to directly abutt the tree trunk, SA28.5, SA28.6, SA28.7) in breach of DP37 and DP16. Thus, Site SA28 is not safely accessible.

The allocation of site SA28 will have an immense impact on the character of this part of the village and does not adequately address the mitigation to the impact on the listed building Lucas Farm, directly opposite the site. No consideration has been given to its location of the former buildings associated with the listed building on the site itself (in SA28.2), and the site promoter is suggesting no vegetation buffer, against AONB advice, so breaching DP34.

I believe the DPD to not be justified. Their strategy has failed to take into account suitable and reasonable alternatives, which have been supported by a strong evidence base to be appropriate for allocation. The site SA28 is assessed in the DPD against an 'alternative', SHELAA 216. This site is inappropriate as an alternative, as it is a subset of site SA28 that has been allocated. Other suitable, sustainable, deliverable and developable sites, namely SHELAA 68, 69, and 971 should be used in the reasonable alternatives comparison.

None of my previous concerns outlined in my Reg 18 comments have been addressed in the DPD, now open for Regulation 19 consultation. The plan is thus not being prepared using correct or current factual information, or in a positive manner. The plan is not sound as Mid Sussex have failed to comprehensively assess other sites within the village that are suitable, sustainable, deliverable and developable.

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

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

With this representation I submit detailed documentation evidencing the incorrect factual information on the site proformas for the omitted sites (SHELAA 68, 69 and 971) and also the allocated sites (SA28 and SA29) as Attachment B. This information should be used to update and amend the SA for the specified sites in Horsted Keynes.

The AONB should be asked to reassess the impact level of this development given the detrimental impact on the distinctive tree that will be critically affected by the visibility spays needed to give safe access to site SA28.

The SA for Horsted Keynes sites should be reconsidered, using corrected factual data, in a clear and transparent manner so that meaningful comparisons can be done between sites. Following the revised SA, appropriate reasonable alternatives should be considered and all appropriate mitigation measures should be assessed.

Had the factual corrections been made to the proformas to HK sites in a timely manner (when first submitted to MSDC in Feb 2019), then this revisiting of the site allocations would not need to be made, but sites should not be discriminated against by dismissing this as a change 'too late in the day'.

Please note the ability of this representation to cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change is difficult for Policy SA29 given the number of corrections and amount of justifying evidence is vast, as previous representations in Regulation 18 have not been acted upon. Should the inspector require more detail of the evidence I am happy to provide this information.

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

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

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

☐

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

☐

Yes

Yes, I wish to participate at the oral examination

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

The ability of this representation to cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change is difficult for Policy SA28 given the number of corrections and amount of justification of evidence is vast, as previous representations in Regulation 18 have not been acted upon.

I would like to participate in the oral part of the examination to be able to address the issues in a timely manner, and to be available for the inspector to ask questions of me.

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

X

(ii) The publication of the recommendations from the Examination

X

(iii) The Site Allocations DPD is adopted

X

Signature:

H/M Griffiths

Date:

28/9/20

Part B – Your Comments (Omission of Jeffreys Farm sites 68, 69 and 971)

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

Name or Organisation:

Helena Griffiths

3a. Does your comment relate to:

Site Allocations DPD	<input checked="" type="checkbox"/>	Sustainability Appraisal	<input checked="" type="checkbox"/>	Habitats Regulations Assessment	<input type="checkbox"/>
Community Involvement Plan	<input type="checkbox"/>	Equalities Impact Assessment	<input type="checkbox"/>	Draft Policies Maps	<input type="checkbox"/>

3b. To which part does this representation relate?

Paragraph	<input type="text"/>	Policy SA	SA11	Draft Policies Map	<input type="text"/>
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4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4b. Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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

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

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

N/A

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

I believe the failure of consistency and use of factually incorrect information within the Sustainability Assessment (SA) of sites in Horsted Keynes shows the DPD to not be sound, and is in breach of Policy SA11.

Why, in Horsted Keynes, is a green field site on a medieval field system which would severely impact a large number of residents (125 households) living down a cul-de-sac, with no existing access, being allocated, over a brown field site with existing tarmacked access? This is a question many residents of Horsted Keynes are asking.

Inconsistencies exist in how the SA have been made, resulting in the inappropriate allocation of sites SA28 and SA29 over other sites that are equally appropriate for allocation (notably SHELAA 68, 69 and 971).

The SA should be able to stand up to local comparisons and public scrutiny. To date, the assessments fall short of any comparison by those who have visited the sites, and the strong positive bias for the allocation of Site SA29 at St Stephens (where Mid Sussex has a conflict of interest) has led to other alternative sites being repeatedly negatively discriminated against, especially SHELAA 68, 69 and 971.

In regard to SHELAA 971, the Built-Up Area Boundary does not reflect the current built development adjacent to the site, the boundary needs revision to reflect the true built form of Horsted Keynes.

The failure to promptly correct factually incorrect information in the SA proformas to sites SHELAA 68, 69 and 971, has led to their omission from allocation. If these corrections had been made in a timely manner it would have resulted in the sites being considered as reasonable alternatives. No mitigation of the minor negative impacts of these sites have been considered, even though they have been proposed by the site promoter. The SA have not used current information available, including information referred to by the promoter in association with recent planning applications to assess the SHELAA 68, 69 and 971 sites.

With this representation I submit detailed documentation evidencing the factually incorrect information on the site proformas for the omitted sites and also the allocated sites as Attachment B.

AONB assessment of all sites was a desk top exercise and does not adequately address information that has been omitted in the site SA proformas.

I believe the DPD to not be justified. Their strategy has failed to take into account suitable and reasonable alternatives, which have been supported by a strong evidence base to be appropriate for allocation. The allocated sites SA28 and SA29 are assessed in the DPD against an 'alternative', SHELAA 216. This site is inappropriate as an alternative, as it is a subset of site SA28 that has been allocated. Other suitable, sustainable, deliverable and developable sites, namely SHELAA 68, 69, and 971 should be used in the reasonable alternatives comparison.

The allocation of SHELAA 68, 69, and 971 would go a long way to positively impact the communities' health, social and cultural well-being, as a large purposeful recreation space was part of a previous planning application, in stark comparison to the allocated sites who have token green space planned.

None of my previous concerns outlined in my Reg 18 comments have been acknowledged in the summary document, or addressed in the DPD, now open for Regulation 19 consultation. The plan is thus not being prepared using correct or current information, and in a positive manner. An unwillingness to add or remove sites, or to correct basic factual errors shows the plan to have been prepared with no concern for a duty to cooperate. The plan is not sound as Mid Sussex have failed to comprehensively assess other sites within the village that are suitable, sustainable, deliverable and developable.

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

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

With this representation I submit detailed documentation evidencing the factually incorrect information on the site proformas for the omitted sites (SHELAA 68, 69 and 971) and also the allocated sites (SA28 and SA29) as Attachment B. This information should be used to update and amend the SA for the specified sites in Horsted Keynes. The AONB should be asked to reassess the impact level of development on all sites in Horsted Keynes and especially SHELAA 68, 69 and 971 using the corrected factual information as above, and also the full information on the impact of development on the trees at sites SA28 and SA29.

Built-Up Area Boundary should be revised to reflect the current built development to reflect the true built form of Horsted Keynes.

The SA for Horsted Keynes sites should be reconsidered, using factual corrected data, in a clear and transparent manner so that meaningful comparisons can be done between sites. Following the revised SA, appropriate reasonable alternatives should be considered and all appropriate mitigation measures should be assessed.

Suitable, sustainable, deliverable and developable options are available in Horsted Keynes to achieve the OAN of 70 houses, and additional sites (SHELAA 68, 69 and 971) should be allocated to take the deficit burden away from other settlements.

Had the corrections been made to the proformas to HK sites in a timely manner (when first submitted to MSDC in Feb 2019), then this revisiting of the site allocations would not need to be made, but sites should not be discriminated against by dismissing this as a change 'too late in the day'.

Please note the ability of this representation to cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change is difficult for the SA, notably SHELAA 68, 69 and 971, given the number of corrections and amount of justifying evidence is vast, as previous representations in Regulation 18 have not been acted upon. Should the inspector require more detail of the evidence I am happy to provide this information.

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

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

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

☐

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

☐ Yes

Yes, I wish to participate at the oral examination

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

The ability of this representation to cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change is difficult for the SHELAA sites 68, 69, and 971 given the number of corrections and amount of justification of evidence is vast, as previous representations in Regulation 18 have not been acted upon.

I would like to participate in the oral part of the examination to be able to address the issues in a timely manner, and to be available for the inspector to ask questions of me.

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

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒ X

(ii) The publication of the recommendations from the Examination

☒ X

(iii) The Site Allocations DPD is adopted

☒ X

Signature:

H/M Griffiths

Date:

28/9/20

Regulation 19 comments to MSDC DPD

ATTACHMENT B – corrections to incorrect data in the Sustainability Appraisal concerning sites at Jeffreys Farm (Farm buildings #68, Fields to North of Farm Buildings #69, and Fields to South of Farm Buildings #971), and other sites in Horsted Keynes (SA28 and SA29).

September 2020

Prepared by Dr. H. Griffiths

A detailed submission, documenting corrections to the information provided in the Regulation 18 consultation Sustainability Appraisal, was submitted in November 2019. Many of these corrections have not been made to the Regulation 19 Sustainability Appraisal. This document again evidences the corrections to data that should be completed to enable the assessment and comparison of sites in Horsted Keynes for realistically reasonable alternatives.

The failure to correct this information will lead to the analysis of sites in Horsted Keynes being flawed. All sites in Horsted Keynes should be re-appraised on a level playing field using correct and unflawed advice, to allow for ‘the most suitable sites at each settlement to be chosen to meet the residual needs of that settlement’.

Please note, supporting documentation to this evidence is also being included as Appendices to this document (8 in number).

For ease I have divided the corrections in to site specific issues, the different sites being listed below:

- Site SHELAA 68 - Farm buildings, Jeffreys Farm, Horsted Keynes
- Site SHELAA 69 - Land at Jeffreys Farm (Fields to North of farm buildings)
- Site SHELAA 971 - Land at Jeffreys Farm (Fields to South of farm buildings)
- Site SHELAA 184 (SA29)- Land South of St Stephens Church
- Sites SHELAA 216/807 (SA28) - Land at Police House Field

Site SHELAA 68 - Farm buildings, Jeffreys Farm, Horsted Keynes

Information in the Site 68 proforma (SSP3 Appendix 3 Proformas page 230-231) of Site selection paper 3 Appendix B Housing site proformas, is incorrect, and has been mistakenly used to dismiss the site from allocation.

- **Part 2, point 11, Local Road Access:** Denoted as ‘Significant Improve’, citing ‘*In this location, there could be significant conflict with the existing junction (creating a crossroads). It has not been demonstrated that a satisfactory access can be achieved to the site. Insufficient provisions in the locality suggest that the site is likely to be over reliant on private car use.*’
 - Mitigation to provide a safe access is possible as land either side of the access track (including the field to the north of the track often referred to as the ‘Front Field’) is

in the same ownership as the site. Refer to registry documents as attached to this submission as Appendix 1). A plan showing access and visibility splays close to the existing access is attached to this submission as Appendix 6. As the landowners own a substantial section of road frontage including that shown in the attached plans, there are subsequently no access issues for site 68.

- Recent planning applications on the farm sites (refer to DM/16/3974 and DM/19/0957) also proposed an additional potential access to the site to the north of the existing access, further north along Sugar Lane. Visibility splays here are possible without the loss of mature trees, and the access does not conflict with the existing junction at Jefferies. A plan showing this access and associated visibility splays is attached to this submission as Appendix 7. These planning applications and associated access plans saw **no objection raised by WSCC Highways**, showing there are no access issues for site 68.
 - Some of the land proposed for a safe access (the 'Front Field') is subject to a covenant, of which the owner of the Farmhouse is solely the beneficiary (not the owner). The covenant states that the owners of the land should '*not erect a building of any type.... with the exception of a sports pavilion.*'. This prevents the building of houses on the land, but this does not restrict access across the land. A copy of the covenant is attached to this submission as Appendix 2, showing there are no access issues for site 68.
 - For legal clarity, the landowners have had the details of the covenant verified legally by a barrister on the Attorney General's Panel of Counsel in the Radcliff Chambers in London. The conclusion of the barrister is that '*the construction of an access road across (the land)... would not constitute the erection of a building within the meaning of the covenant*'. A copy of the barristers comments is attached to this submission as Appendix 3, showing there are no access issues for site 68.
 - All of the above shows evidence that access is possible and should be taken in to account when assessing the access to the site , and we believe a reassessment using the MSDC guidelines for Access in the Site Selection Paper 2 - Methodology for Site Selection, would result in an assessment of '**Minor**' to '**Moderate**' for site access.
- **Part 3, point 14, Education:** The distance from the site to the school has been incorrectly allocated to be a 15 to 20 minute walk. The distance is 1.124km (as measured on Promap), so should be classed as a **10 – 15 min walk** if following the MSDC guidelines for Education in the Site Selection Paper 2 - Methodology for Site Selection.
 - **Part 3, point 16, Services:** The distance from the site to the village centre has been incorrectly allocated to a 10 to 15 minute walk. The distance is 691m (as measured on Promap), so should be classed as a **10 min walk** if following the MSDC guidelines for Services from MSDC Site Selection Paper 2 - Methodology for Site Selection.
 - These corrections have been raised previously with Mid Sussex planning, both in April 2019 when the proformas were sent out to landowners to 'fact check', and also when the documents were released in September 2019 for Regulation 18, prior to the scrutiny committee reviewing them. They have not been amended in the current form of the Sustainability appraisal for Regulation 19 consultation.

Site 68 conclusions:

The sustainability assessment for site 68 Farm buildings, Jeffreys Farm is fundamentally flawed due to the **incorrect information** being used to assess the site. The issues around access are unfounded, and the site should be deemed **accessible**, and hence **sustainable**, and **included in the allocated sites as a realistic reasonable alternative to other sites in the village.**

Site SHELAA 69 - Jeffrey's Farm Northern Fields (Ludwell Field adjacent Keysford and Sugar Lane)

Information in the Site SHELAA 69 proforma (page 232-233 of Site selection paper 3 Appendix B Housing site proformas), is disputable, and has been mistakenly used to dismiss the site from allocation.

- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site would be 'High impact', citing *'High impact on AONB as development would be out of character with the settlement pattern of Horsted Keynes. Undulating field to the north of the farmyard site. No watercourses mapped. Jeffrey's Farm is a historic farmstead separated from the village by Sugar Lane. The western side of the lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area. Sugar Lane and Keysford Lane are historic routeways. Mature trees on field boundaries and a dense screen of trees along Sugar Lane and at the junction with Keysford Lane which probably marks the original wider junction for driving stock. Post medieval field system due to more recent field amalgamations. Given the probable age of Jeffrey's Farmhouse it is likely that the whole farmstead is medieval in origin. Very limited views into the site from routeways due to mature hedgerows and trees.'*
 - There seems to be an inconsistency of the AONB assessment of this site when compared to other sites in the village, as the advice is not a measurable indicator, and purely qualitative. This inconsistency has been highlighted to the AONB unit in September 2019 by form of a challenge document sent to the AONB. This challenge document is attached to this email as Appendix 4. The main points of the challenge are summarised below, but I would ask you to consider Appendix 4 in its entirety.
 - The May 2019 'high impact' assessment of site #69 does not reflect that site 69 is proposed in a field that is classed as a **modern field system**, in stark contrast to the medieval field systems that the currently allocated sites are in.
 - The May 2019 'high impact' assessment of site #69 does not reflect the reduction in area being promoted (from site 780 withdrawn from consideration), the reduced number of housing units being proposed, nor the fact that this site is now only occupying a modern field system.
 - The description of site #69, specifically under the AONB characterisation category of 'Settlement' is incorrect and misleading. Terminology used forms a negative image of the site, and is not objective.

- When comparing the high impact conclusion reached in relation to site #69 with other sites in Horsted Keynes that have a high impact rating, there are dramatic discrepancies in the characteristics which suggest that site #69 is not being assessed consistently.
 - The AONB assessment of sites is a simple and basic qualitative process, rather than a quantitative process and as a result is open to wildly different interpretation by different assessors.
- The AONB have kindly responded to the challenge made, and their comments are attached to this email as Appendix 5.
- Comments of note in the response from the AONB include:
 - The AONB state that *'This was a desktop assessment based on the AONB Unit's datasets (metadata included within the reports) and it was clearly stated that they [the assessments] would need to be supplemented by evidence on visual impact.'*
 - Site 69 *'development would be out of character with the settlement pattern of Horsted Keynes'*, yet *'The AONB assessment relates to historic settlement pattern [and] Twentieth century additions to the village are not relevant to this assessment.'*
 - Site assessment *'did not take into account any further information provided by developers for the SHELAA or to support planning applications'*,
 - *'Potential mitigation is a matter for consideration by the District Council and the Parish Council'*
- Given the AONB assessment of sites in Horsted Keynes was a desk top assessment , and that their input is described as *'advice on how to conserve and enhance the AONB'*, and that *'the effect on views in and out of a site can really only be assessed on site'*, I feel the 'high impact' assessment should not be used to dismiss this site as being a sustainable option for development in Horsted Keynes. The challenge document sent to the AONB (Appendix 4) describes in detail the evidence that site 69 has little visual impact on the AONB, and this should be fed in to the DPS sustainability assessment of site 69. This visual impact is given weight by a Visual Impact Assessment that was part of the planning application DM/16/3974, and is attached to this submission as Appendix 8.
- The AONB assess sites on their relation to *'historic settlement pattern'*, thus to include comment on how any sites in Horsted Keynes relate to modern development should not be considered relevant. Historic development was in the form of single houses and farmsteads, but these farmsteads are now being over-run on all parts of the village. All sites being promoted in the village, including those that have been allocated in the draft plan, could thus be described as being *'out of character with the settlement pattern'*.
- Precedent has been set through the development to the west of the road system bounding the western fringes of the village (along Treemans Road), where development is along both sides of the road. Treemans Road is called Sugar Lane at its northern extent, so development to the west of Sugar lane is not out of character.

- Assessments for the development plan should include information from developers regarding site specific plans, and these should be fed in to the AONB assessments, especially if it involves the removal of mature trees and hedgeline. For site 69 the landowner will not be removing any mature trees for access, and this has been demonstrated in recent planning applications (refer to tree surveys and LVIA for applications DM/16/3974 and DM/19/0957).
- The 'high impact' assessment from advice from the AONB does not mean that development on site 69 cannot be successfully mitigated, and this is '*a matter for consideration by the District Council and the Parish Council*'. Proposed mitigation has been shown in detail in previous planning applications on the Jeffreys Farm sites (see DM/16/3974 and DM/19/0957). The preservation and improvement of existing mature hedgelines which already give '*Very limited views into the site from routeways*' should be considered as mitigation. The landowners plan of enhancing the AONB by provision of on-site green space and wildflower meadows, in addition to extra planting to screen the visibility of the site should also be considered. This has not been adequately addressed by the DPD sustainability assessment, and I propose this would successfully mitigate the 'high impact' AONB assessment, and the impact could be deemed to be 'low to moderate' with mitigation.
- **Part 1, point 5, Listed buildings:** The DPD sustainability assessment states that Ludwell Grange has '*some views of the site from the upstairs rear windows of the farmhouse can be afforded through gaps in the hedgeline, particularly in winter months*', and that '*There would be a higher level of harm if a new access was needed to be created from Keysford Lane or through the tree belt on Sugar Lane which would open up the site to wider view.*' For Boxes Farmhouse the site visibility is described as being '*the tree belt is well established, there are some views through the gaps to the site behind, particularly in winter months. If access to this site was provided along this lane, then the site would be even more open to view.*'
 - The proposed access to site 69 is NOT along Keysford Lane or through the tree belt on Sugar Lane, as these afford good visibility buffers to the routeways and also the listed buildings. The access proposed is further south along Sugar Lane (see Appendix 6 and 7). The proposed access is through the open field to the south known as the 'Front Field'. This access has been discussed in detail in the previous section on site 68, and all points made should also be considered for site 69 in this regard. Thus the impact on the listed buildings will be minimal, and can be successfully mitigated.
 - There are many means of mitigating the views '*through gaps in the hedgeline*', and as discussed above in the AONB impact section, we plan to plant native vegetation to enhance the existing mature vegetation buffer of the site and enhance the hedgerows further.
 - I think it should be noted that Boxes Farm is surrounded by 15 ft mature evergreen laurel hedges so I am surprised at the visibility description.
 - The description of impact on both of these listed buildings seems to be highlighted in a great deal of detail in comparison to other sites assessed in Horsted Keynes. I will discuss this further when I discuss site SHELAA 807 (SA28) Police House Field, and the impact of that development on the Grade II listed Lucas Farm in particular.

- **Part 2, point 11, Local Road Access:** The access to site 68 and 69 of the Jeffreys Farm sites is discussed in detail in the section on site 68. Site access is proposed on to Sugar Lane – close to the junction with Jefferies, and should be considered to only be of minor to moderate impact. Comments regarding there being a *‘reliance on the private car in this location’*, should be noted for all sites in Horsted Keynes, as the distance to amenities is no different for Site 69 to other allocated sites.
- **Part 3, point 16, Services:** The distance from the site to the village centre has been incorrectly allocated to a 10 to 15 minute walk. The distance is 639m (as measured on Promap), so should be classed as a **10 min walk** if following the MSDC guidelines (as per MSDC Site Selection Paper 2 - Methodology for Site Selection).
- Comments regarding AONB impact, access and services have been raised previously with Mid Sussex planning, both in May 2019 when the proformas were sent out to landowners to ‘fact check’, and also when the documents were released in September 2019, prior to the scrutiny committee reviewing them. They have not been amended in the current form of the Sustainability appraisal for Regulation 19 consultation.

Site SHELAA 69 conclusions:

The sustainability assessment for site 69 Jeffrey's Farm Northern Fields is fundamentally flawed due to **disputable** and **incorrect information** being used to assess the site. The advice of a high impact on the AONB is able to be successfully mitigated through targeted planting, and a well thought out development that would reflect similar style residential housing comparable to that along the southern extension of Sugar Lane, namely Treemains Road. The existing mature hedge lines and the proposed planting schemes will mitigate any impact on the listed buildings, and the access as proposed will also not impact on them. This provides evidence that site 69 should be deemed **accessible**, and the impact on the AONB that can be **successfully mitigated**, and hence be judged to be **sustainable**, and **included in the allocated sites as a realistic reasonable alternative to other sites in the village.**

Site SHELAA 971 - Land at Jeffreys Farm (Fields to South of farm buildings)

Information in the Site SHELAA 971 proforma (page 247-248 of Site selection paper 3 Appendix B Housing site proformas), is incorrect, and has been mistakenly used to dismiss the site from allocation.

- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site would be ‘High impact’, citing *‘High impact on AONB due to loss of medieval field and development out of character with the settlement pattern of Horsted Keynes. Undulating field to south of farmyard. No watercourses mapped. Jeffrey's Farm is a historic farmstead separated from the village by Sugar Lane. This site is detached from any existing part of the settlement. The western side of Sugar Lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area. Sugar Lane and Keysford Lane are historic routeways. There is an area of Ancient Woodland to the south-west of the*

site and mature trees on field boundaries. Part of medieval field system. Given the probable age of Jeffrey's Farmhouse it is likely that the whole farmstead is medieval in origin. No views into the site from public viewpoints due to mature hedgerows and trees and residential curtilages.'

- I have outlined in the section on site 69 that the AONB assessment of sites was a desk top exercise, and the advice is not a measurable indicator, and purely qualitative. This is also apparent in the assessment of site 971 as it is clear that the site is NOT '*detached from any existing part of the settlement*', and abuts directly adjacent to the rear of residential housing on the western side Treemans Road, so a development if designed properly would not be '*uncharacteristic of this area*'.
- The site is not a complete '*medieval field system*'. The field system is only partial due to the insertion of housing including The Cottage, Smarties, Twittens and Pypers on Treemans Road. Other medieval field systems are being proposed for site allocation in Horsted Keynes (notably sites 184 (SA28) and 807 (SA29)), so mitigation must be possible.
- The AONB description includes that '*The western side of Sugar Lane is characterised by dispersed settlement and development of this site would be uncharacteristic of this area.*'. This site is not related to Sugar Lane as it is set behind residential housing on Treemans Road, so a development would be directly adjacent to existing housing stock. Mitigation could include a well thought out design that would compliment this housing, and show similar characteristics.
- Given '*No views into the site from public viewpoints due to mature hedgerows and trees and residential curtilages.*', it seems that little mitigation would be necessary for the visual impact, but we would propose an increase in the landscaping to maintain this screening in the future, and to buffer the site from the ancient woodland to the south.
- All of the above shows evidence that the description of the impact on the AONB does not reflect the site, and a reassessment with the correct information would result in an assessment of '**Low**' to '**Moderate**' for AONB Impact.
- **Part 2, point 11, Local Road Access:** Denoted as '*significant improve*', citing '*Access via existing farm track. In this location, there could be significant conflict with the existing junction (creating a crossroads). It has not been demonstrated that a satisfactory access can be achieved to the site. Insufficient provisions in the locality suggest that the site is likely to be over reliant on private car use.*'
 - As for site 68, mitigation to provide a safe access is possible as land either side of the access track (including the field to the north of the track often referred to as the 'Front Field') is **in the same ownership** as the site, enabling an alternative access to be proposed (refer to Land registry documents as attached to this email as Appendix 1). A plan as seen for site 68 (Appendix 6) would create a safe and suitable access to the site, showing there are no access issues for site 971.
 - Recent planning applications on the farm sites (refer to DM/16/3974 and DM/19/0957) proposed an access to the site to the north of the existing access, further north along Sugar Lane, where visibility splays are possible without the loss of mature trees, and the access does not conflict with the existing junction (see Appendix 7). These planning applications and associated access plans saw **no**

objection raised by WSCC Highways. This access road could be utilised for access to site 971, but alternatively an improved junction at the existing farm track could also be achieved, as seen in the above cited plans. This information gives evidence that there is no access issue for site 971.

- As per site 68, the land proposed for a safe access (the 'Front Field') is subject to a covenant, but this does not restrict access across the land. A copy of the covenant is attached to this submission as Appendix 2, showing there are no access issues for site 971.
- As per site 68, the details of the covenant verified legally by a barrister on the Attorney General's Panel of Counsel in the Radcliff Chambers in London. A copy of the barristers comments is attached to this submission as Appendix 3, showing there are no access issues for site 971.
- All of the above shows evidence that access is possible and should be taken in to account when assessing the access to the site, and we believe a reassessment using the MSDC guidelines for site sustainability assessment, would result in an assessment of '**Minor**' to '**Moderate**' for site access.
- These comments on access have been raised previously with Mid Sussex planning, both in May 2019 when the proformas were sent out to landowners to 'fact check', and also when the documents were released in September 2019, prior to the scrutiny committee reviewing them. They have not been amended in the current form of the Sustainability appraisal for Regulation 19 consultation.

Site 971 conclusions:

The sustainability assessment for site 971 Jeffreys Farm, Southern fields is fundamentally flawed due to **disputable** and **incorrect information** being used to assess the site. The issues around access are unfounded, and the advice of a high impact on the AONB is able to be successfully mitigated through planting and a well thought out development that would reflect similar style residential housing directly adjacent to the site bounding the western side of Treemans Road. This provides evidence that site 971 should be deemed **accessible**, and that the impact on the AONB can be **successfully mitigated**, and hence should be judged to be **sustainable**, and **included in the allocated sites as a realistic reasonable alternative to other sites in the village.**

SA29 - Site 184 - Land South of St Stephens Church

Information in the Site 184 (SA29) proforma (page 235-236 of Site selection paper 3 Appendix B Housing site proformas), should be further scrutinised as the site assessment does not appear to be consistent with other sites in the village – namely the sites at Jeffreys Farm.

- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site would be 'Low impact'. The assessment states that '*Low impact on AONB. Reasonably flat site but high. No watercourses mapped. Immediately to south of modern development in Hamsland. Reasonably well-related to village depending on design. Hamsland follows the route of a historic PROW. No woodland on or adjacent to site but mature trees on boundaries*

and within site. Part of a medieval field system according to HLC, but not intact due to church and development inserted along Hamsland. Some limited views from Hamsland’.

Following my challenge to the AONB (outlined in Appendix 4 of this submission) there are inconsistencies in their assessment. The response from the AONB to this challenge (Appendix 5 of this submission) highlights some comments that should be considered when assessing site 184 for allocation.

- The AONB state that *‘This was a desktop assessment based on the AONB Unit’s datasets (metadata included within the reports) and it was clearly stated that they [the assessments] would need to be supplemented by evidence on visual impact.’*
- *‘The AONB assessment relates to historic settlement pattern [and] Twentieth century additions to the village are not relevant to this assessment.’*
- Site assessments *‘did not take into account any further information provided by developers for the SHELAA or to support planning applications’*
- The AONB state that *‘The removal of mature trees to access site 184 was not considered as part of the AONB assessment because this information was not available in the SHELAA’.*
- The AONB also state that the *‘site 184 is immediately to the south of modern development in Hamsland and is reasonably well-related to the village depending on design’*
- The AONB state that *‘continuous development on both sides of Hamsland up to the site and the field is not legible as part of a separate farmstead’*
- The AONB assessment is meant to represent the *‘historic settlement pattern’*, so the proximity of the site to the *‘modern development in Hamsland’*, and that the *‘continuous development on both sides of Hamsland up to the site and the field is not legible as part of a separate farmstead’* should not be considered to enable the development to be considered to be *‘well-related to the village’*. Historically the site is a **medieval field system**, that would have been associated with the Wyatts estate, so the site should be described as being *‘out of character with the settlement pattern’*.
- The AONB have not considered the *‘The removal of mature trees to access site 184’*, yet this distinctive and notable tree line should be considered in their assessment. This should increase the impact from ‘Low’ to ‘moderate’ at least, and assessments for the development plan should include information from developers regarding site specific plans, and these should be fed in to the AONB assessments, especially if it involves the removal of mature trees and hedgeline. The developers current plans show that the access will disrupt the roots of many mature trees along a length of the access road, being within 2m of the tree trunks.
- **Part 2, point 11, Local Road/Access:** The assessments states that there are no issues with site access, and that *‘Access to site can be achieved’*. Given information received by Horsted Keynes Parish Council and openly discussed in council meetings, the developer has stated that there will need to be a 5 meter protection zone adjacent to the mature trees along the western edge of the access track, to protect and retain the distinctive tree line. How is access considered available when the access track is only 7m wide? The land to the east of the access is NOT in the developers ownership, so access is **restricted by third party land ownership**. This access should be reassessed as ‘Severe’, until land is purchased and access

is proven to be viable without affecting the tree belt along the access road, including suitable visibility splays.

- **Part 2, point 13, Infrastructure:** The assessments states that there is '*Potential to improve Infrastructure*', and that there is '*Potential for improvements to existing highway at Hamsland*'. Any highway 'improvements' would require the widening of the road through the single access road to the site, which would involve the removal of green verges and the construction of pedestrian barriers to enable the level differences to be safely maintained. This is not an 'improvement' and is making a village environment distinctly city like, and would be a severe impact on the residents of Hamsland and Challoners. Hamsland is a cul-de-sac accessed by a road with permanent parking issues, making it a single track entrance and exit, with stress on the infrastructure already. No mitigation has been suggested for the effects of additional traffic and the safety and well-being of the 129 existing households serviced along the same single track road.

Site 184 conclusions:

The sustainability assessment for site 184 Land South of St Stephens Church is **fundamentally flawed** due to **disputable** and **incorrect information** being used to assess the site. The access statement should be reconsidered, and the advice of a low impact on the AONB is disputable if the tree line along the western access boundary will be damaged or removed. This provides evidence that site 184 should be **reconsidered** for allocation in the draft plan.

SA28 - Sites SHELAA 216/807 - Land at Police House Field

Information in the Site 216/807 proforma (pages 241-242 of Site selection paper 3 Appendix B Housing site proformas), should be further scrutinised as the site assessment does not appear to be consistent with other sites in the village – namely the sites on Jeffreys Farm. In addition, no separate sheet is available for site 216 in the Site selection paper 3 Appendix B Housing site proformas, so how can a comparison be made when assessing the site as a reasonable alternative?

- **Part 1, point 1, AONB:** The AONB had advised that they consider a development of this site (the allocated site 807) would overall be 'Moderate impact'. The assessment initially states that '*High impact on AONB due to loss of medieval fields and development too isolated and separate from existing village core uncharacteristic of its settlement pattern. If access available from Birchgrove Road and development restricted to northern field, impact would be moderate. Slightly sloping to south, no watercourses mapped. Site comprises two fields to the south of row of houses along Birchgrove Road. The northerly field is better related to the settlement than the southerly one. Access via Birchgrove Road (via site 216) would be needed to integrate with the village. Access onto Danehill Lane would make development too isolated and separate from existing village core. Birchgrove Road and Danehill Lane are historic routeways. No woodland on or adjacent to the site but some mature trees in field boundaries. Part of a medieval field system. Limited view of site from Danehill Lane access.*'. Following my challenge to the AONB (outlined in Appendix 4 of this submission) there are inconsistencies in their assessment. The response from the AONB to this challenge (Appendix 5 of this submission) highlights some comments that should be considered when assessing site 807 for allocation.

- The AONB state that *'This was a desktop assessment based on the AONB Unit's datasets (metadata included within the reports) and it was clearly stated that they [the assessments] would need to be supplemented by evidence on visual impact.'*
- *'The AONB assessment relates to historic settlement pattern [and] Twentieth century additions to the village are not relevant to this assessment.'*
- Site assessments *'did not take into account any further information provided by developers for the SHELAA or to support planning applications'*
- *'No information was available at the time of the AONB assessment suggesting that mature trees or hedgerows would need to be removed so this was not taken into account' .*
- *'site 216 would continue the line of cottages along Birchgrove Road and the northern part of site 807 would continue development behind this'.*
- The AONB assessment is relating to *'historic settlement pattern'*, so the description of the site to *'to the south of row of [modern] houses along Birchgrove Road'* and that *'The northerly field is better related to the settlement than the southerly one'*, should not be considered to enable the development. Historically the site is **medieval field system**, that would have been associated with the Lucas Farm, so the site could thus be described as being *'out of character with the settlement pattern'*.
- The removal of the hedgeline and possibly mature trees to gain visibility splays and access to the site along the Birch Grove Road *'was not taken into account'* by the AONB assessment. This should increase the AONB impact from 'Moderate' to 'High', and assessments for the development plan should include information from developers regarding site specific plans, and these should be fed in to the AONB assessments, especially if the removal of mature trees or hedgelines is required for access. The recent access plans provided by the developer show the visibility splays to directly abut the trunk of the large characterful oak tree at the entrance to the village. This must have an impact on the tree roots and the tree itself to have new tarmac placed right against the trunk, and thus this critical threat should be reflected in the AONB assessment.
- **Part 1, point 5, Listed buildings:** The sustainability assessment states that *'Grade II-listed Lucas Farm is located to the north of the site'* and that this will have *'Less Than Substantial Harm (Medium)'* impact. It does not comment on the old barn and farm yard that used to be on site 216/807, that would have been closely connected to the Lucas Farm assets. The impact assessment seems at odds with the location of the listed building, it being directly opposite the site and not screened from the site by any vegetation that will be retained. To compare this with the assessment of the listed buildings associated with site 69 the impact was deemed to be the same yet the visibility is described as *'some views of the site from the upstairs rear windows of the farmhouse can be afforded through gaps in the hedgeline, particularly in winter months'*, and that *'the tree belt is well established, there are some views through the gaps to the site behind, particularly in winter months'*. This discrepancy highlights inconsistencies in the impact assessments on listed buildings within the settlement and I believe the impact of developing site 807 should be reassessed as 'High impact' on the listed building and its historic setting.

Site 807 conclusions:

The sustainability assessment for site 807 Land at Police House Field is fundamentally flawed due to **disputable information** being used to assess the site. The impact the Grade II listed Lucas Farm

should be reconsidered, and the advice of a moderate impact on the AONB is disputable as the removal of mature trees and hedgeline along Birch Grove Road has not been assessed, and the medieval field systems and historic barn and yard were clearly associated with and proximal to Lucas Farm, thus a development would be *'out of character with the settlement pattern'*. This provides evidence that site 807 should be **reconsidered** for allocation in the draft plan.

Conclusions:

This part of my submission to Regulation 19 consultation has focused on the corrections that should be made to the sustainability assessments for the sites in Horsted Keynes. The assessments have been **flawed** due to the **incorrect assumptions** being made, or **wrong data** being used for different aspects of the sustainability assessment. **This has had a direct impact on which sites have been selected and which have not.** Sites should be assessed on an even playing field, and correct information is necessary for this to be achieved.

The occurrence of fundamentally incorrect information does bring in to question the level of scrutiny that has been applied to the site selection process itself. I understand that there are several sites, including those in Folders Lane, Burgess Hill that also feel there was a lack of scrutiny in the final process of selection. Having been present at committee meetings prior to the publication of the DPD documents throughout the process it was clear that there were councillors who were also concerned that the documents were being rushed through to meet a time line rather than being adequately QC'ed. It was clear that the issue became partisan and the party line was drawn to push these documents through the process. A time line should not detract from the accuracy of information and ultimately a defensible conclusion in the allocation of sites in the MSDC Draft Development Plan.

I sincerely hope that the extensive information and evidence I have provided will be used to make suitable corrections to the sustainability assessments of the sites in Horsted Keynes.

Should you have question or need clarification on any of the information please contact me on

[REDACTED]

Appendixs to submission to be considered in conjunction with this document

Appendix 1 = Title deed for the land at Jeffreys Farm being promoted – showing access is not in 'third party ownership'.

Appendix 2 = Title deeds for the Farmhouse at Jeffreys Farm, the owner of whom is beneficiary of a covenant on the land that would enable a safe access to be achieved (often referred to as the 'Front Field'). This covenant does not restrict the building of an access road to access the sites being promoted.

Appendix 3 = The opinion of a barrister as to the wording of the covenant on the 'Front Field' to which access is proposed for a safe access. This covenant does not restrict the building of an access road to access the sites being promoted.

Appendix 4 = Challenge to the AONB assessment of site 69 at Jeffreys Farm – September 2019

Appendix 5 = AONB response to the challenge to the AONB assessment of site 69 at Jeffreys Farm

Appendix 6 = Access plan showing safe visibility splays to the sites at Jeffreys Farm – proximal to the existing farm entrance

Appendix 7 = Transport statement including access plan showing safe visibility splays to the sites at Jeffreys Farm – opposite Jefferies as per the previous planning applications DM/16/3974 and DM/19/0957.

Appendix 8 = Visual Impact Assessment that was part of the planning application DM/16/3974

1243

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 1243

Response Ref: Reg19/1243/6

Respondent: Mrs K Griffiths

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Karen Griffiths
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Community Involvement Plan
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>No development is ideal in an AONB but when incorrect or omitted facts are presented by MSDC to make sites appear more or less appropriate than another and when mitigation measures proposed by one site are ignored and not provided or sought from other sites, it is difficult to see how MSDC can demonstrate they are open, transparent, non-discriminatory and inclusive.</p> <p>Regulation 18 summary report SA29 St Stephen's Church, Horsted Keynes 89 comments received. 3 support 82 object 4 neutral</p> <p>Development has largely been focussed on Category 1 settlements, although what has appeared is largely unattractive, dense and without supporting infrastructure. Smaller settlements also need sensitive development to maintain services that may otherwise be lost as dwindling numbers impact on sustainability. However, by allocating SA28 and SA29 MSDC has inflicted unnecessary traffic congestion through the centre of the village from SA28 and in the most parking challenged street in the village with SA29, whilst ignoring a site that could deliver housing numbers without affecting such a large proportion of the village.</p> <p>It's disappointing that MSDC have not considered concerns raised in 82/89 objections relating to SA29 in Regulations 18 consultation and a complete disgrace that Horsted Keynes PC, having decided to act for themselves and not represent parishioners of Horsted Keynes, have prioritised supporting MSDC with site allocations.</p>
Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.	<p>Await recommended reports from promoters and consider them BEFORE allocating sites so the most appropriate sites go forward.</p> <p>Model appropriate behaviour for Horsted Keynes Parish Council to mirror.</p>
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	28/09/2020

Name	Karen Griffiths
Address	<div></div>
Email	<div></div>
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA28
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	No
(1) Positively prepared	Unsound
(2) Justified	Unsound
(3) Effective	Unsound
(4) Consistent with national policy	Unsound

Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD

It is unclear whether the larger Police House Field site for 30 houses has been proposed by MSDC for inclusion into the District Plan when a traffic statement, swept path plans and a Safety Audit for this number of dwellings has not been included with the supporting documents and a continuing reference to 10 dwellings is used throughout attached communications.
How can MSDC make an informed choice to propose sites without accurate reports?

28.1 Landscape Character and Visual Appraisal

3.10 HK conservation area lies to the west of the site and not the east.

5.2 The survey assumes an access point from Danehill Road which is not being proposed. The proposed access from Birchgrove Road would affect a mature oak at the northern boundary and involve removing a bus stop, both of which would materially affect the visual impact of the development.

28.2 Landscape and visual impact assessment

2.3 Whilst HK draft NP proposes inclusion of this site, the NP has not been adopted and therefore draft proposals carry no weight. HKPC consulted the village on 6-10 dwellings on a smaller area and have not consulted on the larger Police House Field site for increased number of dwellings. The site is being proposed for 25 dwellings

2.4 States the development abuts one property boundary but the map submitted shows the larger site abuts directly to 4-5 properties.

Together with a PROW going through the site the enlarged site now impacts negatively and permanently on public visual amenity.

3.0 Baseline assessment of site has omitted presence of large mature oak tree on the northern boundary to the east of proposed access. This will affect visual impact of site from Lucas Farm, a listed building opposite the site, and visibility to the east when entering and exiting site.

28.5 Access and Visibility splays

Acknowledges that bus stop will have to be moved to make way for proposed access. Moving the bus stop to the west encroaches onto a high bank or a sharp bend with no visibility for oncoming vehicles. Moving it east will affect visibility onto the Danehill Road. Neither option has been explored.

The village has already lost it's most westerly bus stop, leaving only the central Green Man stop and this bus stop, which serves Westall House, a residential care home.

ESCC have been identified but the highways come under WSCC responsibility.

There is a large mature oak tree on the boundary lying east of the proposed access that has not been considered.
ling

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

28.1 Outdated Landscape Character and Visual Appraisal as it is for 10 dwellings and assumes an access point different to that proposed.
Should be removed from list of supporting documents

28.5 Full transport assessment as bus stop needs to be moved.

28.1 Landscape Character and Visual Appraisal
Reassess taking large mature oak on northern boundary into account

WSCC to challenge incomplete surveys rather than accepting without question

If you wish to provide further documentation to support your response, you can upload it here

If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination No, I do not wish to participate at the oral examination

Please notify me when-The Plan has been submitted for Examination yes

Please notify me when-The publication of the recommendations from the Examination yes

Please notify me when-The Site Allocations DPD is adopted yes

Date 28/09/2020

1486

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 1486

Response Ref: Reg19/1486/1

Respondent: Mr J Staples

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Jean Staples [REDACTED]
Sent: 18 September 2020 12:32
To: ldfconsultation
Subject: Land South of The Old Police House SA28

Birch Grove development proposal SA28.

1) Development of such an excessive nature in this Village of outstanding natural beauty will urbanise and desecrate precious productive agricultural land.

2) The land suggested is currently poorly drained the former drainage ditch which flowed constantly now dry.

3) It is located in an area where the road system is narrow, winding, with poor visibility this number of properties will considerably increase the road traffic on an already dangerous and inadequate system of access roads to the Village of Horsted Keynes.

The increase in population of this one development would be in the order of a minimum 50 - 100 and an increase in vehicles of a minimum of approximately 50.

The impact of this development alone considering the narrow twisting access roads to the Village would be immense.

4) The infrastructure of the Village has not been considered for the absorption of such an influx of residents and vehicles

The residents will inevitably exit the proposed development through the Village to access shops, railway and access to motorways, causing a considerable increase in vehicular traffic with its increased safety issues for pedestrians already forced to negotiate an almost continuous row of parked vehicles reducing the highway to single lane.

5) There is no published plan to provide infrastructure to support the development's overwhelming incursion of new residents. The power supply to the Village is unreliable carried mostly overhead, prone to frequent failure. The tap water, emanating from two major sources, reservoir and spring is currently both extremely low, pipe work poorly maintained with resulting poor supply to the existing dwellings.

6) The development is in excess of any development seen in this small Village of outstanding natural beauty in recent history.

It together with other large developments for which applications have been submitted urbanises a small traditional Ashdown Forest Village of considerable antiquity.

2222

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA28

ID: 2222

Response Ref: Reg19/2222/1

Respondent: Ms L Staples

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Louisa Staples [REDACTED]
Sent: 28 September 2020 17:57
To: ldfconsultation
Subject: Objection to Planning application SA28
Attachments: Site 28A Old Police House Field Birchgrove Road 27-09-2020.docx

Categories: [REDACTED]

Good afternoon

Please see attached objection to:

Planning application SA28: Land south of the Old Police House, Birchgrove Road, Horsted Keynes.

Please acknowledge receipt.

With all good wishes

Louisa Staples

Dear Sir/Madam

Re: Planning application SA28: Land south of the Old Police House, Birchgrove Road, Horsted Keynes.

I wish to make you aware of a number of strong objections I have in regard to the proposed development on land south of the Old Police House, Birchgrove Road, Horsted Keynes, application number reference above. I am not an immediate neighbour of the proposed development however, as a resident of Horsted Keynes and with knowledge of the site and its surroundings, I believe the proposed development will have a serious impact on the standard of living of those that are immediate neighbours, and indeed all residents of Horsted Keynes.

Adverse impact on wildlife and environment

- The council has a duty to protect or enhance the local environment including wildlife habitats, trees and woodland.
- This site is within the High Weald AONB.
- This site is a medieval field system and building on such is not recommended by the AONB.
- Development will cause destruction of the natural habitat of some animal and plant species. Building, concrete and tarmac can not avoid having this effect.
- In the application, the term 'where possible' is used, as opposed to 'guarantee', to protect the oak tree and hedgerow on the frontage of the site.
Loss of hedgerows and trees will result in loss of natural habitat for wildlife, and have an effect on drainage of the area, as it will end up covered in concrete and tarmac. This also leads to a drainage issue - once built on, it is unclear in the plans where the surface water will drain to.
Hedges, and the two fields, are a route and bridge for wildlife between different sites.
- Protected species both nest and have fly patterns over the proposed sites. It is a well-known area for frequent observations of a variety of bats, tawney and barn owls, and birds of prey including sparrowhawk, buzzard, red kite, and kestrel. Hedgehogs have also been observed on this site. All of these species are protected under the Wildlife and Countryside Act 1981.

- Light and access needs for the development could create pressure to prune canopies of trees including the Oak and nesting trees for bats, owls and birds of prey, and thereby undermine the amenity value of the trees and their subsequent contribution to the appearance and character to the area.
- Can the developer show it has considered large trees have even larger roots, which will impact on foundations of any building?
- Once developed, the site is unlikely to ever be converted back to agricultural or green land.
- The proposal would not result in a benefit in environmental and landscape terms, to the contrary, it would lead to the loss of valuable green space.

Detrimental impact upon residential amenities

- The proposal will demonstrably harm the amenities enjoyed by local residents, in particular valuable green space, privacy, and the right to enjoy an adequate and safe residential environment.
- There will be a reduction of amenity and recreation value.
- It is green space, not underused wasteland but valuable green space enjoyed by residents and users of an ancient public footpath and right of way.
- The proposed site is a unique green space that isn't a children's play area or designated park and football ground, thus is suitable for walking and the enhancement of wildlife.
- The proposal effects an ancient and recognised public right of way. The right of way currently takes the user through an ancient field system. If the right of way is preserved as a walkway, it will take the user through a housing development. There is no detail of how the developer proposes to ensure the right of way will not be unlawfully obstructed at any time.
- National planning policy framework states planning policies should protect and enhance public right of ways and access. Indeed, local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing right of way networks. This development will hamper and possibly eradicate an ancient right of way network.

- Local doctor surgeries are overstretched and do not have the capacity to expand.
- Horsted Keynes does not have the facilities to support mass development. The village has seen closure of local business over the last two decades despite an organic, small and gradual population growth. Most necessary facilities to support a community are in neighbouring towns that are commonly accessed by private motor. These include secondary schools, medical centres, hospitals, train stations, leisure centres, and most places of work.
- Has the developer considered the unreliable overhead power supply currently in the village and what impact the development will have upon that?
- Has the developer considered the low water supply in the village and what impact the development will have upon that?

Highway safety, inadequate parking and access

- The proposal only seeks to enhance connectivity of the site with Horsted Keynes by providing pedestrian and/or cycle links to adjacent networks. This offers no encouragement of movement by public transport, no wider pavements, or traffic restrictions. It uses the expression 'and/or' as if it may be one or the other, between pedestrian and cycle links to the village, and ignores the fact that there are no current cycle links within the village so where would their link join up to? Therefore, there is no regard to safety, which is already limited and compromised by narrow through roads, over-parking, limited views and sharp bends in the road.
- Public transport in Horsted Keynes consists of 1 bus route, the Metro bus route 270. This is an hourly service with limited weekend services. The local bus route is poorly supported as it only runs once an hour, and doesn't start early or run late enough for most commuters (a significant majority of workers currently residing in the village) to take advantage of it.
- The proposed site is close to a request bus stop but rarely used. The bus stop is poorly maintained, overgrown with grasses and moss making it slippery and dangerous. It consists of some steps going down to the road, rendering it unusable for those with accessibility issues and those with pushchairs/buggies and young children.
- The majority of trips therefore will be conducted by private car and not public transport.

- The developer has offered no assurance of good connectivity to public transportation, thus increasing the use of private cars within the community. This puts pressure on the dangerous blind sharp bend in Birchgrove Road, which already poses a potential fatal car, bicycle or pedestrian accident, many near-misses of which local residents have been witness to.
- Has the Developer conducted a turning count recording individual movements at the junction from Danehill Lane on to Birchgrove Road? From observation, most cars, approximately 90%, turn left onto Birchgrove Road, and drive through the village. This is because users of this stretch of the road are, for the majority of the time, en-route to Haywards Heath, the nearest town, or beyond. Residents of the proposed development will similarly and inevitably exit the proposed development through the village, to access amenities and facilities as well access to other routes including motorways.
Furthermore, many current residents commute via Haywards Heath railway station. From the proposed site to the Station, it is a journey of 6.5 miles (via Keysford Lane, same route as local bus).
Residents of the proposed site would be required to navigate the blind sharp bend of Birchgrove Road and drive through what's already a congested village. This puts more pressure on the village as there is no route to circumnavigate the village or blind sharp bend.
- More private cars will contribute to the wearing down of the road surface, already poorly maintained, which contributes to the issue of flooding and road traffic accidents.
- Buses, refuse vehicles, delivery vehicles and emergency vehicles already struggle to negotiate the narrow, blind sharp bend of Birchgrove Road.
- The council must consider the increase of cars on the road and the inability for any new resident to actively support an inadequate public transport link.

Ground stability and drainage

- The site suggested is currently poorly drained. There did exist a drainage ditch which flowed constantly but is now dry.
- Trees and hedgerows have not been guaranteed safety - if these are removed or reduced, the little natural drainage there is will be destroyed.
- The site has a considerable slope which will impact upon ground stability, drainage and water supplies.

Loss of privacy and overlooking

- Loss of privacy for residents currently back-facing the proposed site.
- Houses backing on to the proposed development will have increased noise and light pollution. There is currently no development behind them at all as it is a green space.

Context of proposed development with surroundings

- The proposed development will have adverse effects on the character and appearance of a conservation area and heritage assets including Lucas Farm, which is directly opposite the proposed site, and an ancient field and right of way system, and ignores its location within an AONB and proximity to the Ashdown Forest.
- The development is in excess of any development for Horsted Keynes in recent history. It attempts to urbanise a small traditional Ashdown Forest village of considerable antiquity.
- In 2015, a 0.4 hectares, 1 acre site within the larger site of SA28 was assessed by MSDC as capable of providing 6 houses within 6 to 10 years. The site was deemed too small for affordable housing.
The provision has now increased to 25 homes by adding an adjoining field. This illustrates the developers determination to build, the threat of a domino effect, and the lack of consideration to guidance and policy, environmental factors and local needs.
- MSDC has issued a new housing target for Horsted Keynes to build at least 65 new homes between now and 2031. This is wholly disproportionate to local needs and the current population of the established community. There is no evidence to support that Horsted Keynes either needs 65 new homes within the next decade, or that it has the infrastructure to support 65 new homes.
- It is unclear whether new development en-masse is to house those with a specific connection to Horsted Keynes, and if that is to be considered, how this will be monitored and maintained for the longevity.
- Overbearing and out of scale, the proposed designs are also out of character in terms of appearance and size.
- The proposed development does not respect local context and street pattern or, in particular, the scale and proportion of surrounding buildings, and would be entirely out of character of the area, to the detriment of the local environment.

- The proposed development is not the same size as those that neighbour it. 25 houses have been proposed, not of a similar design to the 4 houses it will be behind and overlook. There is not sufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses. The plot size of the proposed development does not fit in with the current street pattern.
- The proposal would significantly alter the fabric of the area and amount to a serious cramming in what is a low density area.
- The proposed housing is overbearing and will affect the privacy and enjoyment of other's property.

Noncompliance with other council planning policies and Government planning guidance

The proposed development will, as demonstrated above, have a detrimental effect on Horsted Keynes' residents private and family life which includes their surroundings, of which the countryside is included under national law:

- The council has responsibilities under the Human Rights Act in particular Protocol 1, Article 1, which states a person has the right to peaceful enjoyment of all their possessions, which include the home and other land.
- Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. *Britton vs SOS* concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only their home but also their surroundings.

Will consideration be given to Government's white paper *Planning for the Future*, the government's consultation to reform the planning system, published 6 August 2020, whereby:

- Local community agreement will be at the centre of the proposals - as part of the new system, residents will be asked to offer their opinion about which land should be earmarked for growth, renewal or protection, before councils make their final decision.
- A set of standards will make sure that new houses are built in the same style as others in the area.
- Protected land includes the 'Green Belt, **Areas of Outstanding Natural Beauty** and **rich heritage**.

- Planning decisions will be simple and transparent, with local democracy at the heart of the process.
- The government has pledged that **valued green spaces** and the Green Belt will continue to be protected for future generations, with the reforms allowing for more building on brownfield land.

Will consideration be given to the Prime Minister's latest announcement (27 September 2020) whereby, by signing the Leaders' Pledge for Nature at a virtual United Nations event on Monday 28 September 2020:

- 1,500 square miles of countryside will be protected to "support the recovery of nature".
- 30% of UK land will be protected by 2030.

In conclusion, I would like to request that, should the application be approved, the council consider:

- Improving the public transport link (Metro bus route 270) to half hourly service, with an earlier and longer running time to encourage commuters and those accessing the nearest town, Haywards Heath, to use public transport. This would significantly decrease the amount of cars on what is currently a congested and dangerous road.
- Implementing double yellow lines in the village and in particular on the potentially lethal blind sharp bend of Birchgrove Road.
- Insisting developers conserve the Oak tree, established trees and hedgerows.
- Improving the currently inadequate power and water supplies for the village.
- Using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable and when construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.

I would be grateful if the council would take my objections into consideration when deciding this application.

Yours faithfully

Louisa Staples