

SA29: Land south of St. Stephens Church, Hamsland - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
145	Mrs M Knight			Resident	<input type="checkbox"/>
535	Mrs L Peacock			Resident	<input type="checkbox"/>
537	Mr and Mrs D & M E Hentschel			Resident	<input type="checkbox"/>
547	Mr M Palmer			Resident	<input type="checkbox"/>
548	Mr C Illingworth			Resident	<input type="checkbox"/>
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"/>
775	Ms K Castle	Batcheller Monkhouse	Griffiths Family	Developer	<input checked="" type="checkbox"/>
812	Ms H Watson			Resident	<input type="checkbox"/>
893	Mr J Parsons			Resident	<input checked="" type="checkbox"/>
961	Mr P Fairweather			Resident	<input type="checkbox"/>
1008	Ms T Beckingham			Resident	<input type="checkbox"/>
1025	Mrs H Griffiths			Resident	<input checked="" type="checkbox"/>
1061	Ms B Fairweather			Resident	<input type="checkbox"/>
1243	Mrs K Griffiths			Resident	<input checked="" type="checkbox"/>
1243	Mrs K Griffiths			Resident	<input type="checkbox"/>
1276	Mrs T Macnaughton			Resident	<input type="checkbox"/>
1370	Mr T Higham	Hamsland Action Group		Organisation	<input checked="" type="checkbox"/>
1412	Ms S Kelly			Resident	<input type="checkbox"/>
1452	Ms H Rudman			Resident	<input type="checkbox"/>
1634	Ms N Marmion			Resident	<input type="checkbox"/>
2079	Mr A Black	Andrew Black consulting	Vanderbilt Homes - Hurstwood HH	Promoter	<input type="checkbox"/>
2080	Mr A Black	Andrew Black consulting	Vanderbilt homes - CDR	Promoter	<input type="checkbox"/>
2104	Mr C Ollif			Resident	<input type="checkbox"/>
2140	Mr C Hough	Sigma Planning Services	Rydon Homes Ltd	Promoter	<input checked="" type="checkbox"/>
2433	Mr S Dennis			Resident	<input type="checkbox"/>

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 145

Response Ref: Reg19/145/1

Respondent: Mrs M Knight

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Michelle Knight
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA29
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(1) Positively prepared	Unsound
(2) Justified	Sound
(3) Effective	Unsound
(4) Consistent with national policy	Sound
Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD	<p>I oppose the application on the grounds of traffic access through Hamsland and also on the ground that parking for residents is not addressed.</p> <p>The document details that access can be improved by pushing back the land in front of the residences opposite the church. I opine that this is not enough.</p> <p>The area already has contested parking for residents, many of whom are in flats in the area. The amount of traffic, particularly at key times, comes head-to-head on the section of Hamsland which comes from Lewes Road, and causes congestion. Adding to this traffic without taking further measures to ease this bottleneck is unacceptable in my opinion.</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>The section of Hamsland which leads directly from Lewes road, as far back as the junction with Challoners should be widened in order to make the road capable of providing both the on-street parking that the residents need, as well as the ability of traffic to pass each other without forcing any party to attempt to filter into small gaps, or back up completely to one of the other junctions. My personal view is that this should be done regardless of any development, but to add to the traffic congestion in this area without providing adequate parking and passing facility, will only put the residents under further pressure. The parking noted in the above, is purely token in my opinion.</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
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

01/09/2020

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 535

Response Ref: Reg19/535/1

Respondent: Mrs L Peacock

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Lisa Peacock [REDACTED]
Sent: 22 September 2020 18:22
To: ldfconsultation
Subject: SHELAA Site 184 (SA 29) - Land Souyh of St Stephens Church, Horsted Keynes

The planning case for developing the site with 30 homes is flawed. Our main reasons are restated here:

1.1 The only entrance to the site is a strip of land accessed from Hamsland which is 35-40 m long and 7m wide. It is bordered on the west side by a hedgerow of mature trees which form about a quarter of the south-west boundary of the site. These trees are a long-standing feature of the local landscape. Beyond this access strip it is proposed to allow a 5m clearance to protect the rootplates of the trees, but this is not possible alongside the access strip which means all of them would have to be felled to allow construction of the site access road. HAG believes this is both contrary to MSDC's conservation policies and the advice of the AONB unit which apparently has not been told about this destruction of trees in granting its low impact rating for the site. [Note: a member of HAG who works in the construction industry has warned that there are ways of protecting the rootplates alongside the access land, although this has not been proposed to date and a developer's surveyor told a member living alongside the access land that the trees would have to go.]

1.2 This is a Cul-de-Sac and has too many houses already. MSDC's SHELAA map for Horsted Keynes shows an average width road joining Lewes Road to the west with Birch Grove Road to the east, with the western half comprising Hamsland and the eastern half Bonfire Lane, suggesting that all vehicles, including construction and emergency vehicles, can access from the site from both east and west. In fact, Bonfire Lane is much narrower than Hamsland and becomes an unmade-up track in the section from its junction with Wyatt's Lane to the end of Hamsland, narrowing to a width that does not meet Fire Service access standards. This track ends at a padlocked gate. This means that Hamsland and its offshoots Challoners and Home Farm Court constitute a huge cul-de-sac with 125 households which already use some 150 vehicles, mainly cars but with a substantial number of vans. HAG understands that Kent County Council's Highways Dept. would not permit a cul-de-sac of more than 50 homes on an equivalent residential road, presumably for health and safety reasons. We contend that those reasons should also apply to the Hamsland complex.

1.3 Too many cars already. MSDC acknowledge that there is a problem with on-street parking but think it can potentially be solved by "better road management" and the provision of parking for existing residents on the new site. This ignores the practicalities.

1.3.1 The worst problem with on-street parking is on the first section of Hamsland from its junction with Lewes Road. This begins with a curve and there is also a curve further up the road, so that drivers in either direction do not have a clear sight of oncoming traffic. In practice this is overcome by drivers backing up or driving onto the grass verges or drive entrances on the south side. But if for example an ambulance needs to attend an emergency patient in this stretch, it needs to stop alongside a parked vehicle and simply block the road until its business is finished. The same is true of a fuel delivery lorry running a pipe to a resident's gas tank until it has completed the delivery. There is occasionally gridlock on this section that could be a major problem should a fire or medical or police emergency arise. In our view, planners have a duty of care to residents and are not entitled to assume that because such blockages have rarely caused much of a problem in the past this will always be the case and it is therefore safe to cram another 30 homes and say 40 residential vehicles into this cul-de-sac.

1.3.2 Proposals for "better road management" have so far been limited to widening the road opposite the site entrance where there is a grass verge. If it was decided this would not suffice, the road could be widened by getting rid of the grass verges the first section of Hamsland where the parking problem is most acute. Apart from destroying the character of the road for residents, this ignores the fact that the pedestrian path on the north side is up to two feet higher than the road surface and a two-foot drop would clearly be unsafe. Railings would be needed, but this would not only make goods deliveries and emergency responses much more difficult but also stop neighbours crossing the road for a chat or a visit and damage the residential environment even more. Furthermore, this would still not permit two-way traffic for larger vehicles such as construction trucks and fire engines.

1.3.3 Requiring residents to park on the new site is also full of problems. How would mothers with children returning from a shopping trip or elderly residents with mobility difficulties cope with having two or three hundred yards to negotiate to get between their homes and parked cars? And how would the remotely parked vehicles, including commercial vans with valuable gear or goods being temporarily stored, be protected from vandalism and theft? And

would MSDC planners seriously suggest that yellow lines be used to enforce these immensely inconvenient and unpopular measures with convictions sought for non-compliance? And how could residents cope without on street parking in the two-year period of construction during which the new site parking option would not be available?

1.4 We don't have the infrastructure for 30 more houses at this end of the village. HAG have also drawn attention to problems with infrastructure (drainage etc.) with the land sloping away from Hamsland and with damage to wildlife habitat with possible destruction of bat breeding sites in the line of trees on the south-west boundary.

2 MSDC's assessment of alternative edge-of-village sites is also flawed

Site 184 on the southern edge of the village (St Stephen's field), Site 807 on the eastern edge (Birch Grove Road), and site 69 on the western edge (Sugar Lane) are all beyond the built-up area boundary, but their treatment by MSDC is very different. Objections have been made to site 69 which have not been made about the others. One is that development of the site might open the door to a western development sprawl, but apparently the risk of development sprawl to the south or east does not matter to MSDC. According to a vague and subjective judgement of the AONB unit, development of site 69 is high impact because it would be "out-of-character" with the village but the others are rated as low impact. This is arbitrary and inconsistent.

Imp practicable ideas are being advanced for dealing with very real access difficulties to site 184, but in an extraordinary error MSDC has stated that access to site 69 is very difficult when in fact West Sussex Highways has as long ago as 2015 advised that a short access road from Sugar Lane near its junction with Jeffreys would be perfectly feasible. This error has persisted in MSDC's planning documents long after the landowner proved to them that it was groundless.

3 The Parish Council now represents MSDC planners and not the village residents In 2018 the inspector rejected the neighbourhood plan submitted by the PC and planning consultant Lindsey Frost was appointed to make recommendations. An extraordinary meeting was called by the PC on 23rd May 2019 to receive a report from him which included his recommendation to include sites 184 and 807 but exclude site 69. This provoked a lot of vocal opposition from those attending, but the PC nevertheless voted to accept his report. This prompted HAG to circulate a leaflet throughout the village in preparation for a petition opposing site 184's inclusion. The petition secured 330 signatures which represents about a third of the residents in the village. 176 of these signatories did not live in homes served by Hamsland, ruling out the argument that it represented nimbyism.

Led by a very influential Chairman, the PC has pretended to take the petition seriously but has ignored its demand to exclude site 184 and has instead advised MSDC that it supports the site's inclusion in their site allocation proposals for Horsted Keynes and that it defers to MSDC in the matter as two authorities cannot both deal with site allocation in the planning process. These decisions led to the circulation of a flyer to residents criticising the PC's handling of the plan process and the petition and this in turn led to several exchanges between HAG and the PC.

The PC has now proposed a series of steps to consult residents on its proposals and HAG believes that some kind of counter offensive should be conducted aimed at MSDC's proposals on the one hand and residents on the other.

Date: 23 September 2020

Name: Lisa Peacock

Sent from my iPad

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 537

Response Ref: Reg19/537/1

Respondent: Mr and Mrs D & M E Hentschel

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Mary Ellen Hentschel [REDACTED]
Sent: 14 September 2020 10:37
To: ldfconsultation
Subject: RE: Site 184 SHELAA (SA29) Land south of St Stephen's Church

The Hamsland Action Group's (HAG) submission to the MSDC consultation last year argued that the planning case for developing the site with 30 homes is flawed. Our main reasons are restated here:

1.1 The only entrance to the site is a strip of land accessed from Hamsland which is 35-40 m long and 7m wide. It is bordered on the west side by a hedgerow of mature trees which form about a quarter of the south-west boundary of the site. These trees are a long-standing feature of the local landscape. Beyond this access strip it is proposed to allow a 5m clearance to protect the rootplates of the trees, but this is not possible alongside the access strip which means all of them would have to be felled to allow construction of the site access road. HAG believes this is both contrary to MSDC's conservation policies and the advice of the AONB unit which apparently has not been told about this destruction of trees in granting its low impact rating for the site. [Note: a member of HAG who works in the construction industry has warned that there are ways of protecting the rootplates alongside the access land, although this has not been proposed to date and a developer's surveyor told a member living alongside the access land that the trees would have to go.]

1.2 This is a Cul-de-Sac and has too many houses already. MSDC's SHELAA map for Horsted Keynes shows an average width road joining Lewes Road to the west with Birch Grove Road to the east, with the western half comprising Hamsland and the eastern half Bonfire Lane, suggesting that all vehicles, including construction and emergency vehicles, can access from the site from both east and west. In fact, Bonfire Lane is much narrower than Hamsland and becomes an unmade-up track in the section from its junction with Wyatt's Lane to the end of Hamsland, narrowing to a width that does not meet Fire Service access standards. This track ends at a padlocked gate. This means that Hamsland and its offshoots Challoners and Home Farm Court constitute a huge cul-de-sac with 125 households which already use some 150 vehicles, mainly cars but with a substantial number of vans. HAG understands that Kent County Council's Highways Dept. would not permit a cul-de-sac of more than 50 homes on an equivalent residential road, presumably for health and safety reasons. We contend that those reasons should also apply to the Hamsland complex.

1.3 Too many cars already. MSDC acknowledge that there is a problem with on-street parking but think it can potentially be solved by "better road management" and the provision of parking for existing residents on the new site. This ignores the practicalities.

1.3.1 The worst problem with on-street parking is on the first section of Hamsland from its junction with Lewes Road. This begins with a curve and there is also a curve further up the road, so that drivers in either direction do not have a clear sight of oncoming traffic. In practice this is overcome by drivers backing up or driving onto the grass verges or drive entrances on the south side. But if for example an ambulance needs to attend an

emergency patient in this stretch, it needs to stop alongside a parked vehicle and simply block the road until its business is finished. The same is true of a fuel delivery lorry running a pipe to a resident's gas tank until it has completed the delivery. There is occasionally gridlock on this section that could be a major problem should a fire or medical or police emergency arise. In our view, planners have a duty of care to residents and are not entitled to assume that because such blockages have rarely caused much of a problem in the past this will always be the case and it is therefore safe to cram another 30 homes and say 40 residential vehicles into this cul-de-sac.

1.3.2 Proposals for “better road management” have so far been limited to widening the road opposite the site entrance where there is a grass verge. If it was decided this would not suffice, the road could be widened by getting rid of the grass verges the first section of Hamsland where the parking problem is most acute. Apart from destroying the character of the road for residents, this ignores the fact that the pedestrian path on the north side is up to two feet higher than the road surface and a two-foot drop would clearly be unsafe. Railings would be needed, but this would not only make goods deliveries and emergency responses much more difficult but also stop neighbours crossing the road for a chat or a visit and damage the residential environment even more. Furthermore, this would still not permit two-way traffic for larger vehicles such as construction trucks and fire engines.

1.3.3 Requiring residents to park on the new site is also full of problems. How would mothers with children returning from a shopping trip or elderly residents with mobility difficulties cope with having two or three hundred yards to negotiate to get between their homes and parked cars? And how would the remotely parked vehicles, including commercial vans with valuable gear or goods being temporarily stored, be protected from vandalism and theft? And would MSDC planners seriously suggest that yellow lines be used to enforce these immensely inconvenient and unpopular measures with convictions sought for non-compliance? And how could residents cope without on street parking in the two-year period of construction during which the new site parking option would not be available?

1.4 We don't have the infrastructure for 30 more houses at this end of the village. HAG have also drawn attention to problems with infrastructure (drainage etc.) with the land sloping away from Hamsland and with damage to wildlife habitat with possible destruction of bat breeding sites in the line of trees on the south-west boundary.

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3 The Parish Council now represents MSDC planners and not the village residents

In 2018 the inspector rejected the neighbourhood plan submitted by the PC and planning consultant Lindsey Frost was appointed to make recommendations. An extraordinary meeting was called by the PC on 23rd May 2019 to receive a report from him which included his recommendation to include sites 184 and 807 but exclude site 69. This provoked a lot of vocal opposition from those attending, but the PC nevertheless voted to accept his report. This prompted HAG to circulate a leaflet throughout the village in preparation for a petition opposing site 184's inclusion. The petition secured 330 signatures which represents about a third of the residents in the village. 176 of these signatories did not live in homes served by Hamsland, ruling out the argument that it represented nimbyism.

Led by a very influential Chairman, the PC has pretended to take the petition seriously but has ignored its demand to exclude site 184 and has instead advised MSDC that it supports the site's inclusion in their site allocation proposals for Horsted Keynes and that it defers to MSDC in the matter as two authorities cannot both deal with site allocation in the planning process. These decisions led to the circulation of a flyer to residents criticising the PC's handling of the plan process and the petition and this in turn led to several exchanges between HAG and the PC.

The PC has now proposed a series of steps to consult residents on its proposals and HAG believes that some kind of counter offensive should be conducted aimed at MSDC's proposals on the one hand and residents on the other.

Date: 14 September 2020

Name: David & Mary Ellen Hentschel

[Redacted signature block]

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 547

Response Ref: Reg19/547/1

Respondent: Mr M Palmer

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Mike Palmer [REDACTED]
Sent: 27 September 2020 16:51
To: ldfconsultation
Subject: Draft Sites Allocation Plan SA29.2 Land South of St. Stephen's Church, Hamsland, Horsted Keynes

I would like to register my objection to the proposed inclusion of site SA29.2 in the Draft Sites Allocation Plan. I would contend that development at St Stephen's field site is wholly inappropriate and impractical.

The only entrance to the site is a narrow strip of land accessed from Hamsland which is 35-40 m long and 7m wide. It is bordered on the west side by a hedgerow of mature trees which form about a quarter of the south-west boundary of the site. These trees are a long-standing feature of the local landscape. Beyond this access strip it is proposed to allow a 5m clearance to protect the rootplates of the trees, but this is not possible alongside the access strip which means all of them would have to be felled to allow construction of the site access road. I believe this is both contrary to MSDC's conservation policies and the advice of the AONB unit which apparently has not been told about this destruction of trees in granting its low impact rating for the site. I understand that a developer's surveyor told a resident living alongside the access land that the trees would have to go.

My main contention though is that Hamsland, Challoners and Home Farm Court form a massive cul-de-sac leading off Lewes Road and which has far too many houses already. MSDC's SHELAA map for Horsted Keynes shows an average width road joining Lewes Road to the west with Birch Grove Road to the east, with the western half comprising Hamsland and the eastern half Bonfire Lane, a private track, suggesting that all vehicles, including construction and emergency vehicles, can access the site from both east and west. *This is inaccurate*. In fact, Bonfire Lane is much narrower than Hamsland and becomes an unmade-up private track in the section from its junction with Wyatt's Lane to the end of Hamsland, narrowing to a width that does not meet Fire Service access standards. This private track ends at a padlocked gate, which denies vehicular access to Hamsland. *This is not a through road*.

The cul-de-sac of Hamsland, Challoners and Home Farm Court has 125 households which already has some 150 vehicles, mainly cars but with a substantial number of vans. This already causes difficulties as most of the cars are parked on the roads effectively making them single lane, which makes it difficult for vehicles to pass each other.

The worst problem with on-street parking is on the first section of Hamsland from its junction with Lewes Road. This begins with a curve and there is also a curve further up the road, so that drivers in either direction do not have a clear sight of oncoming traffic. In practice this is overcome by drivers backing up or driving onto the grass verges or drive entrances on the south side. But if for example an ambulance needs to attend an emergency patient in this stretch, it needs to stop alongside a parked vehicle and simply block the road until its business is finished. The same is true of a fuel delivery lorry running a pipe to a resident's gas or oil tank until it has completed the delivery. There is occasionally gridlock on this section which already inconveniences residents, but it could also be a major problem should a fire or medical or police emergency arise. Do planners not have a duty of care to residents, not just in health and safety, but also to their quality of life? A further 30 homes and say 40 cars and vans crammed into this cul-de-sac will make things much worse.

Proposals for “better road management” have so far been limited to widening the road opposite the site entrance where there is a grass verge. If it was decided this would not suffice, the road could be widened by getting rid of the grass verges the first section of Hamsland where the parking problem is most acute. Apart from destroying the character of the road for residents, this ignores the fact that the pedestrian path on the north side is up to two feet higher than the road surface and to cut away the verge leaving a two-foot drop from the pavement would clearly be unsafe and make driveways to existing houses shorter and thus too steep. Safety railings would also be needed, making the whole area impractical and spoiling the village ambience.

Requiring residents to park on the new site is also full of problems. How would mothers with children returning from a shopping trip or elderly residents with mobility difficulties cope with having two or three hundred yards to negotiate to get between their homes and parked cars? And how would the remotely parked vehicles, including commercial vans with valuable gear or goods being temporarily stored, be protected from vandalism and theft? And would MSDC planners seriously suggest that yellow lines in a rural village road be used to enforce these immensely inconvenient and unpopular measures with convictions sought for non-compliance? And how could residents cope without on street parking in the two-year period of construction during which the new site parking option would not be available?

This site, in a cul de sac, should be excluded from the plan, due to insufficient access to an already overcrowded residential area.

Mike Palmer



Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 548

Response Ref: Reg19/548/1

Respondent: Mr C Illingworth

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Clive Illingworth [REDACTED]
Sent: 28 September 2020 12:45
To: ldfconsultation
Subject: Draft sites allocation plan SA29.2

Categories: [REDACTED]

I would like to register my objection to the proposed inclusion of site SA29.2 in the Draft Sites Allocation Plan. I would contend that development at St Stephen's field site is wholly inappropriate and impractical.

The only entrance to the site is a narrow strip of land accessed from Hamsland which is 35-40 m long and 7m wide. It is bordered on the west side by a hedgerow of mature trees which form about a quarter of the south-west boundary of the site. These trees are a long-standing feature of the local landscape. Beyond this access strip it is proposed to allow a 5m clearance to protect the rootplates of the trees, but this is not possible alongside the access strip which means all of them would have to be felled to allow construction of the site access road. I believe this is both contrary to MSDC's conservation policies and the advice of the AONB unit which apparently has not been told about this destruction of trees in granting its low impact rating for the site. I understand that a developer's surveyor told a resident living alongside the access land that the trees would have to go.

My main contention though is that Hamsland, Challoners and Home Farm Court form a massive cul-de-sac leading off Lewes Road and which has far too many houses already. MSDC's SHELAA map for Horsted Keynes shows an average width road joining Lewes Road to the west with Birch Grove Road to the east, with the western half comprising Hamsland and the eastern half Bonfire Lane, a private track, suggesting that all vehicles, including construction and emergency vehicles, can access the site from both east and west. This is inaccurate. In fact, Bonfire Lane is much narrower than Hamsland and becomes an unmade-up private track in the section from its junction with Wyatt's Lane to the end of Hamsland, narrowing to a width that does not meet Fire Service access standards. This private track ends at a padlocked gate, which denies vehicular access to Hamsland. This is not a through road.

The cul-de-sac of Hamsland, Challoners and Home Farm Court has 125 households which already has some 150 vehicles, mainly cars but with a substantial number of vans. This already causes difficulties as most of the cars are parked on the roads effectively making them single lane, which makes it difficult for vehicles to pass each other.

The worst problem with on-street parking is on the first section of Hamsland from its junction with Lewes Road. This begins with a curve and there is also a curve further up the road, so that drivers in either direction do not have a clear sight of oncoming traffic. In practice this is overcome by drivers backing up or driving onto the grass verges or drive entrances on the south side. But if for example an ambulance needs to attend an emergency patient in this stretch, it needs to stop alongside a parked vehicle and simply block the road until its business is finished. The same is true of a fuel delivery lorry running a pipe to a resident's gas or oil tank until it has completed the delivery. There is occasionally gridlock on this section which already inconveniences residents, but it could also be a major problem should a fire or medical or police emergency arise. Do planners not have a duty of care to residents, not just in health and safety, but also to their quality of life? A further 30 homes and say 40 cars and vans crammed into this cul-de-sac will make things much worse.

Proposals for “better road management” have so far been limited to widening the road opposite the site entrance where there is a grass verge. If it was decided this would not suffice, the road could be widened by getting rid of the grass verges the first section of Hamsland where the parking problem is most acute. Apart from destroying the character of the road for residents, this ignores the fact that the pedestrian path on the north side is up to two feet higher than the road surface and to cut away the verge leaving a two-foot drop from the pavement would clearly be unsafe and make driveways to existing houses shorter and thus too steep. Safety railings would also be needed, making the whole area impractical and spoiling the village ambiance.

Requiring residents to park on the new site is also full of problems. How would mothers with children returning from a shopping trip or elderly residents with mobility difficulties cope with having two or three hundred yards to negotiate to get between their homes and parked cars? And how would the remotely parked vehicles, including commercial vans with valuable gear or goods being temporarily stored, be protected from vandalism and theft? And would MSDC planners seriously suggest that yellow lines in a rural village road be used to enforce these immensely inconvenient and unpopular measures with convictions sought for non-compliance? And how could residents cope without on street parking in the two-year period of construction during which the new site parking option would not be available?

This site, in a cul de sac, should be excluded from the plan, due to insufficient access to an already overcrowded residential area.

Yours

Clive Illingworth

Sent via BT Email App

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 585

Response Ref: Reg19/585/2

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: SA29

ID: 642

Response Ref: Reg19/642/9

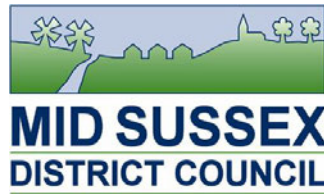
Respondent: Ms C Tester

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 29	Draft Policies Map	<input type="text"/>
-----------	----------------------	-----------	-------	--------------------	----------------------

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.

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: SA29

ID: 710

Response Ref: Reg19/710/11

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: SA29

ID: 775

Response Ref: Reg19/775/4

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, TN1 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 MSc 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 BACHELLER 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

Sites 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

²⁹

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 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**.

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: SA29

ID: 812

Response Ref: Reg19/812/1

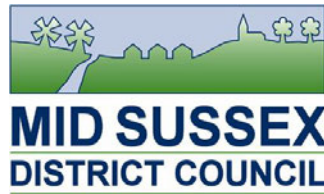
Respondent: Ms H Watson

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x



Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form

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

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

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

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

The Site Allocations DPD is available to view at:

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

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

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

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

How can I respond to this consultation?

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

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

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

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

E-mail: LDFconsultation@midsussex.gov.uk

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

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

1. Personal Details

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



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

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

Part B – Your Comments

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

Name or Organisation:

3a. Does your comment relate to:

Site
Allocations
DPD

☒

Sustainability
Appraisal

☒

Habitats Regulations
Assessment

☐

Community
Involvement
Plan

☐

Equalities
Impact
Assessment

☐

Draft Policies
Maps

☐

3b. To which part does this representation relate?

Paragraph

Policy SA

²⁹

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 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.**

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.

My comments relate to the allocation of site SA29 (SHELAA site 184 land south of St. Stephen's church, Hamsland, Horsted Keynes) with 30 units; and the failure to correct a major error in the S18 assessment of SHELAA site 69 (northern fields, Jeffreys Farm, Sugar Lane, Horsted Keynes) which, either on it's own or in combination with SHELAA site 68 (Jeffreys Farm buildings), could easily accommodate 30 units. My comments setting out why the Site Allocations DPD is not legally compliant and are unsound are set out under headings in bold text.

Failure of community engagement by MSDC

S19DPD has been negligently prepared by repeating the same errors as its S18 Predecessor. MSDC's SHELAA assessment of the site has not disclosed that the strip of land giving access to the site from Hamsland of about 7 metres width is bordered by part of the site-screening south-western tree boundary to which the DSADPD refers and which it states needs strengthening in its most southerly corner to protect views from a Grade II property in Wyatts Lane. A developer's surveyor on site has advised the owner of Summerlea, the bungalow in Hamsland on the other side of this boundary, that most of the trees alongside his property would have to be felled because their root penetration across the site access land would be fatally damaged by construction of an access road onto the site. The stretch of trees to be felled would have to continue beyond the end of the church fencing on the eastern side of the access strip to allow for both access and a turning circle for construction vehicles and would require destruction of about a quarter of a much-loved local landmark. This would breach every aspect of the AONB requirements for this site set out in the DSADPD.

In the AONB unit's response of 8th October 2019 to site 69 landowners' challenge to that site's rating as high impact, they confirm that "The removal of mature trees to access site 184 was not considered as part of the AONB assessment because that information was not available in the SHELAA."

The PC's consultant has reported that a 5-metre clearance is needed to protect the root plates of these trees, proving that access from Hamsland is not achievable without purchase of adjoining church land from the Arundel and Brighton Diocese. However, A&B's Chief Operating Officer has assured us that the diocesan trustees have no intention of selling land to a developer to facilitate development of the field behind, so site access is not achievable due to third party ownership of the extra land needed.

Despite this piece of vital information on site access, the S.19 makes the following AONB statement:

- 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.
- Identify and protect important views into and out of the site with proposals laid out so that views are retained and, where possible enhanced to both improve legibility and the setting of development.
- Retain and enhance important landscape features, mature trees and hedgerows and incorporate these into the landscape structure and Green Infrastructure proposals for the development to limit impacts on the wider countryside. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.

As the AONB unit confirmed in their response quoted above, MSDC had not informed them of this obstacle prior to the S18 consultation, and the above S.19 statement seems to prove that MSDC planners have still not acknowledged the threat to these trees posed by access to the site a year after it was highlighted, or asked the unit to undertake an arborial assessment.

Mid Sussex have signed up to the High Weald AONB Management Plan 2019-2024. Objective FH2 in the Field and Heath section of this Plan is "To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands." Its rationale is "To maintain fields and field boundaries that form a part of the habitat mosaic of the High Weald ..." A development which destroys a quarter of a site's magnificent tree boundary to gain access and envisages future breaches of the boundary to gain access to adjoining council land is hardly consistent with this objective.

These objections relate both to the soundness of the proposals and to the failure of MSDC to fulfil its community involvement obligations.

Failures of community engagement by the Horsted Keynes Parish Council

The early history of PC consultations is summarised in a document available online entitled 'Horsted Keynes Neighbour Plan Consultation Statement October 2017'. This shows that a new PC elected in May 2015 and its Steering Group sub-committee decided to change the direction of the NDP in the summer of 2015. In re-forming the Steering Group as a PC sub-committee, the PC allowed an occupant of the Jeffreys farmhouse (not the site owner) who was beneficiary of a restrictive covenant on one the proposed Sugar Lane sites and adjacent to site 69 to join the Steering Group along with a resident of Sugar Lane who lived opposite another of the sites. A booklet was then drafted for September consultation workshops which stated that Jeffrey's Farm green field sites were "no longer under consideration", falsely claiming that the fields adjoining the covenanted field were "sustainable only if developed along with" the covenanted field (not a position to be found in the consultant's assessments) and citing MSDC's concern that breach of Sugar Lane could lead to development spread to the west as if there were no ways of mitigating that risk, e.g. by gift of or covenant on western boundary land in favour of the PC.

The booklet also suppressed these facts:

- 1) the covenanted field was still available for green space, recreation, and also access to the adjoining sites enabling them to be rated green in the traffic light system
- 2) all of these objections had been addressed months earlier by the previous Steering Group which had identified ways of mitigating them

This level of Steering Group misrepresentation of Sugar Lane sites was illustrated on the first morning of the workshops when one of its members facilitating a group which, unknown to her contained the wife of the joint site owner, claimed that the site owners would not allow the covenanted field to be used for access to adjoining fields, apparently confusing the covenant beneficiaries with the site owners.

With regard to the existing track leading the Jeffreys farm not providing adequate access to site 69 it has been falsely claimed that "provision of an alternative access point to the north was not considered to represent a demonstrably more feasible or safer solution" when in fact the WSCC Highways officer had advised the opposite: "Suggest moving access northwards to between existing mature trees to reduce impact on vegetation and allow full standard visibility splays to be incorporated into the design."

There has been a petition organised by the Hamsland Action Group signed by 330 residents demanding that the PC reverse their support for the allocation of site 184. 176 of these signatories were not residents of the 125 homes served by Hamsland, proving that nimbyism is not a decisive factor in the widespread communal opposition to this site. No formal response to this petition was given.

Government guidance on neighbourhood planning states that:

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.

'Communities' in this statement can only refer to parish councils if they can demonstrate that they have canvassed the residents, and can honestly and faithfully represented the views of residents.

Impact on local community

1.3 Under Highways and Access, the DSADPD states that:

- Access is to be provided from Hamsland. Detailed access arrangements will need to be investigated further.
- Improve local traffic conditions by setting back the existing on-street parking spaces in Hamsland Road into the verge opposite the site.

There is no reference in DSADPD to the fact that Hamsland is a giant cul-de-sac already serving 125 homes with about 150 vehicles belonging to residents, many of them parked on the street. The map used by MSDC in this instance is wholly unreliable as it shows Hamsland and Bonfire Lane as a continuous road joining Lewes Road with Birchgrove Road. It also shows no differences in road width, as if Bonfire Lane is as wide not only as Hamsland but also as the main road throughout the village centre. In fact, Bonfire Lane is a 'private street' and is much narrower throughout with no footpaths, and the section between Wyatts Lane and Hamsland is not a proper road but is a narrow, un-adopted, single-lane, unsurfaced track without vehicle passing-places, and in places has a drainage ditch running alongside it. A locked barrier separates the end of Bonfire Lane from Hamsland.

Paragraph 6.7 of the Department for Transport Manual for Streets advises that the minimum kerb to kerb carriageway widths for fire engines should not be less than 3.7 m, so clearly Bonfire Lane does not comply with that. Whilst this restriction applies to the working space at the scene of the fire, the Fire Service would accept short stretches of carriageway no less than 2.75 m wide in order to reach the scene of a fire. However, the final stretch of Bonfire Lane does not even comply with this requirement.

The width of a Scania fire engine is 2.3 m and the space between the barrier posts at the end of Bonfire Lane is just 2.85 m. The Bonfire Lane track immediately leading up to the barrier is designated as a footpath, not a road, as the final property in Bonfire Lane, Woodside, has driveway access to Hamsland. The path here is just 2.5 m wide, although it has a metre-wide grass verge on one side with low removable decorative metal pieces edging the path. However, the width of the track a little further up Bonfire Lane is also 2.5 m wide, but this time edged by bushes on one side and a deep ditch on the other.

In short, Bonfire Lane cannot be regarded as an alternative emergency access route into Hamsland even if the Fire Service had a key to unlock the barrier, and Hamsland must therefore be treated as a single-entry cul-de-sac.

Out of working hours, on-street parking of cars and vans starting on the curve of Hamsland near its junction with Lewes Road can stretch almost continuously along Hamsland to the barrier with Bonfire Lane, reducing most of the road to a single lane. Even during working hours, if an ambulance calling on a house in Hamsland has no kerbside space to park it will simply block the remaining lane for however long the visit lasts, causing gridlock. So too can trucks making fuel deliveries as they cannot be moved once the pipe has been connected to the home tank and delivery started.

The curve in the approach to Lewes Road is always a problem as drivers cannot see approaching traffic. Vehicles often have to reverse into the nearest kerbside space or else pull off the road onto verges or driveway openings on the south side to allow others to pass safely. In such circumstances, large diesel construction vehicles coming and going daily over a period of two to three years would cause major traffic problems and inevitably cause accidental damage to parked vehicles. They would also damage the tarmac surface, which covers the original concrete base, and the grass verges and driveways currently used to allow traffic to flow. In Health and Safety terms, they would emit diesel fumes and noise pollution in a densely populated residential area, endangering residents' health, especially asthmatics. Children playing along Hamsland in the stretch near the church would also be put at greater risk of injury.

Objection 1.3 is not new and was set out in a paragraph of a special report by a transport consultant commissioned by a member of the Hamsland Action Group and presented to the NP Steering Committee at their meeting on 12th November 2015. This stated:

There are current concerns in regard to access on Hamsland, as properties on the north side have no parking and vehicles are on the highway on both sides. The carriageway is 5.5 metres wide and residents are considerate by leaving gaps to allow passing. At peak times there is no space for deliveries for larger vehicles. The road is often blocked by such vehicles, especially when delivery of domestic fuel is required as this needs to be directly in front of the property to connect hoses to fuel storage tanks. There have been incidences where emergency vehicles have been unable to get through. Residents normally park vehicles outside their properties so that they can be seen and are accessible for people needs such as the elderly and disabled or with heavy shopping. West Sussex County Council has not adopted a formal standard for residential streets and Manual for Streets (DfT, 2007) gives a flexible approach, but a review has been made of other authority standards as best practice. Due to the restrictions on off street parking north of Hamsland this should be described as being a Minor Access Road and therefore as a cul-de-sac should be limited to 100 dwellings. There are currently 125 dwellings served from the access, and therefore it is concluded that no further development is acceptable in Hamsland – which includes sites 183 and 184.”

On the northern side of the first section of Hamsland where the parking problem is at its worst due to a lack of off-street driveways, the narrow pedestrian path is two feet higher than the road with a steeply banked grass verge. Removing the verge would create many new problems (need for safety barriers for pedestrians, difficulty or impossibility for prams or mobility scooters to pass each other, impracticability of providing steps to enable egress into or from street because of lack of path width, obstruction of access for emergency vehicles, etc.), as well as permanently diminishing the character of the street. Removal of verges on the south side only would not suffice to allow two-way traffic flow. Widening the road would be costly, take a long time, be hugely disruptive to residents and deliveries to homes, and endanger access for emergency vehicles while it was taking place.

The DSADPD does not address any of these problems except to suggest widening the road opposite the site access point to allow parking to continue there with enough space available for large construction vehicles needing a wide turning circle to enter and exit the site.

I do not accept the developer’s theoretical assessment that Hamsland is at 57% capacity. Essex and Kent Design Guides clearly show that the Hamsland cul-de-sac is already too large and short of off-street parking to accommodate the huge increase in private vehicle ownership and home delivery services that has occurred since Challoners was built and will undoubtedly continue and even accelerate in the future in the post-covid era. We therefore have good reason to fear that the experience of occasional gridlock would become more frequent anyway in the future, posing a serious health and safety hazard in the event of emergencies. This fear is greatly increased by the prospect of heavy construction traffic trundling back and forth for 2-3 years whilst the development takes place and a 30% growth of residential and commercial traffic that would follow its completion.

Infrastructure Issues

Apart from the parking and traffic issues addressed above, the following infrastructure issues have also been identified regarding a potential development of site 184

- Sewer drainage issues: It is a major issue whether the existing system can take any more waste due to capacity at which the system currently runs. As the proposed development is on a downhill slope, how will sewage reach the existing system? Via a pumping station?
- Surface water: The current system runs at high capacity. How will surface *water* reach the existing system? Another pumping station? Soakaway systems would not be adequate as the sub-soil is heavy clay which is not permeable.

- Mains water: Water pressure in this area is at the absolute minimum as it is, and any further demand for mains water will have a detrimental effect on current demand due to lack of investment by South East Water in the installation of a new mains pipe into the village. Breakdowns to the system happen regularly.
- The road system in Hamsland, constructed many years ago to service a much lower traffic volume, is inadequate in both construction and width. Already beyond its originally planned traffic load, it cannot be expected to handle construction traffic for any prolonged period of time due to their weight, size and volume. As mentioned above, despite the proposal to eradicate the grass verges there still would not be enough width to the road for people to pass safely with increased volume of traffic, including wide construction vehicles.

Alternative sites

Other easily accessible edge-of-village sites were originally identified which would gain a low rating under the Impact on Local Community criterion. Two of those sites in particular would command substantial support in the community. They are SHELAA sites 68 and 69 which, like all HK sites, are in the AONB.

Site 68 (Farm Buildings, Jeffrey's Farm)

SHELAA states the site size as 0.75 ha with a housing potential of 18. Except for its falling within the High Weald AONB, it suffers no constraints and its assessment states that safe access to the site is already available. Its overall assessment shows it to be Stage 1 suitable ("progress to Stage 2"), available, and achievable ("There is a reasonable prospect that the site could be developed within the Plan period"). The development timescale is shown as "Medium-Long Term", although no reason is given for excluding a short-term timescale.

Despite this generally favourable assessment, access to the site is along a narrow unadopted track which joins the main road at a point with restricted sight lines, and MSDC planners have therefore restricted its housing capacity to just 6 homes. The Site History notes that the owners' planning application (for six homes) has been refused, but the SHELAA assessment has not changed and it is reasonable to assume that the owners could come up with an alternative scheme (e.g. a courtyard-style development) that would be approved.

However, I note that this site has not been included in the DPD allocations and believe that it should be. The access track now improved lends itself to an increased number of dwellings.

Site 69 (Jeffrey's Farm Northern Fields)

SHELAA states the site size as 2.84 ha with a housing potential of 18. However, although a strip of woodland covers the eastern edge of the site, its housing potential is much higher than 18 and the first NDP assessment by an independent consultant in 2014 put the figure at around 36, double the SHELAA figure.

Like site 68, site 69 suffers no constraints other than AONB ones and would have a low impact on the community. Both sites are already screened from residents in Sugar Lane. However, the SHELAA assessment of site 69 has incorporated an extraordinary error by claiming that access to the site is unavailable or severely restricted. This may be because of acceptance by MSDC planners of a myth promulgated by the new Steering Group formed in July 2015 when they issued their consultation booklet in September 2015 which claimed that a covenant on the Jeffrey's Farm front field adjoining Sugar Lane and adjacent to site 69 not only precluded house building but also prevented access to adjoining sites. Legal advice in 2015 confirmed that the previous Steering Group was correct in stating that the covenant restriction in no way prevented the site owners constructing an access road to site 69 across the front field from a point in Sugar Lane near to its junction with Jeffreys, an access point which West Sussex Highways had approved as safe and viable.

It is another proof of MSDC's unresponsiveness to community engagement that this factual error was previously highlighted. It was also pointed out by the Jeffrey's Farm site owners who had to provide documentary proof to MSDC's planning department. Despite all this, the error appears yet again in a SHELAA updated as recently as 7th September 2020. This means of course that SHELAA's suitability assessment is wholly invalid because it falsely states: "Significant constraints - assessed as unsuitable at Stage 1". Nevertheless, SHELAA accepts that the site is available and achievable in the medium/long term within the Plan period. Correction of the access error would leave no reason why the site should not make a sizeable contribution to the housing provision target for HK in MSDC's Plan. Again, no reason is given for excluding a short-term timescale.

It is true that, in contrast to residents near site 807, residents in Sugar Lane and Boxes Lane opposite site 69 have promoted strong opposition to its inclusion of site 69 in the NDP and, in alliance with members of the parish who want minimal development, they succeeded in changing the complexion of the PC and its NDP Steering Group in the period from May to July 2015 and got the main Jeffrey's Farm site excluded from NDP proposals. Their numbers (20 households at the north end of Sugar Lane including 14 in Boxes Lane) are dwarfed by those in the Hamsland/Challoners locations, and they would be little affected in practice as development would be set back from the road to protect a woodland strip on the eastern edge of the site, and this woodland and the roadside embankment would also offer nearby residents some measure of protection from construction site disturbance in a way not available to residents living near site 184. Construction traffic would probably in the main enter Sugar Lane from the junction with Keysford Lane for site access, but this is also likely for construction access to site 184 and Sugar Lane residents would be similarly affected. Following completion of a development in this location it is likely that the majority of 'new' traffic generated from the development would head out of the village towards Haywards Heath, West Hoathley, or Scaynes Hill, and not go through the main village which is suffering congestion from parked cars.

It is clear that development sprawl is as possible to the south of site 807 as it is to the west of site 69. As development would be concentrated at the eastern end of site 69, four options are available to the land owners to put to MSDC to address this risk:

- i) If necessary, extend tree screening on western edge
- ii) Designate all or part of western section of site as Local Green Space
- iii) Covenant in suitable terms all or part of western section in favour of the PC
- iv) Gift in suitable terms all or part of western section to PC's property-owning trust

The main difference is that site 69 is separated from neighbouring houses by Sugar Lane and the narrow strip of woodland running along its embanked northernmost section. Compared to site 807 which directly abuts several homes (and of course site 184 which abuts many more), this is an advantage to the local community as construction site activity would be less intrusive as indeed the eventual residential estate would be. Visually, site 69 would be much less invasive of public enjoyment of the area than site 807 (and far less invasive than site 184) as the site itself is not visible from any local footpaths or the surrounding AONB area, although the junction of its access road would of course be visible to users of Sugar Lane. The site does not in fact need additional screening to protect views towards the village from the west because its western border is a mature 20 ft. high hedge.

Section 9 of the NFFP (Open space and recreation) recommends the benefits of green spaces to encourage sporting and recreational activities, and this has always been a strong point in favour of site 69 whose owners have from the beginning proposed the covenanted field as available for such purposes and can also offer green space in the western part of site 69.

MSDC's conflict of Interest re site SA29 (SHELAA site 184)

Regarding the legality of the DPD, we challenge MSDC's legal right to make this particular allocation because we believe the council has a clear conflict of interest.

Back in 2015, Constance Wood Field (CWF) was on MSDC's SHLAA schedule of potential development sites, although it had no means of vehicular access. So when the owners of site 184 put it forward in the second call for land the SG Chairman, presumably anticipating the exclusion of Sugar Lane sites, was keen to include not only site 184 but also CWF. The argument was that the strip of land separating CWF from site 184 already belonged to MSDC and could be a land bridge enabling an access road to be built, and this is why both sites were included in the consultation booklet used in the September 2015 workshops

The then Neighbourhood Planning Officer for HK was supportive of this idea, despite the fact that access would entail a felling of trees discussed earlier (trees that shelter bat nesting sites), a hairpin arrangement for traffic coming down Hamsland which would have to turn right at St. Stephen's Church onto site 184 and then right again to pass behind Summerlea and its neighbouring property and on into CWF. Access problems, he explained, rarely prevent planning permission being obtained and bat colonies could be relocated. And, as the following section discusses, the dire impact of construction traffic following this tortuous route for 2-3 years or more on the local community does not even feature as a planning criterion. He even envisaged widening Hamsland with the loss of grass verges and its character and relocating heavy on-street parking onto site 184. As argued above, both ideas were and remain impracticable.

As already mentioned, the land to the immediate west of site 184 belongs to MSDC as does CWF, raising the possibility that eventual pressure for new homes and on district council funds could lead to proposals to infill the land between site 184 and the back of properties on Treemans Road with development. If cramming more and more homes into a 125-home single-entry cul-de-sac and a hair-pin access route to them is acceptable planning practice, then this could prove very lucrative to MSDC as landowner.

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.

My objections on the grounds of legality and soundness relate to the quality of the consultation process, the detailed work of site selection in the allocation process, and factual inaccuracies contained in reports presented to the community. This is why I have stressed the availability and suitability of alternative sites to site 184.

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 | <input checked="checked" type="checkbox"/> |
| (ii) The publication of the recommendations from the Examination | <input checked="checked" type="checkbox"/> |
| (iii) The Site Allocations DPD is adopted | <input checked="checked" type="checkbox"/> |

Signature:

Date:

Thank you for taking time to respond to this consultation

893

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 893

Response Ref: Reg19/893/1

Respondent: Mr J Parsons

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? ✓

MSDC CONSULTATION - KEY ISSUES RE ST STEPHEN'S FIELD

Hamlyn Action Group's (HAG) case against developing St Stephen's field (site 184)

- 1 HAG's submission to the MSDC consultation last year argued that the planning case for developing the site with 30 homes is flawed. Our main reasons are restated here:
 - 1.1 The only entrance to the site is a strip of land accessed from Hamsland which is 35-40 m long and 7m wide. It is bordered on the west side by a hedgerow of mature trees which form about a quarter of the south-west boundary of the site. These trees are a long-standing feature of the local landscape. Beyond this access strip it is proposed to allow a 5m clearance to protect the rootplates of the trees, but this is not possible alongside the access strip which means all of them would have to be felled to allow construction of the site access road. HAG believes this is both contrary to MSDC's conservation policies and the advice of the AONB unit which apparently has not been told about this destruction of trees in granting its low impact rating for the site. [Note: a member of HAG who works in the construction industry has warned that there are ways of protecting the rootplates alongside the access land, although this has not been proposed to date and a developer's surveyor told a member living alongside the access land that the trees would have to go.]
 - 1.2 MSDC's SHELAA map for Horsted Keynes shows an average width road joining Lewes Road to the west with Birch Grove Road to the east, with the western half comprising Hamsland and the eastern half Bonfire Lane, suggesting that all vehicles, including construction and emergency vehicles, can access from the site from both east and west. In fact, Bonfire Lane is much narrower than Hamsland and becomes an unmade-up track in the section from its junction with Wyatt's Lane to the end of Hamsland, narrowing to a width that does not meet Fire Service access standards. This track ends at a padlocked gate. This means that Hamsland and its offshoots Challoners and Home Farm Court constitute a huge cul-de-sac with 125 households which already use some 150 vehicles, mainly cars but with a substantial number of vans. HAG understands that Kent County Council's Highways Dept. would not permit a cul-de-sac of more than 50 homes on an equivalent residential road, presumably for health and safety reasons. We contend that those reasons should also apply to the Hamsland complex.
 - 1.3 MSDC acknowledge that there is a problem with on-street parking but think it can potentially be solved by "better road management" and the provision of parking for existing residents on the new site. This ignores the practicalities.
 - 1.3.1 The worst problem with on-street parking is on the first section of Hamsland from its junction with Lewes Road. This begins with a curve and there is also a curve further up the road, so that drivers in either direction do not have a clear sight of oncoming traffic. In practice this is overcome by drivers backing up or driving onto the grass verges or drive entrances on the south side. But if for example an ambulance needs to attend an emergency patient in this stretch, it needs to stop alongside a parked vehicle and simply block the road until its business is finished. The same is true of a fuel delivery

lorry running a pipe to a resident's gas tank until it has completed the delivery. There is occasionally gridlock on this section that could be a major problem should a fire or medical or police emergency arise. In our view, planners have a duty of care to residents and are not entitled to assume that because such blockages have rarely caused much of a problem in the past this will always be the case and it is therefore safe to cram another 30 homes and say 40 residential vehicles into this cul-de-sac.

1.3.2 Proposals for "better road management" have so far been limited to widening the road opposite the site entrance where there is a grass verge. If it was decided this would not suffice, the road could be widened by getting rid of the grass verges the first section of Hamsland where the parking problem is most acute. Apart from destroying the character of the road for residents, this ignores the fact that the pedestrian path on the north side is up to two feet higher than the road surface and a two-foot drop would clearly be unsafe. Railings would be needed, but this would not only make goods deliveries and emergency responses much more difficult but also stop neighbours crossing the road for a chat or a visit and damage the residential environment even more. Furthermore, this would still not permit two-way traffic for larger vehicles such as construction trucks and fire engines.

1.3.3 Requiring residents to park on the new site is also full of problems. How would mothers with children returning from a shopping trip or elderly residents with mobility difficulties cope with having two or three hundred yards to negotiate to get between their homes and parked cars? And how would the remotely parked vehicles, including commercial vans with valuable gear or goods being temporarily stored, be protected from vandalism and theft? And would MSDC planners seriously suggest that yellow lines be used to enforce these immensely inconvenient and unpopular measures with convictions sought for non-compliance? And how could residents cope without on street parking in the two-year period of construction during which the new site parking option would not be available?

1.4 HAG have also drawn attention to problems with infrastructure (drainage etc.) with the land sloping away from Hamsland and with damage to wildlife habitat with possible destruction of bat breeding sites in the line of trees on the south-west boundary.

2 MSDC's assessment of alternative edge-of-village sites is also flawed

Site 184 on the southern edge of the village (St Stephen's field), Site 807 on the eastern edge (Birch Grove Road), and site 69 on the western edge (Sugar Lane) are all beyond the built-up area boundary, but their treatment by MSDC is very different. Objections have been made to site 69 which have not been made about the others. One is that development of the site might open the door to a western development sprawl, but apparently the risk of development sprawl to the south or east does not matter to MSDC. According to a vague and subjective judgement of the AONB unit, development of site 69 is high impact because it would be "out-of-character" with the village but the others are rated as low impact. This is arbitrary and inconsistent.

Impracticable ideas are being advanced for dealing with very real access difficulties to site 184, but in an extraordinary error MSDC has stated that access to site 69 is very

difficult when in fact West Sussex Highways has as long ago as 2015 advised that a short access road from Sugar Lane near its junction with Jeffreys would be perfectly feasible. This error has persisted in MSDC's planning documents long after the landowner proved to them that it was groundless.

3 The Parish Council now represents MSDC planners and not the village residents

In 2018 the inspector rejected the neighbourhood plan submitted by the PC and planning consultant Lindsey Frost was appointed to make recommendations. An extraordinary meeting was called by the PC on 23rd May 2019 to receive a report from him which included his recommendation to include sites 184 and 807 but exclude site 69. This provoked a lot of vocal opposition from those attending, but the PC nevertheless voted to accept his report. This prompted HAG to circulate a leaflet throughout the village in preparation for a petition opposing site 184's inclusion. The petition secured 330 signatures which represents about a third of the residents in the village. 176 of these signatories did not live in homes served by Hamsland, ruling out the argument that it represented nimbyism.

Led by a very influential Chairman, the PC has pretended to take the petition seriously but has ignored its demand to exclude site 184 and has instead advised MSDC that it supports the site's inclusion in their site allocation proposals for Horsted Keynes and that it defers to MSDC in the matter as two authorities cannot both deal with site allocation in the planning process. These decisions led to the circulation of a flyer to residents criticising the PC's handling of the plan process and the petition and this in turn led to several exchanges between HAG and the PC.

The PC has now proposed a series of steps to consult residents on its proposals and HAG believes that some kind of counter offensive should be conducted aimed at MSDC's proposals on the one hand and residents on the other.

Terry Higham

4th September 2020

List of supporting documents available in date order:

190523 HKPC Lindsay Frost Report 23May19
190523 HKPC Frost Report Update 23May19
190523 LF presentation HK map 23May19
190607 PC PUTS HAMSLAND SITE BACK IN NP 07Jun19 (HAG leaflet)
190614 PETITION TO THE HORSTED KEYNES PC 06Jun19
190704 St. Stephen's Field petition - report to PC 4July2019
191101 Letter to PC 01Nov2019
191101 MSDC consultation submission 2019 01Nov19
191102 FLYER - 02Nov19
191114 PC response to HAG flyer
191114 TH's reply PC's response to flyer 14Nov19
191206 PC's further response
191208 HAG Reply to PC responses 08Dec19

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 961

Response Ref: Reg19/961/1

Respondent: Mr P Fairweather

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

25th September 2020

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

Re: Consultation on the Site Allocations Development Plan Document

Dear Sirs,

My wife and I write to register our joint personal comments upon the inclusion of the Horsted Keynes site SA29 – the SHELAA site 184, land to the south of St. Stephen's Church – in the DPD.

This comment relates to the Site Allocations DPD and to the Community Involvement Plan.

Due to the comments about this site detailed below, we cannot regard the Site DPD to be sound and I do not consider the Plan to be:

- Positively prepared
- Justified
- Effective
- Consistent with National Policy

The change we consider to be necessary to make the Site Allocations DPD legally compliant and sound with respect to this site will be for it to be completely withdrawn from the Plan for the reasons and conclusions given in our comment below.

Please notify us when:

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

Comment on Site SA29 – the SHELAA site 184
Land to the south of St. Stephen's Church, Hamsland, Horsted Keynes.

1) Vehicular access to the site

The plan states that the access to site 184 is from Hamsland. Clearly this is because the only other road that a map shows might be used to reach this site is the partly-metalled Wyatts Lane that runs to the south and is significantly down-slope, but this is a private road and therefore not available.

Inaccurately the plan indicates that the site and Hamsland itself can be reached by vehicles leaving Birchgrove Road and travelling south-west along Bonfire Lane – but this is not the case. From its junction with Chapel Lane and Wyatts Lane, Bonfire Lane becomes a narrow un-metalled track with a drainage gully along one side, and a locked barrier at the Hamsland end. This basic error means that the site is not as easily accessible as the plan assumes and it can only be reached by leaving Lewes Road and travelling in a westerly direction half-way along Hamsland.

None of the properties on the northern side of Hamsland were built with garages or off-street parking so for its entire length, kerb-side parking is the only option for all these residents and several own medium-sized commercial vehicles used for their business's. By convention, all the residents on the opposite side draw their vehicles off the road in order to allow a flow of traffic but should a driver entering Hamsland meet another trying to leave, considerable reversing become necessary. Local drivers know this and it is manageable during working hours when there are fewer parked cars, but at other times and at weekends difficulty is often experienced. Heavy vehicles frequently have to drive for a short distance along the verge and footpath in these instances, and emergency vehicles are similarly hindered. This manoeuvre cannot be carried out for any significant distance due to the presence of several telephone poles in the verges, and this adds to the congestion, while the footpath on the northern side is raised more than half a meter above road level, making impossible the use of the verge for passing.

To make matter worse, as described above, the inability to use Bonfire Lane as road access means that the whole of Hamsland, Challoners and Home Farm Court, some 125 households, comprises a very large cul-de-sac, the 300 plus residents having no other vehicular access other than via Hamsland from Lewes Road.

It has been suggested that in order to enable development of this site to take place, Hamsland will have to be widened and the on-street parking opposite the sole entrance to the site set back into the grass verge, displacing parking and gaining less than a meter of roadway. From the above it will be obvious that parking in the entire road will be displaced but there is nowhere for this to go. Widening several hundred meters of Hamsland and relocating the telephone poles to allow heavy lorry access will cause as much disruption and inconvenience for the existing residents as the building work that would take place afterwards and result in less safe pedestrian use.

Direct and significant impact on the lifestyle and living conditions of all the residents of Hamsland will be caused by the road works just to enable access the site, and this will extend to those living in the other roads of the cul-de-sac by obstructing their only access route and displacing parking. This disruption will then continue throughout the construction phase of any development.

Should development of the size suggested be permitted (30 homes), when completed a minimum of 50 more domestic vehicles and their attendant service traffic will be added to those already having difficulty using Hamsland, an increase of about one-third, totalling far in excess of the number generally accepted as suitable for a cul-de-sac and threatening the safety of residents.

2) Vehicular access on the site

Access to site 184 is currently via a wooden farm gate and takes the form of a 7-meter-wide 'neck' of land that adjoins our property for approximately 50 meters, and from which it is separated by a line of mixed mature trees over 15 meters high. These run along the south-western side of the site and – as noted by the AONB in the proposals - form a continuous screen that includes a fine specimen oak right at the entrance and several of which are a roosting site for bats. Less than 8 meters from that entrance, sited within the area of our garden and immediately adjacent to the line of trees is the electrical sub-station for the area with its associated underground supply and distribution cables.

In order to preserve the screening effect required by the AONB, the trees along the entrance 'neck' will need to be retained by allowing a protective 5-meter gap between their trunks and the installation of an access road so that their roots are not fatally damaged – but the width of the land is only 7 meters. Since there is no alternative access to the site, these trees would have to be felled, removing the entire 'screen' and directly opposing the AONB aim of retaining trees and avoiding the displacement of wildlife.

3) Main Services available to the site

The majority of the site slopes sharply to the south-east and this will make it necessary for all waste-water and sewage to be pumped up to connect with the overloaded system serving the whole cul-de-sac, the capacity of which to cope with this additional 25% increase has yet to be established. Due to the clay under-soil, soakaways will be unable to deal with surface water, so this will also need to be added to the existing system, further increasing the loading. The village experiences not infrequent interruptions in the electricity supply and water pressure is often low, with complete failures on occasions due to the over-loading of the aging water pipes, and the amenities to which additional new householders will have access are very few.

4) Failure to properly involve the community

On a consultant's advice some 5 years ago the then members of the Parish Council rejected site 184 as un-deliverable and favoured a site nearby, site 69. A change in the composition of the Parish Council brought about a reversal of this decision, motivated it is felt by the personal interests of new members of the Council, and this was blandly justified as being 'better' despite it being based upon in-accurate, misleading and questionable 'facts'. Since then, using their local knowledge many members of the community both individually and in Groups have attempted to challenge this new position at Council Meetings but all protests were consistently rejected and the palpable inaccuracies ignored. For this reason, the community has not been positively engaged in the preparation of this Plan despite its repeated attempts to be meaningfully represented.

5) Conclusion

From this background information it will be seen that development of this site will be:-

- un-desirable because it damages the lives of residents of a large portion of the village without benefit or recompense.
- very difficult due to the restricted road access (a) to the site and then (b) onto the site.
- extremely disruptive to all the 300+ residents of the cul-de-sac both in advance of and during construction.
- changing the character of the entire area as a result of the road works necessary just to get to the site.
- displacing wildlife and requiring the destruction of many trees that will leave the site fully open and exposed.
- adding significantly and permanently to the traffic congestion in a huge cul-de-sac.
- overloading all the existing main services.
- ignoring the more than 330-signature petition calling earlier for its removal from the Site Allocations DPD.

The plan for Site 184 does not comply with national policy and therefore it is not positively prepared and is neither justified nor effective.

Just the two glaring errors of fact (not classing this minor road as a cul-de-sac and failing to recognise the destruction of multiple mature trees that will result in totally exposing the allegedly well-screened site) should be sufficient to render site 184's inclusion in the DPD manifestly wrong.

When added to the other genuine planning issues listed, the conclusion must be that the site cannot be sustainably developed and that its further consideration should be terminated, resulting in its removal from the DPD as un-deliverable.

Yours faithfully

Paul & Barbara Fairweather

1008

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1008

Response Ref: Reg19/1008/1

Respondent: Ms T Beckingham

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Tracy Beckingham
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	184 (SA29) st stephens field
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>The site is not suitable for building. It is an ANOB area, even if you consider it brown fields. The fields are home to door mice, small birds and many other wildlife. The parking around Hamsland and Challoners is no longer fit for purpose with the amount of vehicles per household. There are ongoing parking issues, which will only be exacerbated by building and the loss of on round parking opposite the site entrance. The access into Hamsland is single track and it's increasingly difficult to enter without meeting other cars. If heavy goods lorries were entering the road, it would be unsafe. It's bad enough when ambulances and refuse collector's are trying to negotiate around the street. With multiple HGVs throughout the day it will make the residents access almost impossible. The other day I had to sit and wait for 25 minutes to enter Hamsland as an ambulance parked outside a house had blocked the entrance and due to the single track it was impassable. This is a regular occurrence around both Hamsland and Challoners. There are more suitable sites such as Jefferies farm. This site would impact the minority rather than the majority. Please consider the impact this site would have on a larger population. Included is an image of what happens regularly around Hamsland.</p>
If you wish to provide further documentation to support your response, you can upload it here	https://forms.midsussex.gov.uk/upload_dld.php?fileid=568fe508d8acd8f7a7e492b4a52d2df3
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	21/09/2020

1025

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1025

Response Ref: Reg19/1025/2

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

X

4b. Sound

Yes

No

X

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

Yes

Sustainability
Appraisal

Yes

Habitats Regulations
Assessment

Community
Involvement
Plan

Equalities
Impact
Assessment

Draft Policies
Maps

3b. To which part does this representation relate?

Paragraph

Policy SA

SA28

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

X

4b. Sound

Yes

No

X

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

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

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 ☐ 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 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:

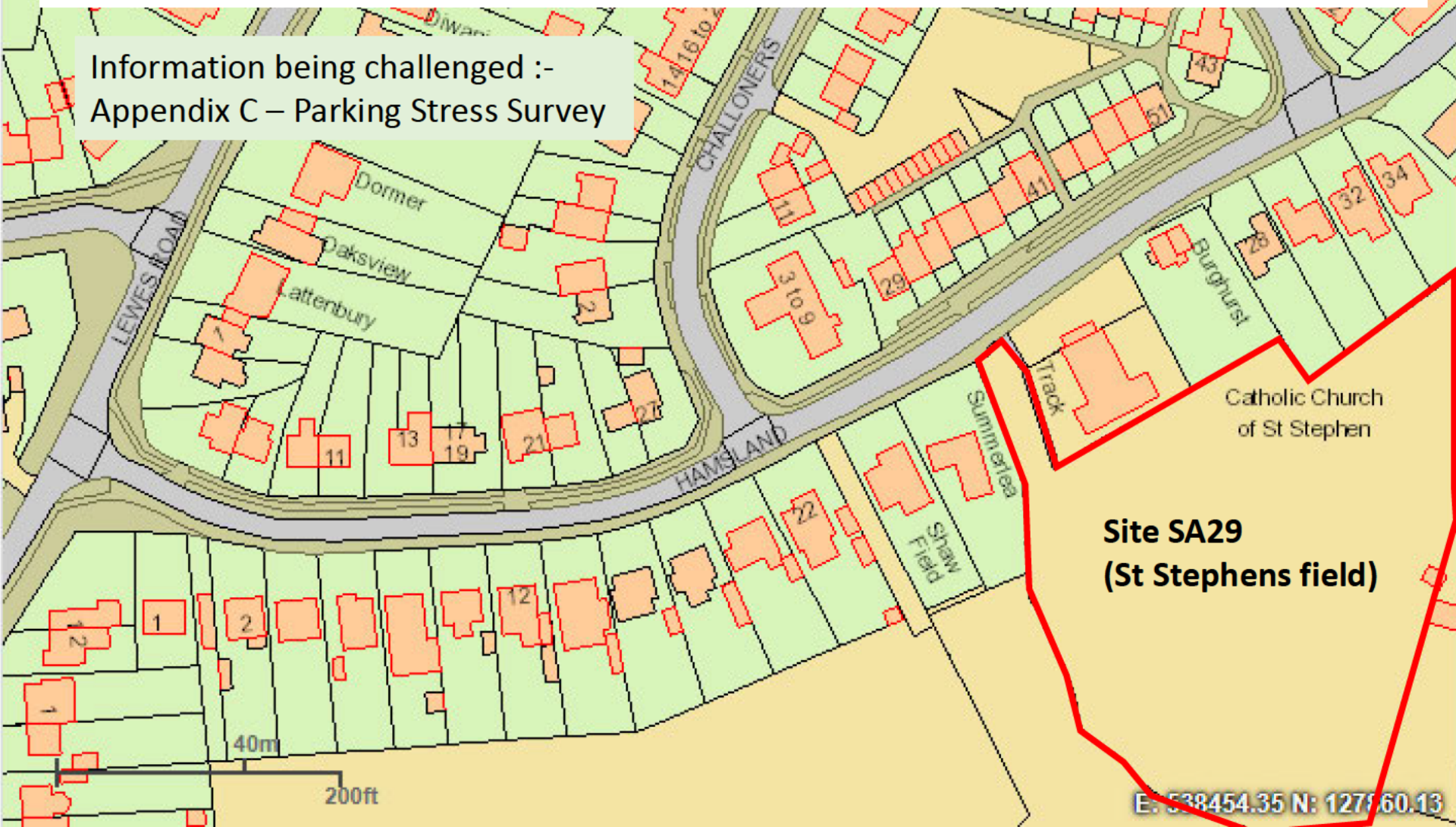
H/M Griffiths

Date:

28/9/20

Critical assessment of transport survey SA29.4 submitted in regard of site SA29 (St Stephens field) at Hamsland, Horsted Keynes by Dr. H M Griffiths

Information being challenged :-
Appendix C – Parking Stress Survey



Introduction

- The parking stress survey SA29.4 is not representative in any way of the lack of parking along Hamsland on a daily basis. Hamsland is a cul-de-sac servicing 129 houses, with access being the single car width road in and out.
- Mitigation measures on parking stress need to be addressed for the development of site SA29, before the site is allocated, to address the long term safety and wellbeing of residents
- The survey SA29.4 clearly uses 'standard' minimal car lengths and measurement methods that are not appropriate for a rural village.
- The reliability of the measurements and vehicle counts made is brought in to question due to critical omissions in the survey SA29.4.
- Evidence is shown in the following slides.
 - Inaccurate survey sheets
 - Inappropriate methods of surveying the availability of parking spaces
 - Inaccurate measuring methods
- A photographic survey is presented by Dr H M Griffiths as evidence to this critical misrepresentation of parking stress on Hamsland
- This photographic survey shows that it is impossible to park 42 cars along Hamsland, and that the existing 'available' parking spaces are actually needed as passing places along Hamsland to enable the flow of traffic. This is even before the added stress of a development of 30 houses on site SA29.

Inaccurate survey sheets:

The Parking survey sheets (example below) show the driveways used in the analysis (two on the west end of Hamsland). There are **additional driveways** that need to be addressed in the parking stress calculations. See next slides and photos for locations.

Omission of these driveways has led to an overestimation in available parking along Hamsland.



Inappropriate methods of surveying the availability of parking space :

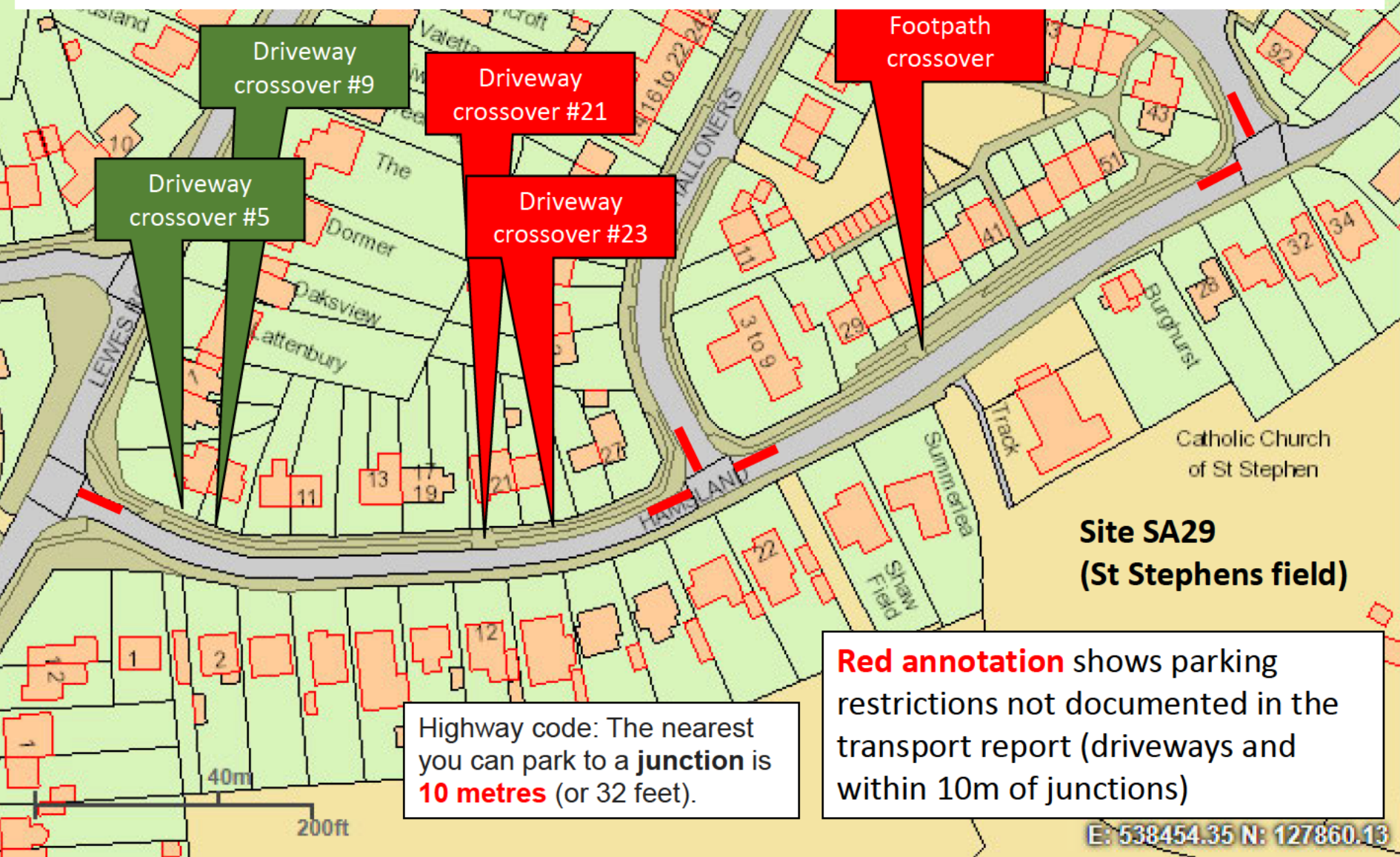
The use of dots for car locations is an inappropriate method of assessing parking stress, as vehicles are different sizes. A more appropriate survey method would be to count the available parking places NOT the number of cars parked.

SUNDAY 14 JULY 2PM (22) — DRIVEWAY • PARKED VEHICLE

Inaccurate survey sheets:

Information omitted from Appendix C of SA29.4 – Parking Stress Survey

The omission of driveways and also a 10m no parking zone at junctions has led to an underestimate of parking stress



Driveway
crossover #5

Driveway
crossover #9

Driveway
crossover #21

Driveway
crossover #23

Inaccurate survey sheets:
Google Earth image showing the driveways that have been
omitted (in red) leading to an underestimate of parking stress

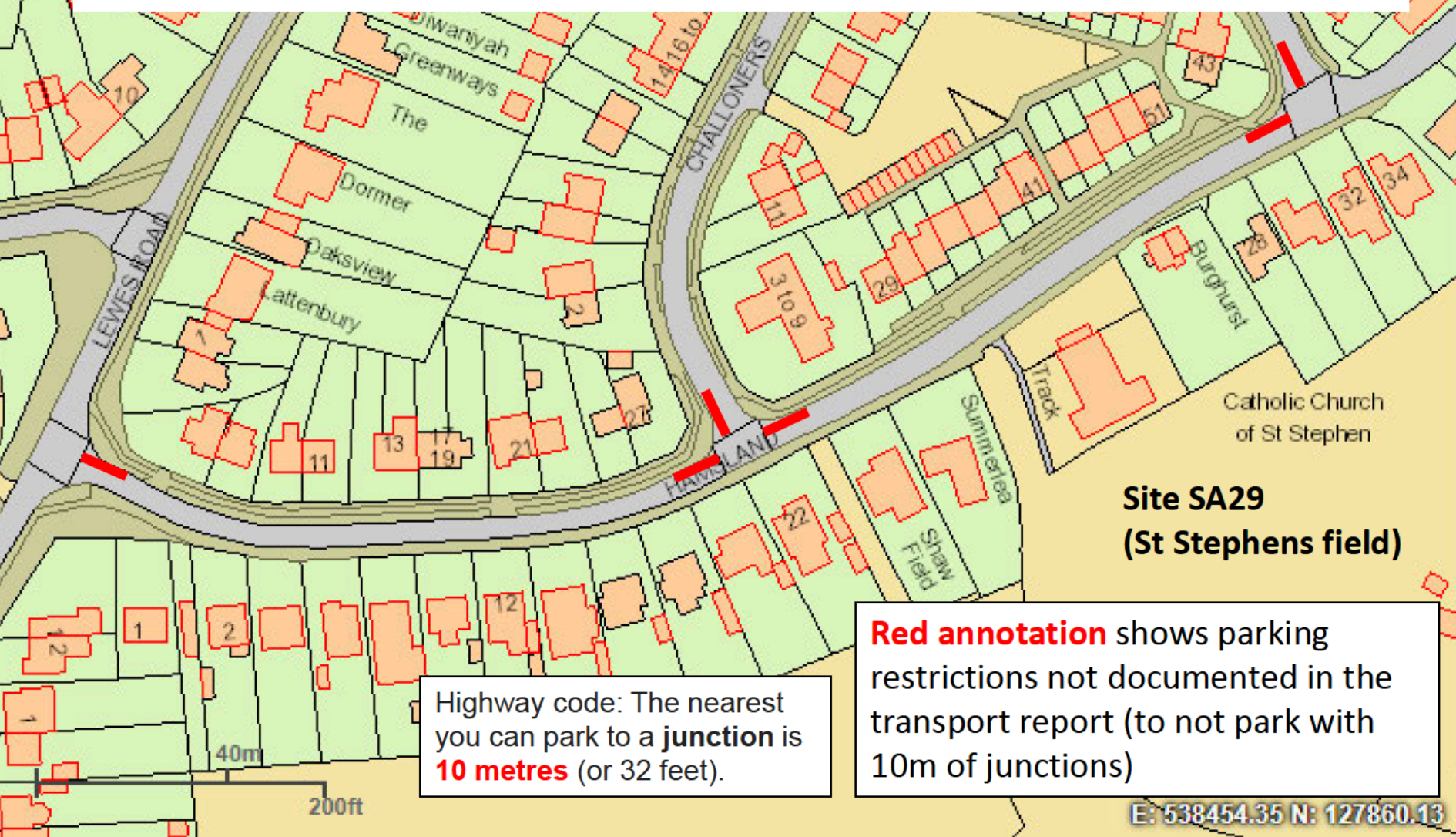
Note image from 2001 so does not show representative traffic issues in 2020

Google

Inaccurate measuring methods:

Following undertaking my own photographic survey it is clear that the survey on parking stress did not take in to account that you should not park within 10m of a junction to aid in the visibility for cars entering and exiting the junction.

The omission to do this has led to an underestimate of the parking stress.



Site SA29
(St Stephens field)

Red annotation shows parking restrictions not documented in the transport report (to not park with 10m of junctions)

Highway code: The nearest you can park to a **junction** is **10 metres** (or 32 feet).

E: 538454.35 N: 127860.13

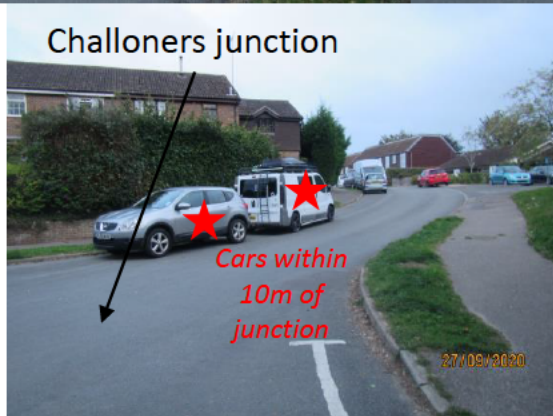
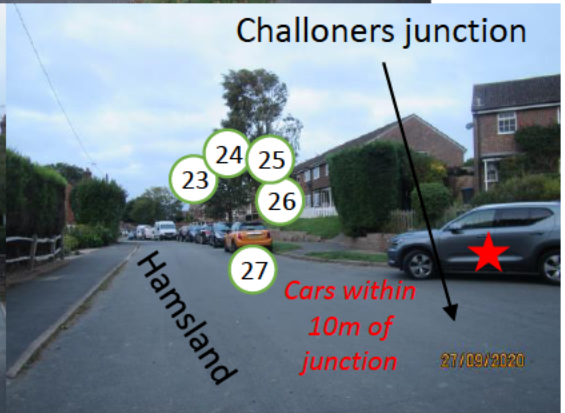
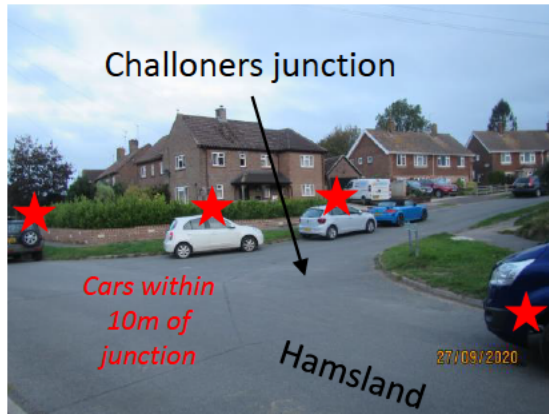
Inappropriate information used to calculate parking stress:

- Car length used to calculate parking (measured off Appendix G - Proposed Access Arrangement) = 4m (6m including space to manoeuvre)
- 'urban' or 'small size' cars are those under 4m
- Horsted Keynes **is not an urban area** so more appropriate size cars should be used – a higher proportion of residents are trades people, tree surgeons, builders, all with large vehicles for their trade.
- Existing usage of vehicles is not solely cars, but includes:
 - Vans
 - Landrovers
 - 4x4 / pickup
- Section 2.19 states that Hamsland can accommodate 42 vehicles. This would be a useable length of 252m (6m x 42 cars) including allowance for driveways and 10m at junctions. The total measured distance of Hamsland NOT taking in to account driveways and 10m at junctions is 231m. The photographic survey shows that legal parking of 42 vehicle is impossible.
- Section 2.19 states that driveways have been taken in to account, however I have noted that 50% of the driveways have been missed, thus underestimating the level of parking stress.
- Section 2.21 states that a max number of parked vehicles was 24. This data is not disputed, but following my own survey the number of possible 'available' spaces left from 27 parked vehicles does not align with a 57% parking capacity suggested in the promoters parking survey. All available spaces are used as passing places by the residents, as Hamsland is essentially a single lane road.
- The parking stress information has been directly used by WSCC in their response to pre-application advice of the site in Appendix A – WSCC Pre-app Scoping response. This data is an underestimate and further representative data should be requested by WSCC to come to their conclusions.

Photo survey Sunday 7:30am 27/9/20 Part 1



Photo survey Sunday 7:30am 27/9/20 Part 2



Summary of photographic parking survey of Hamsland 27/9/20

- 27 vehicles parked legally (labelled 1 to 27)
- Not taken in to account cars parked illegally (within 10m of a junction box or over pedestrian crossings or driveways – 5 documented on Hamsland)
- Parking spaces available 7 (labelled A to G), but 3 of these are also needed as informal **passing places** as there is not the width for 2 cars to pass along the entirety of Hamsland due to the number of cars parked.
- Total capacity legally = $27 + (7-3) = 31$
- Capacity according to SA29.4 traffic survey = 42 (unrealistic)
- Traffic survey under measures the number of driveways by 50%
- Traffic survey makes no allowance for passing places to enable the flow of traffic
- Traffic survey assumes car length of 4m (+2m for turning) – 4m is a Small car – not representative of the size of vehicles currently parking on Hamsland (this is a village with tree surgeons, builders, trades people all with larger vehicles of trucks/vans).
- Traffic survey appears to not take in to account the illegal parking of vehicles within 10m of a junction
- This information is supported a second photographic survey undertaken at 7:30am on Tuesday 15/9/20. 27 vehicles were parked on Hamsland. These additional supporting evidence photos can be made available should the inspector want to view them.

Conclusions

- The parking stress survey SA29.4 is **not representative** in any way of the lack of parking along Hamsland on a daily basis.
- Mitigation measures on parking stress need to be addressed for the development of site SA29, before the site is allocated
- The survey SA29.4 clearly uses 'standard' car lengths and **measurement methods that are not appropriate for a rural village**.
- The **reliability of the measurements** and vehicle counts made is brought in to question due to critical omissions in the survey SA29.4.
- Evidence is shown in the following slides.
 - Inaccurate survey sheets
 - Inappropriate methods of surveying the availability of parking space
 - Inaccurate measuring methods
- A photographic survey is presented by Dr H M Griffiths as evidence to this **critical misrepresentation** of parking stress on Hamsland
- This photographic survey shows that it is **impossible** to park 42 cars along Hamsland, and that the existing 'available' parking spaces are actually needed **as passing places** along Hamsland to enable the flow of traffic. This is even before the added stress of a development of 30 houses on site SA29

Distance measured along the western section of Hamsland from Junction box to Junction box = 139m

This does not take in to account the 10m distance from the junction, nor driveways or footpath crossings.

The screenshot displays the Google Earth Pro interface. The main map shows an aerial view of a residential neighborhood with a yellow line tracing a curved path along a road. The 'Places' panel on the left lists various locations, with 'Village field 2' selected. The 'Ruler' panel on the right shows the measured length of the path as 139.19 Meters. The bottom status bar indicates the Imagery Date as 10/10/2018 and provides coordinates (51°02'02.69" N, 0°01'33.37" W) and elevation (0 m).

Google Earth Pro

File Edit View Tools Add Help

Search

Search

ex: Pizza near Clayville, NY

Get Directions History

Places

- My Places
- ☒ Sightseeing Tour
 - Make sure 3D Buildings layer is checked
 - ☒ Village fields
 - ☒ Village field 2
 - ☐ Nick Geerings application
 - ☐ Tony Francic possible application
 - ☐ Jeffreys Farm Buildings
 - ☐ Police House Field
 - ☐ Buildings with yard area
 - ☐ Field?
 - ☒ Koulele well pad?
 - ☒ Koulele pad 2?
 - ☒ Zinder refinery
 - ☒ Koulele pad3?
 - ☒ Koulele pad 4?
 - ☒ Koulele pad 6?
 - ☒ village
 - ☒ Pad unknown
 - ☒ well heads
 - ☒ field offices
 - ☐ Site 69
 - ☐ site 971 Field to S
 - ☐ Police house ectra
 - ☐ St stephens
 - ☐ Police House extra 2
- Temporary Places

Layers

2001

Imagery Date: 10/10/2018 51°02'02.69" N 0°01'33.37" W elev 0 m eye alt 277 m

Links

11:45 27/09/2020

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between multiple points on the ground

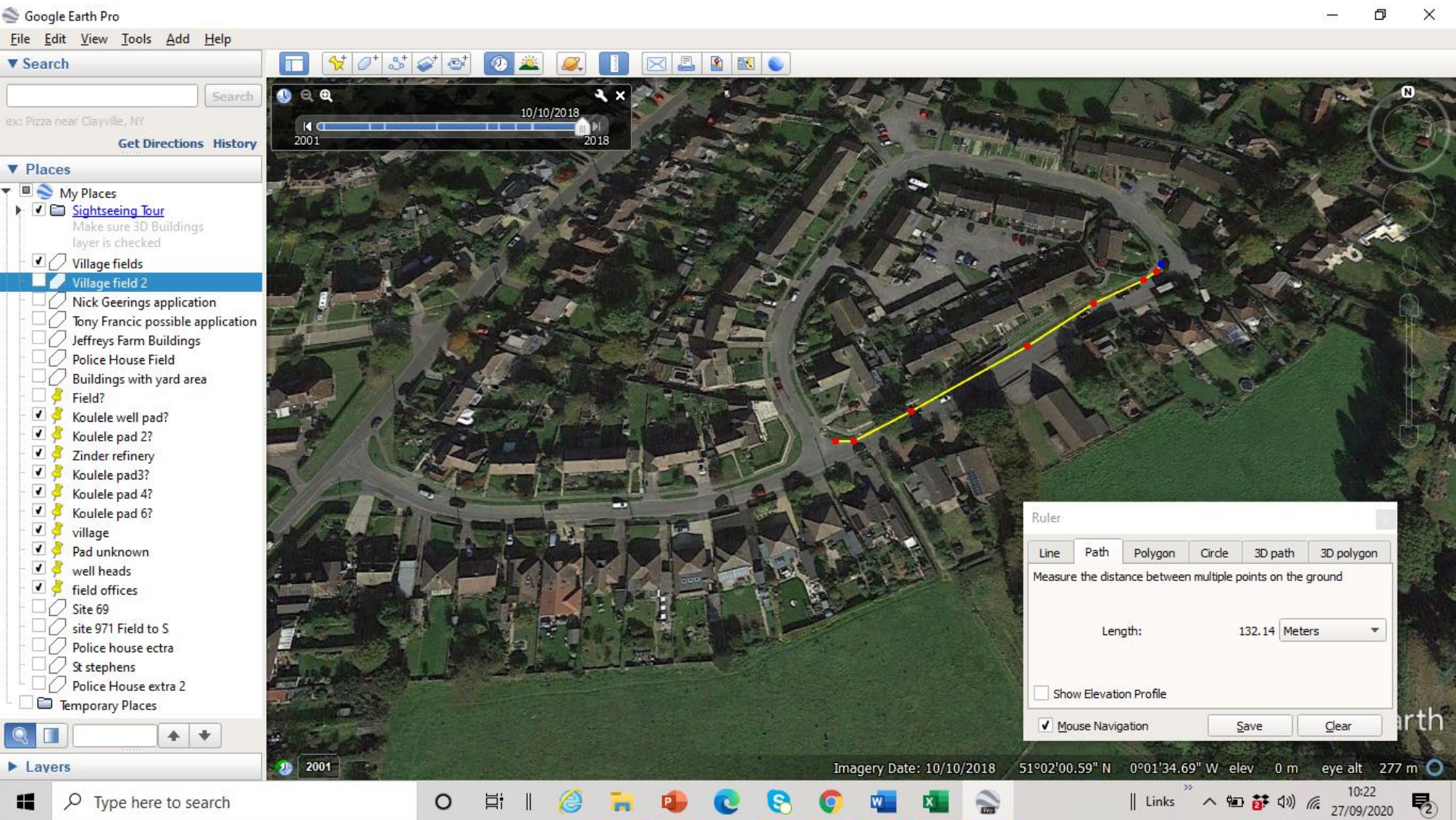
Length: 139.19 Meters

☐ Show Elevation Profile

☒ Mouse Navigation Save Clear

Distance measured along the eastern section of Hamsland from Junction box to Junction box = 132m

This does not take in to account the 10m distance from the junction, nor driveways or footpath crossings.



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

Site Allocations DPD: Regulation 19 Consultation Response**Policy:** SA29**ID:** 1061**Response Ref:** Reg19/1061/1**Respondent:** Ms B Fairweather**Organisation:****On Behalf Of:****Category:** Resident**Appear at Examination?** x

25th September 2020

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

Re: Consultation on the Site Allocations Development Plan Document

Dear Sirs,

My wife and I write to register our joint personal comments upon the inclusion of the Horsted Keynes site SA29 – the SHELAA site 184, land to the south of St. Stephen's Church – in the DPD.

This comment relates to the Site Allocations DPD and to the Community Involvement Plan.

Due to the comments about this site detailed below, we cannot regard the Site DPD to be sound and I do not consider the Plan to be:

- Positively prepared
- Justified
- Effective
- Consistent with National Policy

The change we consider to be necessary to make the Site Allocations DPD legally compliant and sound with respect to this site will be for it to be completely withdrawn from the Plan for the reasons and conclusions given in our comment below.

Please notify us when:

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

Comment on Site SA29 – the SHELAA site 184
Land to the south of St. Stephen's Church, Hamsland, Horsted Keynes.

1) Vehicular access to the site

The plan states that the access to site 184 is from Hamsland. Clearly this is because the only other road that a map shows might be used to reach this site is the partly-metalled Wyatts Lane that runs to the south and is significantly down-slope, but this is a private road and therefore not available.

Inaccurately the plan indicates that the site and Hamsland itself can be reached by vehicles leaving Birchgrove Road and travelling south-west along Bonfire Lane – but this is not the case. From its junction with Chapel Lane and Wyatts Lane, Bonfire Lane becomes a narrow un-metalled track with a drainage gully along one side, and a locked barrier at the Hamsland end. This basic error means that the site is not as easily accessible as the plan assumes and it can only be reached by leaving Lewes Road and travelling in a westerly direction half-way along Hamsland.

None of the properties on the northern side of Hamsland were built with garages or off-street parking so for its entire length, kerb-side parking is the only option for all these residents and several own medium-sized commercial vehicles used for their business's. By convention, all the residents on the opposite side draw their vehicles off the road in order to allow a flow of traffic but should a driver entering Hamsland meet another trying to leave, considerable reversing become necessary. Local drivers know this and it is manageable during working hours when there are fewer parked cars, but at other times and at weekends difficulty is often experienced. Heavy vehicles frequently have to drive for a short distance along the verge and footpath in these instances, and emergency vehicles are similarly hindered. This manoeuvre cannot be carried out for any significant distance due to the presence of several telephone poles in the verges, and this adds to the congestion, while the footpath on the northern side is raised more than half a meter above road level, making impossible the use of the verge for passing.

To make matter worse, as described above, the inability to use Bonfire Lane as road access means that the whole of Hamsland, Challoners and Home Farm Court, some 125 households, comprises a very large cul-de-sac, the 300 plus residents having no other vehicular access other than via Hamsland from Lewes Road.

It has been suggested that in order to enable development of this site to take place, Hamsland will have to be widened and the on-street parking opposite the sole entrance to the site set back into the grass verge, displacing parking and gaining less than a meter of roadway. From the above it will be obvious that parking in the entire road will be displaced but there is nowhere for this to go. Widening several hundred meters of Hamsland and relocating the telephone poles to allow heavy lorry access will cause as much disruption and inconvenience for the existing residents as the building work that would take place afterwards and result in less safe pedestrian use.

Direct and significant impact on the lifestyle and living conditions of all the residents of Hamsland will be caused by the road works just to enable access the site, and this will extend to those living in the other roads of the cul-de-sac by obstructing their only access route and displacing parking. This disruption will then continue throughout the construction phase of any development.

Should development of the size suggested be permitted (30 homes), when completed a minimum of 50 more domestic vehicles and their attendant service traffic will be added to those already having difficulty using Hamsland, an increase of about one-third, totalling far in excess of the number generally accepted as suitable for a cul-de-sac and threatening the safety of residents.

2) Vehicular access on the site

Access to site 184 is currently via a wooden farm gate and takes the form of a 7-meter-wide 'neck' of land that adjoins our property for approximately 50 meters, and from which it is separated by a line of mixed mature trees over 15 meters high. These run along the south-western side of the site and – as noted by the AONB in the proposals - form a continuous screen that includes a fine specimen oak right at the entrance and several of which are a roosting site for bats. Less than 8 meters from that entrance, sited within the area of our garden and immediately adjacent to the line of trees is the electrical sub-station for the area with its associated underground supply and distribution cables.

In order to preserve the screening effect required by the AONB, the trees along the entrance 'neck' will need to be retained by allowing a protective 5-meter gap between their trunks and the installation of an access road so that their roots are not fatally damaged – but the width of the land is only 7 meters. Since there is no alternative access to the site, these trees would have to be felled, removing the entire 'screen' and directly opposing the AONB aim of retaining trees and avoiding the displacement of wildlife.

3) Main Services available to the site

The majority of the site slopes sharply to the south-east and this will make it necessary for all waste-water and sewage to be pumped up to connect with the overloaded system serving the whole cul-de-sac, the capacity of which to cope with this additional 25% increase has yet to be established. Due to the clay under-soil, soakaways will be unable to deal with surface water, so this will also need to be added to the existing system, further increasing the loading. The village experiences not infrequent interruptions in the electricity supply and water pressure is often low, with complete failures on occasions due to the over-loading of the aging water pipes, and the amenities to which additional new householders will have access are very few.

4) Failure to properly involve the community

On a consultant's advice some 5 years ago the then members of the Parish Council rejected site 184 as un-deliverable and favoured a site nearby, site 69. A change in the composition of the Parish Council brought about a reversal of this decision, motivated it is felt by the personal interests of new members of the Council, and this was blandly justified as being 'better' despite it being based upon in-accurate, misleading and questionable 'facts'. Since then, using their local knowledge many members of the community both individually and in Groups have attempted to challenge this new position at Council Meetings but all protests were consistently rejected and the palpable inaccuracies ignored. For this reason, the community has not been positively engaged in the preparation of this Plan despite its repeated attempts to be meaningfully represented.

5) Conclusion

From this background information it will be seen that development of this site will be:-

- un-desirable because it damages the lives of residents of a large portion of the village without benefit or recompense.
- very difficult due to the restricted road access (a) to the site and then (b) onto the site.
- extremely disruptive to all the 300+ residents of the cul-de-sac both in advance of and during construction.
- changing the character of the entire area as a result of the road works necessary just to get to the site.
- displacing wildlife and requiring the destruction of many trees that will leave the site fully open and exposed.
- adding significantly and permanently to the traffic congestion in a huge cul-de-sac.
- overloading all the existing main services.
- ignoring the more than 330-signature petition calling earlier for its removal from the Site Allocations DPD.

The plan for Site 184 does not comply with national policy and therefore it is not positively prepared and is neither justified nor effective.

Just the two glaring errors of fact (not classing this minor road as a cul-de-sac and failing to recognise the destruction of multiple mature trees that will result in totally exposing the allegedly well-screened site) should be sufficient to render site 184's inclusion in the DPD manifestly wrong.

When added to the other genuine planning issues listed, the conclusion must be that the site cannot be sustainably developed and that its further consideration should be terminated, resulting in its removal from the DPD as un-deliverable.

Yours faithfully

Paul & Barbara Fairweather

1243

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1243

Response Ref: Reg19/1243/7

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	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA 29
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

I object to Site Allocation on legal and soundness grounds. SA 29 St Stephens Field, Horsted Keynes

MSDC have failed to disclose their interest in Site SA-29, Land behind St Stephens Church, Horsted Keynes and therefore do not have a sound plan that has been prepared in an open and transparent way. Allocating SA-29 opens up access into the adjacent land known as Constance Wood Field, owned by MSDC, which is currently undevelopable due to poor access.

I wish to draw your attention to the following errors and omissions in the supporting documents for this site.

Transport Statement- RPS Consulting Ltd.

1.3, In addition to current uses of the site, agricultural vehicular access is required to be maintained from the south west of the site (not identified on map) into the adjoining field to the south east that is not part of the proposed development.

It is unclear from indicative layout if this can a), be achieved, b) be achieved without damaging roots of mature trees currently providing a strong boundary to the western edge of the site or c) only be achieved if the existing tree boundary is removed.

If, as indicative drawings suggest, the tree boundary is to be removed, this would materially affect the rural nature of the site which would undoubtedly change any LVIA or comments from AONB.

2.2 Pg 2, 2.11 Pg5. Whilst it is briefly acknowledged further on in the report, all maps provided infer that additional vehicular access to the site can be achieved from Bonfire Lane. The lower half of Bonfire Lane from Chapel Lane to Hamsland is a private road, narrower than Hamsland, with a pedestrian shared surface. It has a long established physical barrier at the eastern end of the Challoners residential loop indicating this, although documents submitted do not reflect this.

The report states that residents on the lower half of Bonfire Lane are unable to access Hamsland by vehicle. This equally applies to all road users in Hamsland and therefore, by vehicles from and to the proposed site. Hamsland is the only entrance and exit at the junction of Lewes Road and already serves as the only access road to 125 properties with no option to creating alternative highways.

2.8. i Hamsland road is stated as 6m wide, but this is reduced to 3.5-4.0 m once parking along the northern edge has been taken into account. Whilst there are no legal highway parking restrictions, parking availability is a well-known problem locally, which strongly conflicts with the submitted parking survey. The stated availability of passing points does not exist, since one side of the road has parked cars.

2.8. ii Any vehicles exiting from the proposed site turning left will not be able to see if it is clear of oncoming vehicles due to a bend in Hamsland. This part of Hamsland is one-way only due to parking along the northern boundary.

2.14/2.15 The tabulated two-way traffic figures occur on a 5m stretch of road at the junction of Lewes Road and Hamsland and not, as inferred, along the length of Hamsland due to parked vehicles along the northern side.

2.20. There are four driveways, not two as indicated on accompanying map, on the northern edge of Hamsland and two roads formed by Challoners, restricting available parking. These do not appear to have been considered when calculating parking spaces.

A vehicle length of 4m has been used to calculate potential spaces which does not reflect the size of residential and trade vehicles parked or the additional gap required to exit/enter a parking space. This challenges the stated 42 available parking spaces and the 50% parking capacity, even more so.

2.20-2.24 I strongly dispute available parking capacity. If capacity was at 50%, Hamsland residents would have no need to park distant to their homes along Lewes Road, the eastern end of Hamsland and in St Stephens catholic church, which were not part of the parking/transport survey.

The road safety audit was conducted mid-August which is traditionally peak holiday time with reduced car movements and should not be considered to form usual activity.

Appendix C - Parking Stress Survey

The submitted drawings show two driveways when there are four.

Cars indicated are not drawn to scale, giving the impression there is more parking space than there is. Photographic evidence that could have supported parking survey findings has not been submitted.

I understand the traffic counters were laid at the proposed site entrance, which does not take into account traffic exiting Challoners into Hamsland. The cumulative effect of traffic on the western end of Hamsland needs to be explored, in line with MSDC policy, particularly as this is already a known problem area.

Map infers the southern boundary is free of development and parked cars are not marked to scale. There are residential properties and driveways along the entire southern boundary to Hamsland. To enable cars to exit from these properties, parking is courteously prevented at various points along the northern edge, which has not been demonstrated by the report to have been taken into account.

Appendix H - Swept Path Analysis

The impact of an electricity substation located at the site entrance and NE corner of residential property 'Summerlea' has not been demonstrated nor its presence documented on the supporting map.

Proposed Site Access Road Safety Audit - Stage 1

1.1.i. It is proposed that a new parking bay in Hamsland will help achieve passing of traffic by generating parking for 10 cars. This does not generate any more parking spaces since parking is already available at the proposed area.

1.1.ii The proposed new parking bays are required to achieve adequate visibility splays for service vehicles into the site. In order to achieve this, submitted drawings indicate that an existing pavement and a disability path running from the north side of Hamsland at street level to dwellings above road level, will need to be removed. Provision of alternative safe access to existing housing at the eastern end of Hamsland has not been demonstrated.

TRICS Data in Appendix K

1.0 TRICS data users a trip rate parameter range of 27 - 42 units with an average 37 dwellings. Hamsland supports traffic from both Hamsland and Challoners, which has no alternative route, making a total of 129 dwellings with the proposed site adding 30 dwellings. The data is therefore not an accurate reflection of the volume of houses to be assessed.

Had WSCC read the transport statement and parking stress survey instead of accepting it at face value without seeing evidence to support claims, they may have had a different opinion.

<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>	<p>The transport statement and parking stress survey for SA-29 needs to be objectively and accurately undertaken in order to enable MSDC to make an informed decision regarding potential allocation.</p> <p>MSDC should be clear, open and transparent about it's interests in sites. They do not appear to have learned from their poor track record with Cuckfield PC.</p>
<p>If you wish to provide further documentation to support your response, you can upload it here</p>	
<p>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</p>	<p>No, I do not wish to participate at the oral examination</p>
<p>Please notify me when-The Plan has been submitted for Examination</p>	<p>yes</p>
<p>Please notify me when-The publication of the recommendations from the Examination</p>	<p>yes</p>
<p>Please notify me when-The Site Allocations DPD is adopted</p>	<p>yes</p>
<p>Date</p>	<p>28/09/2020</p>

1276

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1276

Response Ref: Reg19/1276/1

Respondent: Mrs T Macnaughton

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Tina Macnaughton [REDACTED]
Sent: 28 September 2020 08:01
To: ldfconsultation
Subject: SHELAA Site 184 (SA 29) – Land South of St. Stephen’s Church, Horsted Keynes.

Hi

I live opposite St Stephens church and object to the planning application on the following grounds.

Too many cars already. MSDC acknowledge that there is a problem with on-street parking but think it can potentially be solved by “better road management” and the provision of parking for existing residents on the new site. This ignores the practicalities.

1.3.1 The worst problem with on-street parking is on the first section of Hamsland from its junction with Lewes Road. This begins with a curve and there is also a curve further up the road, so that drivers in either direction do not have a clear sight of oncoming traffic. In practice this is overcome by drivers backing up or driving onto the grass verges or drive entrances on the south side. But if for example an ambulance needs to attend an emergency patient in this stretch, it needs to stop alongside a parked vehicle and simply block the road until its business is finished. The same is true of a fuel delivery lorry running a pipe to a resident’s gas tank until it has completed the delivery. There is occasionally gridlock on this section that could be a major problem should a fire or medical or police emergency arise. In our view, planners have a duty of care to residents and are not entitled to assume that because such blockages have rarely caused much of a problem in the past this will always be the case and it is therefore safe to cram another 30 homes and say 40 residential vehicles into this cul-de-sac.

1.3.2 Proposals for “better road management” have so far been limited to widening the road opposite the site entrance where there is a grass verge. If it was decided this would not suffice, the road could be widened by getting rid of the grass verges the first section of Hamsland where the parking problem is most acute. Apart from destroying the character of the road for residents, this ignores the fact that the pedestrian path on the north side is up to two feet higher than the road surface and a two-foot drop would clearly be unsafe. Railings would be needed, but this would not only make goods deliveries and emergency responses much more difficult but also stop neighbours crossing the road for a chat or a visit and damage the residential environment even more. Furthermore, this would still not permit two-way traffic for larger vehicles such as construction trucks and fire engines.

MSDC’s assessment of alternative edge-of-village sites is also flawed

Site 184 on the southern edge of the village (St Stephen’s field), Site 807 on the eastern edge (Birch Grove Road), and site 69 on the western edge (Sugar Lane) are all beyond the built-up area boundary, but their treatment by MSDC is very different. Objections have been made to site 69 which have not been made about the others. One is that development of the site might open the door to a western development sprawl, but apparently the risk of development sprawl to the south or east does not matter to MSDC. According to a vague and subjective judgement of the AONB unit, development of site 69 is high impact because it would be “out-of-character” with the village but the others are rated as low impact. This is arbitrary and inconsistent.

Impracticable ideas are being advanced for dealing with very real access difficulties to site 184, but in an extraordinary error MSDC has stated that access to site 69 is very difficult when in fact West Sussex Highways has as long ago as 2015 advised that a short access road from Sugar Lane near its junction with Jeffreys would be perfectly feasible. This error has persisted in MSDC's planning documents long after the landowner proved to them that it was groundless.

3 The Parish Council now represents MSDC planners and not the village residents

In 2018 the inspector rejected the neighbourhood plan submitted by the PC and planning consultant Lindsey Frost was appointed to make recommendations. An extraordinary meeting was called by the PC on 23rd May 2019 to receive a report from him which included his recommendation to include sites 184 and 807 but exclude site 69. This provoked a lot of vocal opposition from those attending, but the PC nevertheless voted to accept his report. This prompted HAG to circulate a leaflet throughout the village in preparation for a petition opposing site 184's inclusion. The petition secured 330 signatures which represents about a third of the residents in the village. 176 of these signatories did not live in homes served by Hamsland, ruling out the argument that it represented nimbyism.

Led by a very influential Chairman, the PC has pretended to take the petition seriously but has ignored its demand to exclude site 184 and has instead advised MSDC that it supports the site's inclusion in their site allocation proposals for Horsted Keynes and that it defers to MSDC in the matter as two authorities cannot both deal with site allocation in the planning process. These decisions led to the circulation of a flyer to residents criticising the PC's handling of the plan process and the petition and this in turn led to several exchanges between HAG and the PC.

The PC has now proposed a series of steps to consult residents on its proposals and HAG believes that some kind of counter offensive should be conducted aimed at MSDC's proposals on the one hand and residents on the other.

September 28th 2020

Tina Macnaughton

[REDACTED]

[REDACTED]

[REDACTED]

1370

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1370

Response Ref: Reg19/1370/1

Respondent: Mr T Higham

Organisation: Hamsland Action Group

On Behalf Of:

Category: Organisation

Appear at Examination? ✓

To: Planning Policy and Economic Development, Mid Sussex District Council, Oakland,
Oaklands Road, Haywards Heath, West Sussex RH16 1SS

SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

REGULATION 19 CONSULTATION FORM

Part A – Your details

1. Personal details

Title	Mr
First Name	Terry
Last Name	Higham
Job Title	Secretary
Organisation	Hamsland Action Group
Respondent Ref. No.	n/a
On behalf of	Hamsland Action Group
Address Line 1	██████████
Line 2	██████████
Line 3	██████████
Line 4	██████████
Post Code	██████████
Telephone Number	██████████
E-mail Address	██████████

Part B – Your Comments

Name of Organisation	Hamsland Action Group
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3a. Does your comment relate to:

Site Allocations DPD	Yes	Sustainability Appraisal	No	Habitat Regulations Assessment	No
Community Involvement Plan	Yes	Equality Impact Assessment	No	Draft Policies Maps	No

3b. To which part does this representation relate?

Paragraph	n/a	Policy SA	SA29	Draft Policies Map	n/a
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4. Do you consider the Site DPD is:

4a. In accordance with legal and procedural requirements,
including duty to cooperate No

4b. Sound No

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

	Sound	Unsound
(1) Positively prepared	Unable to judge	Unable to judge
(2) Justified		X
(3) Effective	Unable to judge	Unable to judge
(4) Consistent with national policy		X

[Note: 'X' equals a tick]

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 Allocation DPD is not legally compliant or is unsound. Please be as precise as possible

The italicised text below relates to the draft site allocations for Horsted Keynes and in particular the allocation of site SA29 (SHELAA site 184 Land south of St. Stephen's Church, Hamsland, Horsted Keynes) with 30 units and the gratuitous failure to correct a major error in the S.18 assessment of SHELAA site 69 (Northern fields, Jeffreys Farm, Sugar Lane, Horsted Keynes) which, either on its own or in combination with SHELAA site 68 (Jeffreys Farm buildings), could easily accommodate 30 units. In terms of the wellbeing of the community, we have already demonstrated in our S.18 submission in September 2019 that development of site 184 would have the maximum adverse impact on our community's wellbeing in stark contrast to the minimal impact of the Sugar Lane sites which would, without the error, have been SHELAA assessed as suitable, available and achievable. This demonstrates how harmful desk-top planning exercises can be when uninformed by local knowledge and unresponsive to corrective information and justifies our repetition below of points we made last year.

We highlight the Plan's unsoundness and possible illegality under these headings:

A. Failures of community engagement by MSDC

B. Failures of community engagement by the Horsted Keynes Parish Council

C. Impact on local community

D. Infrastructure problems

E. Alternative edge-of-village sites

F. MSDC's conflict of interest re site SA29 (SHELAA site 184)

G. Concluding remarks

A. Failures of community engagement by MSDC

We submit that the MSDC have failed to address our objections to the development of SA29 (SHELAA site 184) submitted in September 2019 during MSDC's S.18 consultation and are consequently in breach of undertakings in its Statement of Community Involvement 2018.

Under the Community Engagement Code of Practice, this Statement sets out six principles that must be followed. Principle 6 states:

Be clear about results It is essential that those who have contributed to a community involvement exercise are informed in a timely way about the results of the consultation and kept informed of further opportunities for being involved. This will often be in summary form, but it must be clear and objective in its presentation. Similarly, the Council will publicise the decision(s) it came to and, where this differs from the results of the consultation, it will explain why. In this way, it will demonstrate how the consultation exercise has affected the decision at hand.

Under the Community Involvement Plan Template, the second bullet point answering the questions 'What happened to the results' as follows:

- Describe how the results of the consultation will be fed back to those who took part and how they will be used to influence decisions. Where this differs from the results of the consultation, it should be explained why.

Far from any feedback coming back to us or explanation why our detailed objections have been ignored, we find that in most respects S.19 DPD has been negligently prepared by repeating the same errors as its S.18 predecessor. Our first S.18 objection to site 184 stated:

1.1 High Weald Low Impact Assessment based on insufficient data.

A Freedom of Information Request to the High Weald AONB unit by a member of the Hamsland Action Group responsible for this submission has revealed that the unit has relied upon MSDC's SHELAA assessment of the site. However, that assessment has not disclosed that the strip of land giving access to the site from Hamsland of about 7 metres width is bordered by part of the site-screening south-western tree boundary to which the DSADPD refers and which it states needs strengthening in its most southerly corner to protect views from a Grade II property in Wyatts Lane. A developer's surveyor on site has advised the owner of Summerlea, the bungalow in Hamsland on the other side of this boundary, that most of the trees alongside his property would have to be felled because their root penetration across the site access land would be fatally damaged by construction of an access road onto the site. The stretch of trees to be felled would have to continue beyond the end of the church fencing on the eastern side of the access strip to allow for both access and a turning circle for construction vehicles and would require destruction of about a quarter of a much-loved local landmark. This would breach every aspect of the AONB requirements for this site set out in the DSADPD.

In the AONB unit's response of 8th October 2019 to site 69 landowners' challenge to that site's rating as high impact, they confirm that "The removal of mature trees to access site 184 was not considered as part of the AONB assessment because that information was not available in the SHELAA."

The PC's consultant has reported that a 5-metre clearance is needed to protect the root plates of these trees, proving that access from Hamsland is not achievable without purchase of adjoining church land from the RC Arundel and Brighton Diocese now that the church has closed. However, A&B's Chief Operating Officer has assured us that the diocesan trustees have no intention of selling land to a developer to facilitate development of the field behind, so site access is not achievable due to third party ownership of the extra land needed.

Despite the vital information set out on site access in para. 1.1 of our S.18 submission, the S.19 DPD makes the following AONB statement:

- 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.*
- Identify and protect important views into and out of the site with proposals laid out so that views are retained and, where possible enhanced to both improve legibility and the setting of development.*
- Retain and enhance important landscape features, mature trees and hedgerows and incorporate these into the landscape structure and Green Infrastructure proposals for the development to limit impacts on the wider countryside. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*

As the AONB unit confirmed in their response quoted above, MSDC had not informed them of this obstacle prior to the S.18 consultation, and the above S.19 statement seems to prove that MSDC planners have still not acknowledged the threat to these trees posed by access to the site a year after we highlighted it nor have they asked the unit to undertake an arboreal assessment.



In fact, none of the above three objectives is achievable with this allocation. The low impact AONB rating is based on the promise of protection and enhancement of the tree boundary when in fact the reverse would take place to the permanent detriment of the local environment and its enjoyment by residents as far away as Treemans Lane. The above photo

taken not far from Hamsland's entrance shows the beginning of site's tree boundary in the background, and all of the trees positioned in the photo above and to the right of the white van (including the tallest, a mature oak) would have to be felled, exposing a view of any new development to residents and visitors alike. Furthermore, the developer's plan for site 184 on their website (see picture in section E) makes hardly any provision for open space.

Our online search shows that the last MSDC Landscape and Visual Impact Assessment (LVIA) published was in January 2015. This rated the land suitability of site 184 as low/medium which it defined thus: "Landscape has medium-high sensitivity to housing use. Development would be very likely to give rise to adverse landscape and/or visual effects but these may not reach an unacceptable level." It also rated development yield as low/medium, meaning 7-20 dwellings. This report therefore rules out the yield of up to 30 dwellings currently proposed and its inclusion in Horsted Keynes NDP would not achieve MSDC's minimum housing need target for Horsted Keynes of 65 (53 plus 12 relating to Ravenswood Hotel's expired planning permission). The LVIA suitability rating of sites 69 and 216 was also low/medium with yield ratings of low/medium and low respectively, but this was before site 216 was expanded into site 807, similar in size to site 184, which would have given site 807 a low/medium yield. As nothing has materially changed on the ground, we must conclude that these ratings are still valid and that, if applied to the DPD allocations, would yield just 14-40 dwellings, well short of the minimum housing target. We will discuss these LVIA ratings again in section F.

In addition, Mid Sussex have signed up to the High Weald AONB Management Plan 2019-2024. Objective FH2 in the Field and Heath section of this Plan is "To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands." Its rationale is "To maintain fields and field boundaries that form a part of the habitat mosaic of the High Weald ..." A development which destroys a quarter of a site's magnificent tree boundary to gain access and envisages future breaches of the boundary to gain access to adjoining council land (see section F below) is hardly consistent with this objective.

Our objections therefore relate both to the soundness of the proposals and to the failure of MSDC to fulfil its community involvement obligations. What follows below highlights some other examples of MSDC's failure to explain why these local objections have made no substantive difference to their DPD or cause a serious consideration of other much less harmful options.

B. Failures of community engagement by the Horsted Keynes Parish Council

The relevance of this section in our response is to prove that MSDC is unjustified in assuming that there is community support for the PC's conduct of the neighbourhood planning process in the period following rejection of their NDP by the Examiner in 2018, or for their decision to pass control of site allocations to MSDC, or for their endorsement of MSDC's draft allocation of site 184. What follows shows the opposite.

The early history of PC consultations is summarised in a document available online entitled 'Horsted Keynes Neighbourhood Plan Consultation Statement October 2017'. This shows that a new PC elected in May 2015 and its Steering Group sub-committee decided to change the direction of the NDP in the summer of 2015. In re-forming the Steering Group as a PC sub-committee, the PC allowed an occupant of the Jeffreys farmhouse (not the site owner) who was beneficiary of a restrictive covenant on one the proposed Sugar Lane sites and living

adjacent to site 69 to join the Steering Group along with a resident of Sugar Lane who lived opposite site 69. We believe that the PC knew that both opposed developing the site.

A few weeks later, the PC forced out the two remaining resident-volunteer members of the Steering Group who had drafted an NDP with a 55 unit allocation across SHELAA sites 68 and 69, first pointing out that as non-PC members they had lost their voting rights and, when one of them (the former SG chairman) did not resign voluntarily, requiring him to do so. This reduced the Steering Group to four members and meant that the PC was allowing half the members of a sub-committee conducting what was a most important and supposedly impartial democratic process to have conflicts of interest. The two conflicted members then drafted a booklet for September consultation workshops which stated that Jeffrey's Farm green field sites (now site 69 plus the covenanted field abutting Sugar Lane) were "no longer under consideration", falsely claiming that the fields adjoining the covenanted field were "sustainable only if developed along with" it (not a position to stated anywhere in the consultant's assessments) and citing MSDC's concern that breach of Sugar Lane could lead to development spread to the west as if there were no ways of mitigating that risk, e.g. by gift of or covenant on western boundary land in favour of the PC.

The booklet also suppressed these facts:

- 1) the covenanted field was still available for green space, recreation, and also access to the adjoining sites enabling them to be rated green in the traffic light system*
- 2) all of these objections had been addressed months earlier by the previous Steering Group which had identified ways of mitigating them (see section F below)*

This level of Steering Group misrepresentation of Sugar Lane sites was illustrated on the first morning of the workshops when one of its members facilitating a group which (unknown to her) contained the wife of the joint site owner, claimed that the site owners would not allow the covenanted field to be used for access to adjoining fields, apparently confusing the covenant beneficiaries with the site owners.

This intrusion of personal agendas into what should have been a strictly impartial process was confirmed when one of the booklet's authors publicly stated on 1st October 2015 that he had "joined the NPSG to prevent 55 houses being built on Jeffries Farm and 80 houses being built in Horsted Keynes." This admission of a personal agenda led a resident to complain to the Parish Clerk that "he thought the Steering Group should be speaking on behalf of what the Village wants and not expressing their own opinions." The Clerk's concluding remarks in her response acknowledged that the parish councillor's "declaration was ill considered particularly in view of its potential impact upon public perception of the NP process" and said that "Councillors have been reminded that whilst their declarations should be honest and open, all discussions and decisions at NP meetings should be carried out with impartiality." (The above quotes are from the Parish Clerk's published response.)

Following a petition signed by 141 residents in the neighbourhood of the two Hamsland sites (SHLAA 183 and 184), the owners of site 184, at the time also owners of the adjacent Milford Place property, withdrew their land in November, and so both sites were excluded from Steering Group recommendations to the PC at its crucial meeting on 8th December 2015. However, their misrepresentations about what became site 69 remained. In addition, on the issue of the unsuitability of the track leading to Jeffrey's chicken farm to provide access to site 69, they claimed that "provision of an alternative access point to the north was not

considered to represent a demonstrably more feasible or safer solution” when in fact they knew that the WSCC Highways Officer had advised the opposite: “Suggest moving access northwards to between existing mature trees to reduce impact on vegetation and allow full standard visibility splays to be incorporated into the design.” They also claimed that a majority of workshop participants who had completed 126 questionnaires supported the removal of the green field sites. When asked about a last-minute report by a former SG Chairman and parish councillor who had reviewed the questionnaires and concluded that the reverse was the case, the same councillor who had claimed that the owners would not permit access across the covenanted field to adjoining sites told the PC meeting that this former councillor must have misunderstood the question by reversing its meaning! This was not only inaccurate and disrespectful but totally undermined the questionnaire’s credibility on this point. Despite the crucial importance of this resident feedback, the PC never paused to independently check the facts but accepted this invalid explanation as well as, with one or two minor reservations, the SG’s recommendations. On 9th December 2015, the former SG treasurer, a chartered accountant, also audited the questionnaires and agreed with his former colleague’s conclusion that they did not support the SG’s report to the PC. On the contrary, the questionnaires proved that a large number of residents did not accept the Steering Group’s negative and inaccurate workshop presentation of Sugar Lane sites.

From September 2015 onwards, three members of the previous Steering Group, two of its chairmen and the treasurer, not only believed that the PC had allowed the actual as well as perceived impartiality of its new Steering Group to be lost but were prepared to put their case to the PC in forensic detail and to sustain over many months their challenge to what had happened to the draft NDP which had been signed off on 8th June 2015 by the new Steering Group Chairman (who from January 2016 became PC Chairman, a position he still holds). Their complaints that the Steering Group had misrepresented the facts about Sugar Lane sites to the participants in the consultation workshops and to the PC were made directly to the PC, but they ignored them until they very belatedly sent them a dismissive letter dated 21st January 2016 saying that their representations were too voluminous to warrant parish councillors’ time replying in detail and enclosing a paper written by their consultant in November but only belatedly made available to the complainants. The latter sent the PC a rebuttal of the consultant’s paper’s but were ignored. So they decided to make their detailed objections to the PC’s behaviour formally to MSDC’s Monitoring Officer in February 2016 and also in submissions to the PC’s S.14 consultation in the Spring of 2016.

In the light of the new approach to the NDP in the summer of 2015, the PC’s Navigus (later Troy Navigus) consultant changed his position on Sugar Lane sites and reassessed them as not sustainable. This re-assessment and the loss of both Hamsland and Old Rectory sites, meant that the SG could only propose 16 new homes on the edges of the village plus two windfalls in their plan. They also proposed 26 new homes from a Ravenswood Hotel conversion (12) and Abbeyfield’s Westall House redevelopment (14). But this total of 44 units fell excessively short of MSDC’s Objectively Assessed Housing Need (OAHN) number of over 100 units and it was very doubtful that the Westall House units would qualify anyway.

So, in mid-2016, following advice from MSDC’s Complaints Committee in response to the complaints made by former SG members and also the mixed results of the S.14 consultation, the PC commissioned the Troy Navigus consultant to review the position. In the light of some published judgements by government examiners at that time, he now changed his position again in November 2016 and “recommended allocation of the amalgamated Sugar Lane site

as the safest way of addressing the OAHN issue to the likely satisfaction of an Examiner.” (Consultation Statement Para. 4.8). This was not what the PC wanted to hear, and so “the Parish Council opted not to add the amalgamated Sugar Lane site into the HKNP but to retain the existing site allocations previously agreed. To address the perceived mismatch between vision and housing allocation numbers, the Parish Council agreed to add a new criteria-based policy to the HKNP to allow new sites for up to 10 homes to be brought forward on land adjacent to the built-up area boundary. This was added to an amended Policy HK1.” (CS Para. 4.9) That this was just verbal window dressing to keep green field Sugar Lane sites out of the NDP is proved by their failure to identify any qualifying sites. Unsurprisingly, the PC are still awaiting the submission of such a site nearly four years later.

Having rejected their own consultant’s advice on Sugar Lane sites, the PC finally submitted a NDP with just 16 homes on the edge of the village settlement (6 on site 68 and 10 on site 216), just sufficient to meet the trend to smaller households but woefully short of meeting either population growth or the housing objective. They added 12 units from a conversion of the Ravenswood Hotel near Sharpthorne which they knew in practice would not happen but were technically allowable because planning permission obtained by the former owner had yet to expire, and 14 units at Westall House which proved as expected to be class 2 units rather than the class 1 units required. The return of the NDP for reworking by the Examiner foreseen by the Troy Navigus consultant duly occurred in mid-2018, but we think this could have been avoided had his advice on the amalgamated Sugar Lane plan been followed.

The PC withdrew this NDP in December 2018 and then turned to another consultant, Lindsay Frost, whom they had used in 2016 as part of the NDP review process, and he was tasked with producing new NDP recommendations. When he produced his report, he proposed an expanded site 216 to become site 807 with up to 30 units, site 68 with 6 units, and site 184 with up to 30 units, a total of up to 66 units which just fulfilled the MSDC requirement which was for 65 units when Ravenswood’s 12 were ignored due to imminent expiry of planning permission. He excluded all other sites, including site 69, mainly because of its high impact rating by the AONB unit. This rating has since been challenged by the site landowner.

He presented this report at an extraordinary meeting held by the PC on 23rd May 2019 to consult with residents. This was well attended (65+) and the minutes show that there were numerous objections to site 184 from residents attending, only one person speaking in its favour but doing so on the grounds that Frost was the “expert” and HK needed to meet MSDC’s target. Frost was asked why Jeffrey’s Farm was not included and he said the AONB unit had given it a high impact rating. When finally put to parish councillors, 5 voted in favour of accepting his recommendations with 3 against and his report was duly accepted.

We have a documentary trail evidencing exchanges between our group and the PC following this event. This period included a petition organised by the Hamsland Action Group signed by 330 residents demanding that the PC reverse their support for the allocation of site 184. 176 of these signatories were not residents of the 125 homes served by Hamsland, proving that nimbyism was not a decisive factor in the widespread communal opposition to this site. Last year, we supplied MSDC with a copy of the 330 signatures in evidence.

I append to this consultation submission an extract from a letter the Hamsland Action Group sent to all members of the Parish Council as evidence of its failure to carry the community with it in its conduct of the NDP process or to make any formal response to the petition or to

represent the views of residents which it exists to serve. On the contrary, without any consultation with residents, it took the advice of its consultant in late 2019 and ceded control of the vitally important site allocation process to MSDC. The PC's response to our objections was undated and unsigned and simply entitled 'Response'. Inter alia, it stated the following:

This need to avoid duplication led to 3 options being set out in Mr Frost's report [dated 12th November 2019], and Councillors agreed that Option 1 "Allocations made through Site Allocations DPD" be adopted:

This option would leave MSDC to lead the process and take its proposed allocations forward through the statutory stages of the DPD process, sufficient to meet the strategic requirement identified in the District Plan;

The Neighbourhood Plan would cross-reference to the DPD allocations but would rely on DPD work to justify them; and

The Neighbourhood Plan could still allocate additional land – above and beyond those sites in the DPD - if justified by site assessment and sustainability appraisal, but overall its passage to formal adoption would probably be simpler with this option.

Councillors agreed that Mr Frost's recommendations be submitted to the MSDC consultation:

- 1. The Parish Council thanks MSDC for the opportunity to comment on the draft Site Allocations DPD and the draft Design Guide SPD*
- 2. The Parish Council supports proposed allocations SA28 (Land south of Old Police House, Birchgrove Road) and SA29 (Land at rear of St. Stephen's Church, Hamsland), subject to continuing discussions on the detailed planning policy criteria to be applied to the consideration of any future planning applications on these sites , and any additional issues raised during the current DPD consultation*
- 3. The Parish Council support further discussions with MSDC on the most appropriate way to take forward development allocations for housing, as between the Site Allocations DPD and the Horsted Keynes Neighbourhood Development Plan*
- 4. The Parish Council welcomes the Design Guide SPD as a means of promoting better quality planning applications and higher standards of design in new development*

This document did not set out the other two options, but in preparing this submission we have checked them out. Option 2 stated: "Allocations made through Neighbourhood Plan: This option would mean that allocations would be made through the Neighbourhood Plan sufficient to meet the strategic requirement in the District Plan and would need to be justified, promoted and endorsed by the NP process, including independent examination and referendum. This would make the NP process more complex and risks delay or failure, if proposals are rejected at the examination or referendum stage." We have been assured by MSDC's Andrew Marsh that option 1 would still require a community referendum before it could be adopted, and we have warned the PC that any NDP including site 184 will be rejected at referendum and therefor think pursuit of option 1 a waste of time and money.

Our reply to the PC's 'Response' (an extract from which is appended at the end) drew their attention to the following government's guidance on neighbourhood planning:

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.

'Communities' in this statement does not in our view equal parish councils unless they can show that they have canvassed and faithfully represented the views of residents. As we have shown, HK's PC has so far failed to do this, although they plan to start their NDP consultation in early October after MSDC's S.19 consultation has ended. Their conduct of the process to date suggests that they prefer to ignore or override the views of large numbers of residents opposing their support for site 184 rather than challenge MSDC's desk-top planners and their AONB desk-top advisers on behalf of those they were elected to represent.

Quite rightly, the PC Chairman has repeatedly warned attendees at PC meetings over the last five years that if we did not retain independent control of the site allocation process MSDC would take the decisions for us, and it was clear from the public's reaction that they did not want this. And yet with no consultation whatever, a majority of 11 parish councillors have continued to support MSDC's allocation of site 184 in open defiance of the views of 330 petitioners plus those who agreed with them but had no opportunity to sign, and have stepped aside to allow MSDC to lead the site allocation process. Ignoring residents' overwhelmingly negative comments on site 184 at its consultation meeting on 23rd May 2019 and by far the largest petition in the village's history seems to be their approach to community engagement. They may have the fig leaf of legal authority to take these decisions, but in our view they have lost all moral authority to do so.

For these reasons, MSDC cannot rely on the PC's acquiescence in its recommendations as the outcome of its community engagement activity and we are certain from our canvassing experience that any referendum on a NDP that includes site 184 will be lost.

C. Impact on local community

We have looked in vain for this criterion to be explicitly included in the list of criteria that planning authorities have to assess in evaluating site allocations. The implication of all the emphasis placed by national and local government on community involvement suggests that there is an unspoken assumption that the impact of development on local communities is perhaps the most important criterion of all. And yet we could be forgiven for believing that preservation of medieval field systems, for example, a criterion 99% of residents would see as very academic and unimportant, is given much more importance than it deserves and the sometimes disastrous impact of major developments on the neighbouring community both during construction and afterwards is given no importance at all. If local authorities have a duty of care which prevents them inflicting the maximum damage on a community by agreeing to a hugely invasive development, especially when a minimal impact alternative exists (see section E below), no official document tells us that this is the case.

This point particularly refers to the impact on the local community of construction traffic over a 2-3 year period in terms of severe inconvenience to all residential users of Hamsland, a great deal of air and dust and noise pollution, much more incidence of gridlock with risk of obstruction of emergency vehicles and others making deliveries, and added dangers for children playing in the street or elderly pedestrians crossing the road. And yet, under the heading of Highways and Access, the present DPD says this:

- Access is to be provided from Hamsland. Detailed access arrangements will need to be investigated further.*
- Investigate opportunities to set the access away from the trees on the site boundary to protect the existing trees.*
- Improve local traffic conditions by setting back the existing on-street parking spaces in Hamsland into the verge opposite the site.*
- Provide a sustainable transport strategy to identify sustainable transport infrastructure improvements and how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks.*

Our submission to MSDC's S.18 criticised the soundness of their DSADPD on this subject at some length, but as we have received no feedback from MSDC and as, despite the second and fourth bullet points above, the S.19 points make no major impact on the problems we have identified, we repeat our objections here:

1.3 Under Highways and Access, the DSADPD states that:

- Access is to be provided from Hamsland. Detailed access arrangements will need to be investigated further.*
- Improve local traffic conditions by setting back the existing on-street parking spaces in Hamsland Road into the verge opposite the site.*

Apart from getting the road name wrong in the second bullet point, there is no reference in DSADPD to the fact that Hamsland is a giant cul-de-sac already serving 125 homes with about 150 vehicles belonging to residents, many of them parked on the street. The map used by MSDC is in this instance wholly unreliable as it shows Hamsland and Bonfire Lane as a continuous road joining Lewes Road with Birchgrove Road. It also shows no differences in road width, as if Bonfire Lane is as wide not only as Hamsland but also as the main road through the village centre. In fact, Bonfire Lane is much narrower throughout with no footpaths, and the section between Wyatts Lane and Hamsland is not a proper road but is a narrow, un-adopted, single-lane, unsurfaced track without vehicle passing-places, and in places has a drainage ditch running alongside it. A locked barrier separates the end of Bonfire Land from Hamsland.

Out of working hours, on-street parking of cars and vans starting on the curve of Hamsland near its junction with Lewes Road can stretch almost continuously along Hamsland to the barrier with Bonfire Lane, reducing most of the road to a single lane. Even during working hours, if an ambulance calling on a house in Hamsland has no kerbside space to park it will simply block the remaining lane for however long the visit

lasts, causing gridlock. So too can trucks making fuel deliveries as they cannot be moved once the pipe has been connected to the home tank and delivery started.

The curve in the approach to Lewes Road is always a problem as drivers cannot see approaching traffic. Vehicles often have to reverse into the nearest kerbside space or else pull off the road onto verges or driveway openings on the south side to allow others to pass safely. In such circumstances, large diesel construction vehicles coming and going daily over a period of two to three years would cause major traffic problems and inevitably cause accidental damage to parked vehicles. They would also damage the tarmac surface, which covers the original concrete base, and the grass verges and driveways currently used to allow traffic to flow. In Health and Safety terms, they would emit diesel fumes and noise pollution in a densely populated residential area, endangering residents' health, especially asthmatics. Children playing along Hamsland in the stretch near the church would also be put at greater risk of injury.

1.4 Objection 1.3 is not new and was set out in a paragraph of a special report by a transport consultant commissioned by a member of the Hamsland Action Group and presented to the NP Steering Committee at their meeting on 12th November 2015. This stated (editorial amendments shown in [...]):

"4.3 There are current concerns in regard to access on Hamsland, [as] properties on the north side have no parking and vehicles are on the highway on both sides. The carriageway is 5.5 metres wide and residents are considerate by leaving gaps to allow passing. At peak times there is no space for deliveries for larger vehicles. The road is often blocked by such vehicles, especially when delivery of gas is required as this needs to be directly in front of the property to connect hoses to gas tanks. There have been incidences where emergency vehicles have been unable to get through. Residents normally park vehicles outside their properties so that they can be seen and are accessible for people needs such as the elderly and disabled or with heavy shopping. West Sussex County Council has not adopted a formal standard for residential streets and Manual for Streets (DfT, 2007) gives a flexible approach, [but] a review has been made of other authority standards as best practice. Essex Design Guide that has had extensive research and a best practice guide sets out the requirements for residential streets in the Service and Access section. Due to the restrictions on off street parking north of Hamsland this should be described as being a Minor Access Road and therefore as a cul-de-sac should be limited to 100 dwellings. There are currently 101 [should be 125] dwellings served from the access, [and] therefore it is concluded that no further development is acceptable from Hamsland that includes Site 183 and 184."

1.5 In an update of his report dated 27 October 2019 in relation to good planning practice in providing for access by emergency vehicles, the consultant has emailed the following:

"The Essex Design Guide was adopted in 2005 and has since been revised excluding the road type as stated in my report. I have made a search on other local authority standards and have attached part of the Kent Design Guide. With

a single point access there are issues with emergency services and if the road is closed for maintenance as described on page 144 of the Kent Design Guide - Maintenance Access.

“The Hamsland is constrained at the junction with Lewes Road due to the on-street parking and as on a bend there is reduced visibility between opposing flows who may not be able to pull in to give way. There are no current parking or loading restrictions and although consideration is given to making passing places for cars the occasional larger vehicle could have difficulties and get stuck. The implementation of parking restrictions would have detriment to the existing residents who have no off-street parking facilities.

“Pages 126 to 129 of the Kent Design Guide describes Minor access and the Hamsland would fit in this category. For a cul-de-sac the maximum number is 50 units; however an emergency access is provided through Bonfire Lane and the guide therefore suggests this can be increased to 100 units.”

The width of a Scania fire engine is 2.3 m and the space between the barrier posts at the end of Bonfire Lane is just 2.85 m. The Bonfire Lane track immediately leading up to the barrier is designated as a footpath, not a road, as the final property in Bonfire Lane, Woodside, has driveway access to Hamsland. The path here is just 2.5 m wide, although it has a metre-wide grass verge on one side with low removable decorative metal pieces edging the path. However, the width of the track a little further up Bonfire Lane is also 2.5 m wide, but this time edged by bushes on one side and a deep ditch on the other.

Paragraph 6.7 of the Department for Transport Manual for Streets (see Appendix) advises that the minimum kerb to kerb carriageway widths for fire engines should not be less than 3.7 m, so clearly Bonfire Lane does not comply with that. Whilst this restriction applies to the working space at the scene of the fire, the Fire Service would accept short stretches of carriageway no less than 2.75 m wide in order to reach the scene of a fire. However, the final stretch of Bonfire Lane does not even comply with this requirement.

In short, Bonfire Lane cannot be regarded as an alternative emergency access route into Hamsland even if the Fire Service had a key to unlock the barrier, and Hamsland must therefore be treated as a single-entry cul-de-sac. The Kent recommendation would in an ideal world limit Hamsland’s housing numbers to just 50, so any plan to increase the number above its current 125 must be seen as highly irresponsible, and the MSDC actual proposed increase to 155 as wholly reckless.

1.6 Following rejection of the NDP the PC submitted in 2017 for examination by the government inspector, they have engaged a consultant to advise them on their next NDP steps, and it appears to the signatories below that he has simply taken the MSDC proposals now embodied in the DSADPD and recommended them to the PC. This favours remote desk-top planning over local knowledge and community needs.

The petition referred to above resulted from a PC vote on 23th May this year in favour of accepting his initial report by 5 votes to 3. His report noted the severe traffic

problems described above and proposed two forms of mitigation, namely road management improvements, including widening the road to allow safer on-street parking, and provision for off-street parking on site 184. These are impracticable suggestions that would not improve the situation for the following reasons:

- *On the northern side of the first section of Hamsland where the parking problem is at its worst due to a lack of off-street driveways, the narrow pedestrian path is two feet higher than the road with a steeply banked grass verge. Removing the verge would create many new problems (need for safety barriers for pedestrians, difficulty or impossibility for prams or mobility scooters to pass each other, impracticability of providing steps to enable egress into or from street because of lack of path width, obstruction of access for emergency vehicles, etc.), as well as permanently diminishing the character of the street. Removal of verges on the south side only would not suffice to allow two-way traffic flow. Widening the road would be costly, take a long time, be hugely disruptive to residents and deliveries to homes, and endanger access for emergency vehicles while it was taking place.*
- *Using site 184 for off-street parking is equally impracticable as it would not be available until construction was complete and would thereafter need constant monitoring to counter the risks of vandalism and theft. It would be extremely inconvenient for mothers with children and/or shopping and for elderly or disabled residents. It would impose very unwelcome lifestyle changes on residents and it is unthinkable to expect elderly people, families with young children, and anyone with a disability to have to walk any distance to and from their home due to unreasonably distant parking facilities.*

The DSADPD does not address any of these problems except to suggest widening the road opposite the site access point to allow parking to continue there with enough space available for large construction vehicles needing a wide turning circle to enter and exit the site.

We reaffirm all these points and do not accept the developer's theoretical assessment that Hamsland is at up to 57% of its parking capacity. We will if needed produce photographic evidence showing that at times both halves of Hamsland have a line of continuous on-street parking.

Our own practical assessment is that the Hamsland cul-de-sac is already too large and short of off-street parking to accommodate the huge increase in private vehicle ownership and home delivery services that has occurred since Challoners was built and will undoubtedly continue and even accelerate in the future in the post-covid era. We therefore have good reason to fear that the experience of occasional gridlock would become more frequent anyway in the future, posing a serious health and safety hazard in the event of emergencies. This fear is greatly increased by the prospect of heavy construction traffic trundling back and forth for 2-3 years whilst the development takes place and a 30% growth of residential and commercial traffic that would follow its completion.

D. Infrastructure Problems

Our S.18 submission in September 2019 made a number of points which are repeated here:

1.7 Apart from the parking and traffic issues addressed above, the following infrastructure issues have also been identified regarding a potential development of site 184:

1.7.1 Sewer drainage issues: It is a major issue whether the existing system can take any more waste due to capacity at which the system currently runs. As the proposed development is on a downhill slope, how will sewage reach the existing system? Via a pumping station?

1.7.2 Surface water: The current system runs at high capacity. How will surface water reach the existing system? Another pumping station? Soakaway systems would not be adequate as the sub-soil is heavy clay which is not permeable.

1.7.3 Mains water: Water pressure in this area is at the absolute minimum as it is, and any further demand for mains water will have a detrimental effect on current demand due to lack of investment by South East Water in the installation of a new mains pipe into the village. Breakdowns to the system happen regularly.

1.7.4 The road system in Hamsland, constructed many years ago to service a much lower traffic volume, is inadequate in both construction and width. Already beyond its originally planned traffic load, it cannot be expected to handle construction traffic for any prolonged period of time due to their weight, size and volume. As mentioned above, despite the proposal to eradicate the grass verges there still would not be enough width to the road for people to pass safely with increased volume of traffic, including wide construction vehicles.

E. Alternative edge-of-village sites

In our S.18 submission in September 2019, we identified easily accessible edge-of-village sites which would gain a low rating under the Impact on Local Community criterion discussed above. On the basis of consultations held by the Neighbourhood Plan Steering Group on which one member of the Hamsland Action Group served in the period from April 2014 to June 2015 (the author of this report), we believe two of the sites mentioned in our S.18 submission would command substantial support in the community. They are SHELAA sites 68 and 69 which, like all HK sites, are in the AONB.

Site 68 (Farm Buildings, Jeffrey's Farm)

SHELAA states the site size as 0.75 ha with a housing potential of 18. Except for its falling within the High Weald AONB, it suffers no constraints and its assessment states that safe access to the site is already available. Its overall assessment shows it to be Stage 1 suitable ("progress to Stage 2"), available, and achievable ("There is a reasonable prospect that the site could be developed within the Plan period"). The development timescale is shown as "Medium-Long Term", although no reason is given for excluding a short-term timescale.

Despite this generally favourable assessment, access to the site is along a narrow unadopted track which joins the main road at a point with restricted sight lines, and MSDC planners have therefore restricted its housing capacity to just 6 homes. The Site History notes that the owners' planning application (for six homes) has been refused, but the SHELAA assessment has not changed and it is reasonable to assume that the owners could come up with an

alternative scheme (e.g. a courtyard-style or farmstead-style development) that would be approved.

However, we note that this site has not been included in the DPD allocations and believe that it should be. Given some improvement in the access track due to the felling of one unsafe tree we think the number of dwellings could be increased.

Site 69 (Jeffrey's Farm Northern Fields)

SHELAA states the site size as 2.84 ha with a housing potential of 18. However, although a strip of woodland covers the eastern edge of the site, its housing potential is much higher than 18 and the first NDP assessment by the Navigus consultant in 2014 put the figure at around 36, double the SHELAA figure.

Like site 68, site 69 suffers no constraints other than AONB ones and would have a low impact on the community. Both sites are already screened from residents in Sugar Lane. However, the SHELAA assessment of site 69 has incorporated an extraordinary error by claiming that access to the site is unavailable or severely restricted. This may be because of acceptance by MSDC planners of a myth promulgated by the new Steering Group formed in July 2015 during their consultation process in September 2015, namely the claim that a covenant on the Jeffrey's Farm front field adjoining Sugar Lane and adjacent to site 69 not only precluded house building but also prevented access to adjoining sites. Legal advice in 2015 confirmed that the previous Steering Group was correct in stating that the covenant restriction in no way prevented the site owners constructing an access road to site 69 across the front field from a point in Sugar Lane near to its junction with Jeffreys, an access point which West Sussex Highways had approved as safe and viable.

It is another proof of MSDC's unresponsiveness to community engagement that this factual error was not only pointed out in our S.18 submission but also by the Jeffrey's Farm site owners who had to provide documentary proof to MSDC's planning department. Despite all this, the error appears yet again in a SHELAA updated as recently as 7th September 2020. This means of course that SHELAA's suitability assessment is wholly invalid because it falsely states: "Significant constraints - assessed as unsuitable at Stage 1". Nevertheless, SHELAA accepts that the site is available and achievable in the medium/long term within the Plan period. Correction of the access error would leave no reason why the site should not make a sizeable contribution to the housing provision target for HK in MSDC's Plan. Again, no reason is given for excluding a short-term timescale.

It is true that, in contrast to residents near site 807, residents in Sugar Lane and Boxes Lane opposite site 69 have promoted strong opposition to its inclusion in the NDP and, in alliance with members of the parish who want minimal development, they succeeded in changing the complexion of the PC and its Steering Group in the period from May to July 2015 and thereby got the main Jeffrey's Farm site excluded from NDP proposals. Their numbers (20 households at the north end of Sugar Lane including 14 in Boxes Lane) are dwarfed by those in the Hamsland/Challoners complex, and they would be little affected in practice as development would be set back from the road to protect a woodland strip on the eastern edge of the site, and this woodland and the roadside embankment would also offer nearby residents some measure of protection from construction site disturbance in a way not available to residents

living near site 184. Construction traffic would in all likelihood mostly enter Sugar Lane from the junction with Keysford Lane to gain site access, but this is also likely for construction traffic access to site 184 and Sugar Lane residents would be similarly affected either way.

Comparison of SHELAA Site 216/807 (termed site 807) and SHELAA Site 69

The AONB unit has assessed site 807 as medium impact and Site 69 high impact, and yet satellite imagery confirms local knowledge to show that in practical terms they are very similar and the negative assessment of site 69 therefore appears to be questionable. Both sites are edge-of-village sites near important junctions leading into the settlement. Both are flat with the ground gently sloping away to adjoining farmland on their southern and western boundaries respectively. Both are edged with trees and hedges except along the boundary of site 807 to the east and north of the Police House. Access to both would require the removal of overgrown hedges in Birch Grove Road in one case and Sugar Lane in the other, but no trees unless sightlines from site 807 required removal of a nearby roadside oak. Access to the development area is immediate in the first case but would require a short road (less than the length of Jeffreys) across the north eastern corner of the Jeffrey's front field.

It is clear that development sprawl is as possible to the south of site 807 as it is to the west of site 69. As development would be concentrated at the eastern end of site 69, four options are available to the land owners to put to MSDC to address this risk:

- i) If necessary, strengthen tree screening on western edge*
- ii) Designate all or part of western section of site as Local Green Space*
- iii) Covenant in suitable terms all or part of western section in favour of the PC*
- iv) Gift in suitable terms all or part of western section to PC's property-owning trust*

The main difference is that the available part of site 69 is separated from neighbouring houses by Sugar Lane and the strip of woodland running along its embanked northernmost section. Compared to site 807 which directly abuts a few homes (and of course site 184 which abuts many more), this is an advantage to the local community as construction site activity would be less intrusive as indeed the eventual residential estate would be. Visually, site 69 would be much less invasive of public enjoyment of the area than site 807 (and far less invasive than site 184) as the site itself is not visible from any local footpaths or the surrounding AONB area, although the junction of its access road would of course be visible to users of Sugar Lane. The site does not in fact need additional screening to protect views towards the village from the west because its western border is a mature 20 ft. high hedge.

The AONB have stated that such screening is not a reason to change their high impact rating which is solely due to their judgement that "development would be out of character with the settlement pattern of Horsted Keynes", and yet development of a manifestly similar site 807 would not be. When challenged by the landowners to explain why, their only justification was that the site is separated from the rest of the village by Sugar Lane. And yet the AONB unit have said that site 807 as a whole would merit a high impact rating because it is part of a medieval field system, but if development was limited to the northern part of the field it could enjoy a moderate or medium impact rating. Site 807 also adjoins the conservation area in Horsted Keynes, but neither constraint affects site 69 as it is part of a modern field system and does not abut the conservation area. Common sense would say that on balance the advantages and disadvantages between the sites cancel out.

We believe that most residents would agree that the road separation and woodland protection makes site 69 a more attractive proposition than site 807 and much more so than site 184, both during construction and afterwards. They would also point out that Sugar Lane is part of a boundary road running to the south which continues as Treemans Road at the junction with Lewes Road, and Treemans Road is lined by dwellings on both the east and west of the road until the derestriction sign marking exit from the village is reached. Both the Jeffreys Farmhouse and the farm cottage are also to the west of Sugar Lane. Despite the out-of-date built-up area boundary being situated on the east side of Sugar Lane and the first section of Treemans Road, no one doubts that those residents outside the built-up area, including those to the west of it, are part of the village, several of them very actively so.

The physical character of developments would be similar in all three cases. However, although sites 807 and 184 would abut existing homes and not be separated by a road, they would nevertheless create a substantial spread of development behind the present line of homes alongside Birchgrove Road and Hamsland respectively which would facilitate later infill development into the south field for 807 and westward into Constance Wood Field for 184. No such possibility exists for site 69 as the covenant has another 50 years to run.

Site 69 would also in our view better fulfil the LVIA criteria referred to earlier and merit a more favourable land suitability rating than low/medium, as photographs included in the site owner's challenge to the AONB show. This is because the short access road from Sugar Lane would angle sharply to the north and pass through the hedgerow on the site's south eastern corner to enter a field well screened by existing trees and hedges. A medium rating would allow a housing yield of 21-50.

The AONB unit acknowledges that it is not a statutory body but is a small unit offering mostly desktop advice and that it is for local authorities etc. to make the planning decisions. It concludes its response to the site 69 landowners' challenge by saying that "Where judgements are evaluative rather than just statements of fact it is open to anyone to submit their own different views as part of the public consultations on the planning documents that these assessments inform." That is exactly what we are doing in this submission.

It is also clear that the AONB's views are changeable since, after consulting the unit, the PC's consultant Troy Navigus made a report to the PC dated 10th November 2016 which included the following statement concerning an amalgamated scheme of 42 homes covering what are now sites 68 and 69:

The view from the High Weald AONB Unit on the principle of the expanded site was supportive and they made no objection to the inclusion of the site as a housing allocation. However, the detailed proposals from the site promoters have not been fully considered so at present the detail cannot be commented on. The AONB Unit was keen to stress that issues such as layout and the general density of the development would need to be reviewed by them to ensure that the integrity of the AONB is retained.

In the interests of transparency, the AONB unit should disclose all the discussions which led to its change of view, including discussions with MSDC. It should be noted that integral to the amalgamated scheme they agreed in principle in 2016 was the covenanted field adjoining Sugar Lane for use as a recreation/sports field with a pavilion which would have been an amenity for nearby households, including those to the west of Sugar Lane/Treemans Road.

The local community know many of these facts about site 69 and would much prefer the site to be developed rather than site 184, either on its own or in conjunction with site 68. But its collective view on this matter is being frustrated by the PC's long-held practice of looking for reasons to exclude site 69 and follow MSDC's lead on this site, and in this important respect we believe our group is much more representative of the community than the very body whose job it is to be so. If this is so, we think that the narrow academic and changeable judgement of the AONB unit should carry less weight than the government's basic purpose in legislating for neighbourhood planning, namely allowing communities "to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided."

Other parts of the NFFP favour site 69 over site 184. For example, para. 91 b) of Section 8 of the NFFP (Promoting healthy and safe communities) is concerned with the safety aspects of newly built estates in terms of crime and the fear of crime. However, setting aside the issue of its impracticability, MSDC and the PC's consultant have suggested displacing existing on-street parking onto site 184, which would obviously be a green light for crime in the form of vehicle theft and vandalism. Site 69 would not have any such disadvantage. In addition, Section 9 of the NFFP (Open space and recreation) recommends the benefits of green spaces to encourage sporting and recreational activities, and this has always been a strong point in favour of site 69 whose owners have from the beginning proposed the covenanted field as available for such purposes and can also offer open space in the western part of site 69.

One last point needs to be made, and that is if the AONB unit's judgement is treated as unchallengeable, then why has site 69 not been removed from SHELAA? And yet it is still there, a suitable, available and achievable site that could provide an equivalent contribution to housing provision within the Plan period as site 184 which is therefore redundant.

A possible clue to MSDC's apparent determination to promote site 184 may be found in the following section.

F. MSDC's conflict of interest re site SA29 (SHELAA site 184)

Regarding the legality of the DPD, we challenge MSDC's legal right to make this particular allocation because we believe the council has a clear conflict of interest.

Back in 2015, Constance Wood Field (CWF) was included in the SHLAA schedule as site 183, although it had no means of vehicular access. So, when the owners of site 184 put it forward in the second call for land, the SG Chairman was keen to include not only site 184 but also site 183, presumably anticipating the exclusion of Sugar Lane sites. The argument was that the strip of land separating CWF from site 184 already belonged to MSDC and could be a land bridge enabling an access road to be built, and this is why both sites were included in the consultation booklet used in the September 2015 workshops.

The then Neighbourhood Planning Officer for HK was supportive of this idea, despite the fact that access would entail a felling of trees in the boundary hedge (a shelter for bat nesting sites) and a hairpin arrangement for traffic coming down Hamsland which would have to turn right at St. Stephen's Church onto site 184 and then right again to pass behind Summerlea and its neighbouring property and on into CWF. Access problems, he explained, rarely prevent planning permission being obtained and bat colonies could be relocated. And, it seems that the dire impact on the local community of construction traffic following this

tortuous route for 2-3 years or more and passing both the frontage of homes and their back gardens does not even feature as a planning criterion. The officer even envisaged widening Hamsland with the loss of grass verges and its character and relocating heavy on-street parking onto site 184. As argued above, both ideas were and remain impracticable.

As already mentioned, the land to the immediate west of site 184 belongs to MSDC as does CWF, raising the possibility that eventual pressure for new homes and on district council funds could lead to proposals to infill the land between site 184 and the back of properties on Treemans Road with development. If cramming more and more homes into a 125-home single-entry cul-de-sac and a hair-pin access route to them is acceptable planning practice, then this could prove very lucrative to MSDC as landowner.

MSDC advice on site 68 to prevent westward spread of development was to have some kind of courtyard or farmstead design layout with gardens facing the fields to the west. That no similar advice has been made for site 184 is presumably because MSDC does not want to restrict access to their own land and shut down the prospect of further development. On the contrary the proposed site layout would facilitate such access. As can be seen in the picture of the proposed plan on the site promoter's website shown below, the road along the south-western boundary ends in a short southward spur presumably for use for vehicles turning around, but it could allow eventual access into MSDC's adjoining field. However, a much more likely access point would be at the first turning on the plan taking traffic to the north-eastern end of the estate. A crossroads here would enable westward access to be gained to Constance Wood Field (site 183). In the interests of transparency, we therefore think that full disclosure of MSDC's discussions with Rydon Homes is called for.



Irrespective of such disclosure, we contend that there is a clear and undisclosed conflict of interest which should disqualify MSDC from processing any application for site 184.

G. Concluding remarks

Our representations above set out strong reasons for believing that both bodies responsible for involving the Horsted Keynes community have failed in their duty to reflect the views of the community as required by the government guidance on neighbourhood engagement quoted in bold in section B. MSDC's draft site allocation proposals have overridden our S.18 representations in their S.19 DPD without either the feedback or explanation that their own Community Involvement Statement requires, and our Parish Council have knowingly overridden widespread communal opposition by supporting MSDC's proposals and, with no consultation whatever, have ceded control of the allocation process to MSDC. Both bodies have thus undermined the whole purpose of neighbourhood planning as set out in the government's guidance.

In respect of SHELAA site 184, we believe that in several respects these actions breach the objectives set out in S.2 of the NFFP of supporting "healthy communities" and fostering a "safe built environment" (para 8 b) by proposing to cram an extra 30 homes into a single-entry cul-de-sac of 125 homes with no evidence that this proposal has been evaluated on health and safety grounds by the fire, ambulance and police services. Consultation with WSCC's Highways does not achieve this level of practical safety review as their street planning has not followed the example on safeguarding cul-de-sacs found in provisions made in Kent and Essex. We have also shown that far from "protecting and enhancing our natural ... environment" and "helping to improve biodiversity" (para 8 c), the proposal will do the opposite.

We have condemned the failure to correct information about access to site 69, a failure which is either due to a determination not to improve its candidacy as an alternative to site 184 (see section F above) or is simply due to incompetence. Either way, it is unacceptable. So too is the readiness of MSDC to ignore its own LVIA criteria in rating the housing capacity of sites 184 and 807.

7. Please set out what change (s) you consider necessary to make the Site Allocation 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.

We do not think we are qualified to advise MSDC on how to set out its strategies and policies nor do we basically disagree with them. However, we can say that we support the NFFP's aim of achieving sustainable development which meets the needs of the present generation without blighting the prospects of future ones. We are not seeking to achieve the minimal amount of development that our PC hoped to get away with in their 2017 NDP submission. We accept the NDP's vision for the future of the village in 2031 and the objective of providing housing for the future needs of the community, which includes homes to meet the demographic trend to smaller households, to provide for population growth, to arrest the ageing trend characteristic of rural communities, and to help poorer families by providing affordable homes. To this end we have been supportive of the

Horsted Keynes Community Land Trust's interest in the St. Stephen's Church site now it has ceased to be a place of worship and believe an in-fill development of 4-6 affordable homes would be appropriate and the much shorter development period manageable.

Our objections on the grounds of legality and soundness therefore relate to the quality of the consultation process and the detailed work of site selection in the allocation process. This is why we have stressed the availability of an alternative to site 184, and we reject the assumption apparent in MSDC's approach that every problem raised with this site must be amenable to satisfactory mitigation, an approach mimicked in our view by the PC's consultant. Beyond saying this, we will let the above representations speak for themselves.

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 want to participate at the oral examination		Yes , I wish to participate at the oral examination	X
--	--	--	---

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

We would like our chosen representative to attend to answer any questions the Examiner may have about our submission and challenge any misrepresentation of it that may be put forward by representatives of MSDC or our Parish Council.

10. Please notify me when:

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

On behalf of the Hamsland Action Group

Membership comprises: Jason Bennett, Paul Fairweather, Barry Heasman, Terry Higham, Carly Martin, John Newman, Alison Nicholson, James Parsons, Robert Pullen, Alan and Peggy Rothwell.

Signature:

Terry Higham

Date:

27th September 2020

Extract from our letter to the PC dated 8th December 2019 referred to at the end of page 8 is shown overleaf

Extract from our letter to the PC dated 8th December 2019

The purpose of neighbourhood planning

What is shamefully clear from your latest response is that this Parish Council has abandoned any intention to reflect the views of residents or fight for their interests against the remote desk-top site allocation process conducted by MSDC. Worse still, it has declared its support for MSDC's draft allocation of site 184 and agreed in effect to act as MSDC's agent in the planning process for the Horsted Keynes parish. The PC's subservience to MSDC in its approach to site 184 has dismayed and angered a very large number of the residents whom the PC exists to serve, and in doing so has ignored the whole purpose of neighbourhood planning which is to establish what the community wants, as set out at the start of the Government's guidance on the process:

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.

How does any member of the PC imagine that its decisions to date on site 184 remotely fulfil this fundamental objective of carrying the community with it?

PC's response to the petition

Equally disappointing is the fact that, without any protest from his colleagues, the chairman has broken his promise at the PC's October meeting to reply directly to the petition, instead preferring to issue a document to the Hamsland Action Group that accuses the group of misrepresenting the consultant's May report and tries to refute objections to site 184 contained in a draft letter intended to help residents articulate their grounds for opposing development of site 184 in their submissions to MSDC. As shown in the attached annotated document, the PC's response fails on both counts. Indeed, in relation to the draft letter's reference to the destruction of trees along the site access strip, the chairman's recourse to reading out sections of the consultant's report when challenged over his failure to respond directly to the petition demonstrated that he has completely failed to understand the consultant's phrase "beyond the entrance gap". This is despite the fact that the phrase makes it crystal clear that the trees that are *not* beyond the entrance gap cannot be protected by a 5-meter clearance, the first of our objections in our submission to MSDC's consultation process which the chairman has been given.

...

All this still leaves the most fundamental objection unanswered. Whilst it may not be enshrined in law, most people would agree that planners should adopt the principle of doing least harm to a community and avoid doing the most harm. 125 homes, i.e. one quarter of the village's households, are served by Hamsland, and best practice elsewhere, e.g. Kent CC, would for safety reasons not permit the development of anything like that number of homes in a single-entry minor road cul-de-sac, even if they provided off-street parking for all residential vehicles, let alone endorse expanding the number of homes in a cul-de-sac plagued with parking problems to 155. These issues can only be responsibly addressed by modelling worst case scenarios.

1412

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1412

Response Ref: Reg19/1412/1

Respondent: Ms S Kelly

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Sophie Kelly
Address	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA29
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	This area of hamsland/challenors/Lewes road is already unable to cope with the number of cars that currently use the roads. To add more houses to an area with small roads rammed with cars is completely unsustainable. Access to the proposed site will cause havoc and make life for the many householders completely untenable. Our
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.	There is nothing than can make this small village site, with already dreadful access for which there is no 'cure', sound.
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	05/08/2020

1452

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1452

Response Ref: Reg19/1452/1

Respondent: Ms H Rudman

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

[REDACTED]

From: Holly [REDACTED]
Sent: 13 September 2020 07:52
To: ldfconsultation
Subject: Land near horsted Keynes church

Hi

The site is not suitable for the new homes.

You would destroy wildlife habitat, old trees and remove a lot of green land from this country village. The village would not cope with these additional houses and would ruin another country village. Our country villages are all being turned into towns and all the countryside taken away. Stop before its too late and Sussex is like London filled with people no wildlife and homes and concrete galore is that what we want!! We all chose to be in countryside villages to have green space, wildlife, birds, bees etc

The main road is a busy road with access to the ever growing Haywards Heath. These roads arent built for additional cars. They have cars parked on them currently that you need to pass daily adding to the danger before the sharp bend. Maby a crash seen here already. This will only get worse with more cars on road or no parking on this road affecting homes nearby with no parking facilities.

Kind regards

Holly Rudman
[REDACTED]

1634

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 1634

Response Ref: Reg19/1634/1

Respondent: Ms N Marmion

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Nicola Marmion
Address	
Phone	
Email	
Which document are you commenting on?	Site Allocations DPD
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

Planning Policy,
Mid Sussex District Council,

Oaklands, Oaklands Road

Haywards Heath

West Sussex, RH16 1SS

Re: SHELAA Site 184 (SA 29) – Land South of St. Stephen’s Church, Horsted Keynes.

Dear Sirs,

The inclusion of this site in your Site Allocations DPD does not take into account that there is only one access route to the site via a single-entry cul-de-sac, already serving 125 dwellings. I object to its consideration for development for the following reasons.

An independent investigation commissioned by our Parish Council shows that:-

The construction of a road access to the site would cut through the root-plates of two mature oaks as well as a number of other 15+ meter trees, destroying them and removing any screening effect that they might have provided. This is contrary to your AONB undertaking to retain important landscape features.

Extensive work will be required to widen most of Hamsland for construction vehicle access and while this is being done, major disruption will be caused to every resident of this cul-de-sac, none of whom have any other means of vehicular access. There is also a danger that emergency vehicles needing to reach these 125 homes could be impeded by this work, constituting a long-term Health & Safety risk to more than 250 persons, many of them elderly.

The statements in the Site Allocations DPD on this site contain the following issues:-

As the pavement on the north side is at a higher level than the road, widening will also have a permanent negative impact on the occupants of all the properties fronting this work and put a restriction on pedestrian use of the pavement for ever.

Your Highways and Access proposal to set back existing on-street parking into the verge opposite the site is unrealistic because the whole length of that pavement is backed by a high steep slope and it would be completely removed under this plan.

During road widening and ‘setting back’ the current on-street parking capability will be impossible and there are no alternative places for the cars of existing residents to be parked.

As a consequence of these factors and even before any building work on this development begins, a very significant degree of unjustified and unacceptable disruption will be suffered by the existing population of these and many surrounding roads that will be used for access, much of which will be permanent.

Finally, the ability of the existing sewage and surface water drainage systems to deal with a significant extra loading has yet to be demonstrated, as has the necessary water supply which is already at a low pressure and which often fails completely. In order to comply with your own Flood Risk & Drainage statement, in order to minimise run-off, soak-a-way’s cannot be used. This means that all surface water from any development will need to be pumped up to street level as well as the waste water and sewage, all then joining aging systems that are already coping with far greater volumes than their initial design parameters.

Please withdraw Site 184 from your Site Allocations DPD.

Signed: Nicola Marmion

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 22/09/2020

2079

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 2079

Response Ref: Reg19/2079/17

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt Homes - Hurstwood HH

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07b

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

Disclaimer: This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

Contents

1. Introduction	4
2. Site and Surroundings	5
3. Housing Site Allocation Process	9
4. Sustainability Appraisal.....	13
5. Assessment of Proposed Sites.....	15
6. Conclusions	21
7. Appendix 1 – SHELAA Extract – February 2020	22
8. Appendix 2 – Site Selection Paper 3: Housing (SSP3) Extract	23

1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control in Haywards Heath.
- 1.2 The site under the control of Vanderbilt Homes is Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath and was previously considered in the SHELAA (ref 508) as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that the representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

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



Figure 1 – SHELAA Extract

- 2.2 The site was assessed in the most recent SHELAA (Ref 508) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were note within the HELAA form which are addressed below.
- 2.3 The SHELAA Appraisal of the site confirms that there are no constraints to the development of the site in terms of Flooding, SSSIs, Ancient Woodland, AONB, Local Nature Reserves, Heritage Assets or Access.

Planning History

- 2.4 The site does not have any planning history.
- 2.5 The site is in close proximity to a site which was allocated under the District Plan (H1) and has a current application for a substantial application. An application was submitted in 2017 (DM/17/2739) with the following description:
- Outline application for development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.*
- 2.6 A resolution to grant planning permission was made by planning committee in August 2018. A formal planning decision is yet to be issued as further negotiations are taking place regarding the s106 agreement. However, the allocation of the site and the resolution to grant planning

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

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

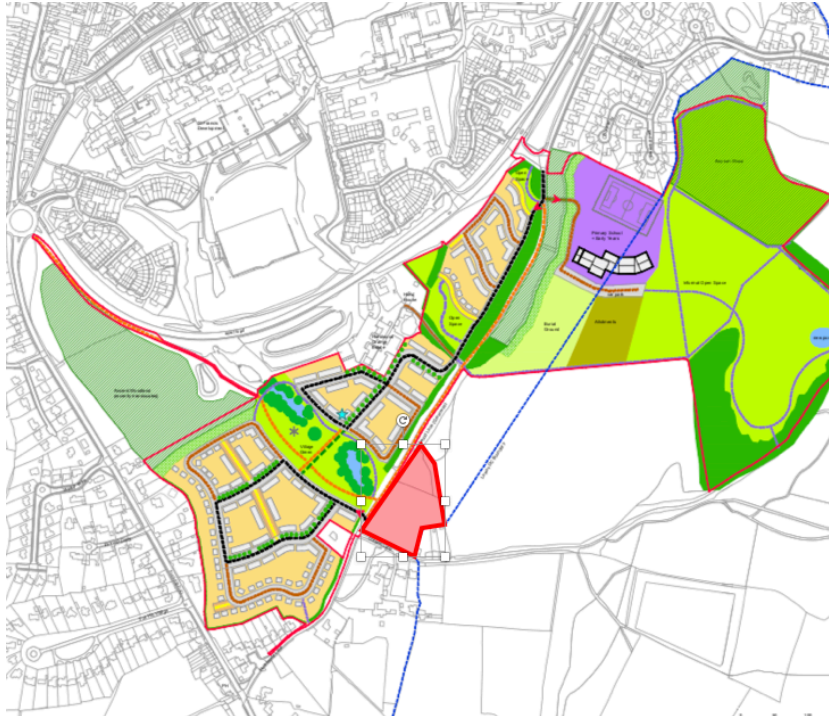


Figure 2 – Proximity of Site to significant application

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

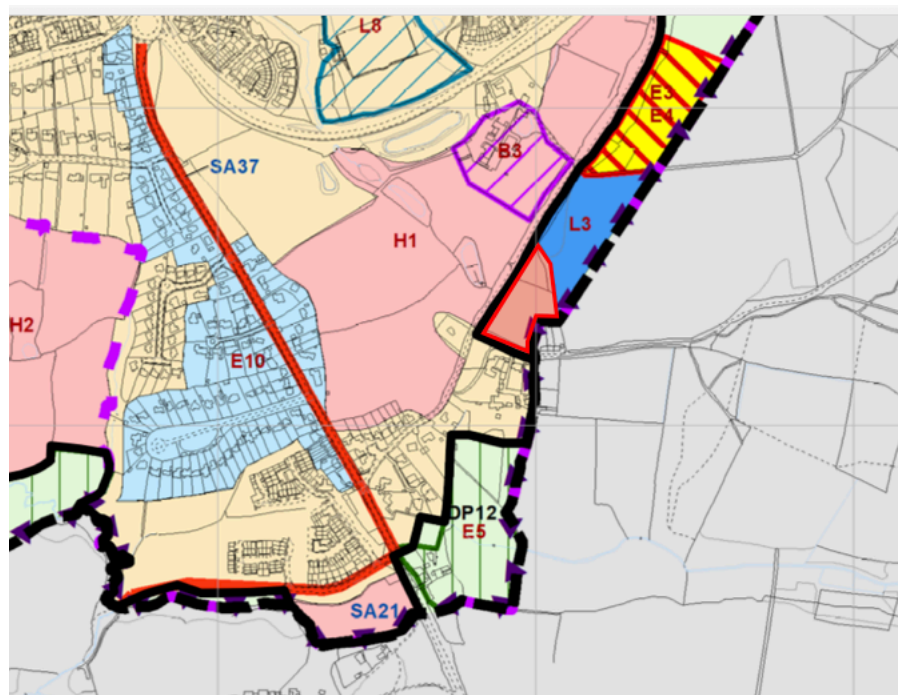


Figure 3 – Proposed Site Allocations Proposals Map

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be

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

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

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

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

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

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

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

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

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

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

3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

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

Figure 4 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

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

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

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

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

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 3.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.
- 3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

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

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

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Area of Outstanding Natural Beauty

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

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife

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

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

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

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

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

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

Historic Environment

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

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

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

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

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

4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

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

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

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

- 4.8 Paragraph 6.52 of the SA concludes that:

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

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

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

5. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

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

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

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

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

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

SA 15 Land South of Southway, Burgess Hill

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

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

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

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

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

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

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

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

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

- 5.32 No comments.

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

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

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

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

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

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

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 5.38 No comments.

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

- 5.39 No comments.

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

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

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

- 5.41 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 5.42 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 5.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 5.45 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


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

6. Conclusions


- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	508		Parish	Haywards Heath
Site Location	Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath			
				
Site uses	Agriculture			
Gross Site Area (ha)	1			
Potential Yield	30			
Site History				
Absolute Constraint	Flood Zone 2 or 3	x		
	Site of Special Scientific Interest	x		
Other Constraints	Ancient Woodland	x		
	Area of Outstanding Natural Beauty	x		
	Local Nature Reserve	x		
	Conservation Area	Development would not have a negative impact on Conservation Area and Areas of Townscape Character		
	Scheduled Monument	x		
	Listed Buildings	Development will not affect listed building/s		
	Access	Safe access to site already exists		
Suitable	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment			
Availability	Controller of site has expressed intention to make the site available			
Achievability	There is a reasonable prospect that site could be developed within the Plan period			
Timescale	Medium-Long Term			

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

Site Selection - Housing		
Haywards Heath		
ID	508	Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath
		
Site Details		
Units:	25	Site Area (ha): 0.85
Part 1 - Planning Constraints		
1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	Development would have a significant and detrimental effect on the character of the landscape as a whole
9 - Trees/TPOs	None	Site is not affected by trees
Part 2 - Deliverability Considerations		
10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists
12 - Deliverability	Reasonable prospect developability	No housebuilder in control of site. Advanced discussions with potential developers/Contractors. Pre application submission within a couple of months.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

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

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

Part 4 - Other Considerations

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

Part 5 - Conclusion

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

2080

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 2080

Response Ref: Reg19/2080/19

Respondent: Mr A Black

Organisation: Andrew Black consulting

On Behalf Of: Vanderbilt homes - CDR

Category: Promoter

Appear at Examination? x



Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)
Consultation

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

September 2020

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

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Contents

1. Introduction	4
2. Site and Surroundings	5
3. Built up Area Boundary Review	12
4. Housing Site Allocation Process	14
5. Sustainability Appraisal.....	18
6. Assessment of Proposed Sites.....	20
7. Conclusions	27
8. Appendix 1 – SHELAA Extract – February 2020	28

1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control at Crawley Down Road in Felbridge.
- 1.2 The site under the control of Vanderbilt Homes is known as Land South of 61 Crawley Down Road, Felbridge and was previously considered in the SHELAA as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
 - a) *positively prepared*
 - b) *justified*
 - c) *effective, and*
 - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

2. Site and Surroundings

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



Figure 1 – SHELAA Extract

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

Flood Risk

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

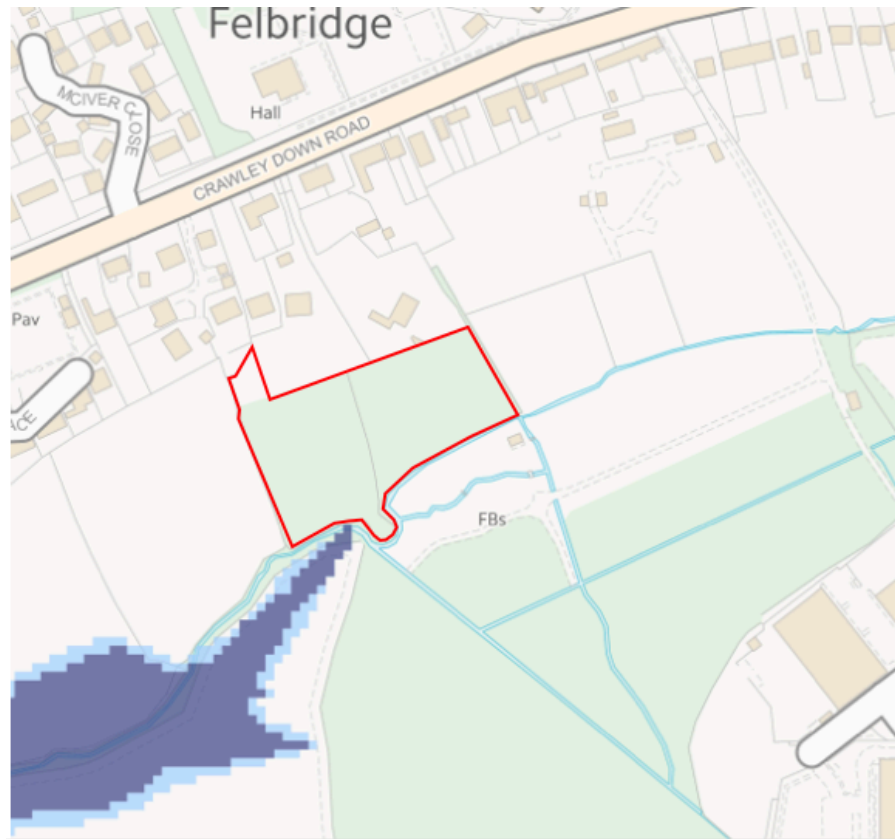


Figure 2 – Extract from Environment Agency Flood Risk Map

Ancient Woodland

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

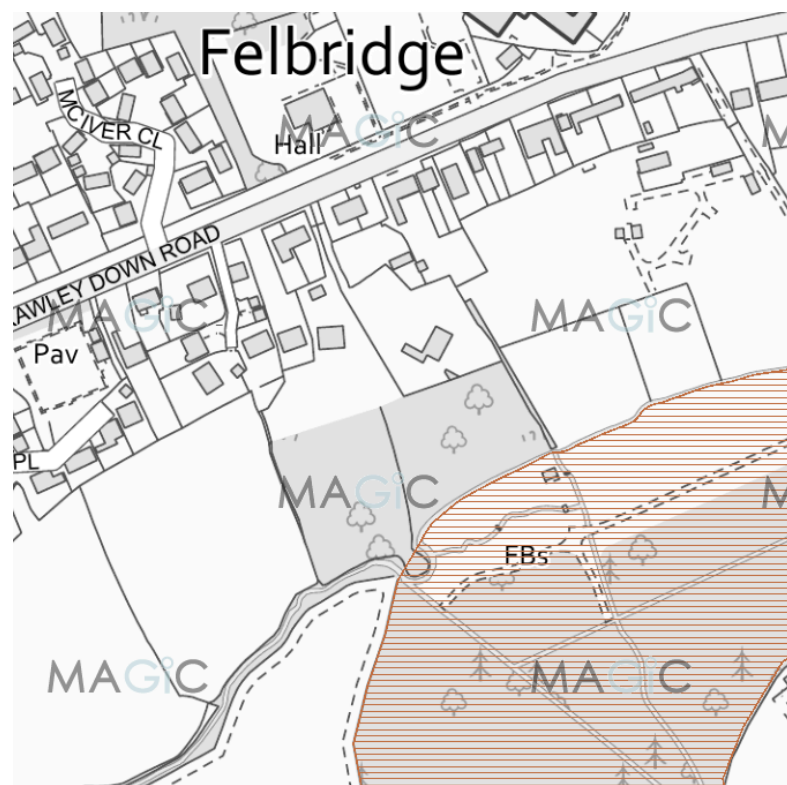


Figure 3 – Location of Ancient Woodland

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

Site of Special Scientific Interest

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

Area of Outstanding Natural Beauty

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

Local Nature Reserve

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

Conservation Area

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

Scheduled Monument

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

Listed Buildings

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

Access

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



Figure 4 – Potential Access.

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

Planning History

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

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

- 2.16 The previous applications were refused on the basis of the site being outside of the settlement boundary and therefore any development would have been considered to be in direct conflict with the adopted District Plan at the time of determination. The outcome of these applications would clearly have been different had the sites been within the Built Up Area Boundary
- 2.17 No other issues were identified which would warrant refusal of an application if the site was within the Built Up Area Boundary as proposed within the draft SADPD.

Surrounding Developments and Proposed Allocations

- 2.18 The site located directly to the east has the benefit of an outline planning permission for the *erection of 63 dwellings and new vehicular access onto Crawley Down Road required [sic] the demolition of existing buildings and structures at no's 15 and 39 Crawley Down Road (DM/17/2570)*
- 2.19 The access to the site is located within Tandridge District Council which was granted under application TA/2017/1290.



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

- 2.20 Reserved matters applications have been made against both of the outline applications. The reserved matters application for the access was approved by Tandridge Council in July 2020 (TA/2020/555).
- 2.21 At the time of submission of these representations, the reserved matters application for the housing within the Mid Sussex element of the site for the housing is still under determination (DM/20/1078).
- 2.22 It is therefore highly likely that the development of the land directly adjoining the site subject to these representations will come forward in the immediate short term.



Figure 6 – Reserved Matters Plan for adjoining site.

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

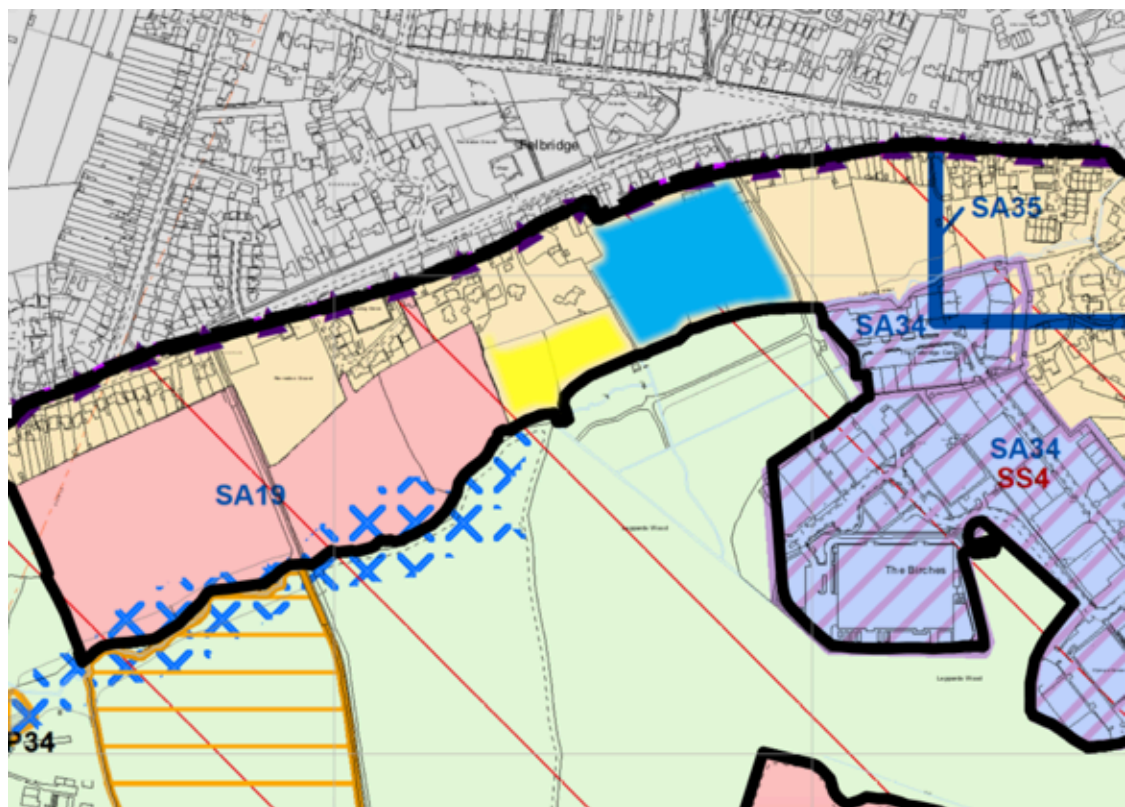


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

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

3. Built up Area Boundary Review

- 3.1 In addition to the allocation of sites for development the SADPD seeks to make changes to the existing Built Up Area Boundary (BUAB) as established under the District Plan Process. The Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020 forms a vital part of the evidence base for the SADPD.
- 3.2 Paragraph 2.4 of TP1 sets out that the purpose of the review as part of the SADPD is to:
- *Assess areas that have been built since the last review, which logically could be included within the BUA.*
 - *Assess areas that have planning permission which have not yet commenced/completed, which logically could be included within the BUA.*
- 3.3 TP1 goes on to set out the criteria for consideration of changes to the boundary.
- 3.4 Within the adopted District Plan proposals map, the site is outside of the Built Up Area Boundary as illustrated in the extract below:



Figure 8 – Existing District Plan Proposals Map

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

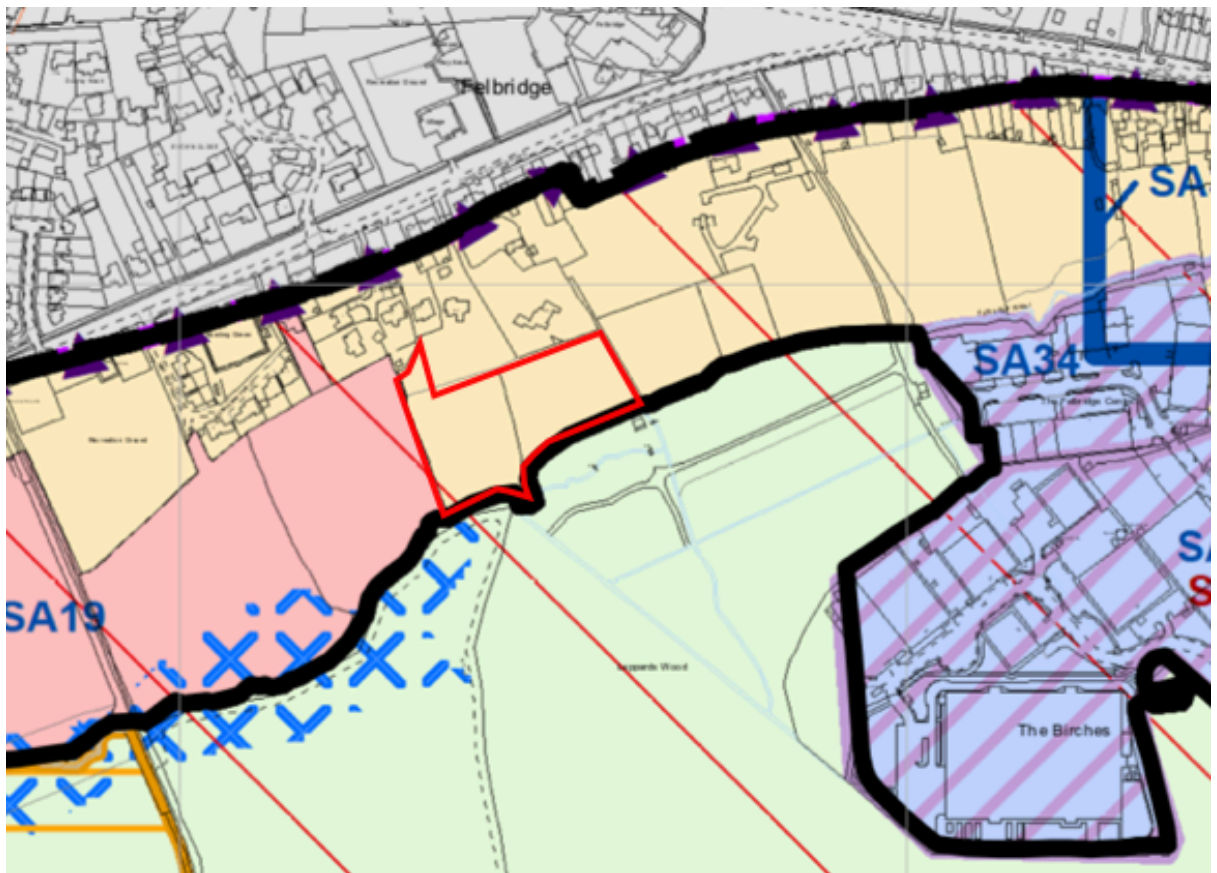


Figure 9 – Proposed BUAB

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

4. Housing Site Allocation Process

- 4.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 4.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 4.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

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

Figure 10 – Extract from MSDC Housing Land Supply Position Statement

- 4.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 4.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 4.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

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

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

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

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

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 4.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.
- 4.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

Deliverability of Sites

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

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

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

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

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

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

Paragraph: 019 Reference ID: 3-019-20190722

Revision date: 22 07 2019

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

Area of Outstanding Natural Beauty

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

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife

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

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

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

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

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

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

Historic Environment

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

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

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

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

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

5. Sustainability Appraisal

- 5.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 5.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 5.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 5.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

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

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

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

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

Paragraph: 018 Reference ID: 11-018-20140306

Revision date: 06 03 2014

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

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

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

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

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

Option A – 20 ‘Constant Sites’ – 1,619 dwellings

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

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

- 5.8 Paragraph 6.52 of the SA concludes that:

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

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

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

6. Assessment of Proposed Sites.

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

SA 12 Land South of 96 Folders Lane, Burgess Hill

- 6.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 6.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 6.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

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

- 6.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 6.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 6.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

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

- 6.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 6.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

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

SA 15 Land South of Southway, Burgess Hill

- 6.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 6.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

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

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

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

- 6.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 6.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

SA 17 Woodfield House, Isaacs Lane, Burgess Hill

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

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

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

- 6.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 6.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

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

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

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

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

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

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

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

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

SA 19 Land south of Crawley Down Road, Felbridge

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

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

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

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

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

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

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

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

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

- 6.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 6.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

APPENDIX B : Gullege Farm, Imberhorne Lane

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

NPPF: LSH, high

Imberhorne Farm and Imberhorne Cottages

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

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

NPPF: LSH, high

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

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

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

SA 21 Rogers Farm, Fox Hill, Haywards Heath

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

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

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

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

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

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

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

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

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

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

SA 22 Land north of Burleigh Lane, Crawley Down

- 6.36 No comments.

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

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

SA 24 Land to the north of Shepherds Walk, Hassocks

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

SA 25 Land west of Selsfield Road, Ardingly

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

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

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

SA 26 Land south of Hammerwood Road, Ashurst Wood

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

SA 27 Land at St. Martin Close, Handcross

- 6.42 No comments.

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

- 6.43 No comments.

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

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

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

- 6.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 6.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

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

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

SA 32 Withypitts Farm, Selsfield Road, Turners Hill

- 6.48 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 6.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

SA 33 Ansty Cross Garage, Cuckfield Road, Ansty


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

7. Conclusions

- 7.1 Overall, the principle of extending the Built Up Area Boundary to the south of Crawley Down Road to include the site within the control of Vanderbilt Homes is logical and supported.
- 7.2 The site has been identified within the SHELAA as being Suitable, Available and Achievable. However, given that the site is adjoined on one side by an allocated site and on another side by a site with the benefit of planning permission, it is considered that it would be entirely appropriate for the site to be allocated for development.
- 7.3 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 7.4 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 7.5 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 7.6 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

8. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

SHELAA Ref	676		Parish	East Grinstead
Site Location	Land south of 61 Crawley Down Road, Felbridge			
				
Site uses	Dwellings			
Gross Site Area (ha)	1.6			
Potential Yield	6			
Site History	Planning Application - Refused			
Absolute Constraint	Flood Zone 2 or 3	✓		
	Site of Special Scientific Interest	✗		
Other Constraints	Ancient Woodland	✓		
	Area of Outstanding Natural Beauty	✗		
	Local Nature Reserve	✗		
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character		
	Scheduled Monument	✗		
	Listed Buildings	Development will not affect listed building/s		
	Access	Safe access to site already exists		
Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment			
Availability	Recent relevant planning history shows the site is considered available			
Achievability	There is a reasonable prospect that site could be developed within the Plan period			
Timescale	Medium-Long Term			

2104

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 2104

Response Ref: Reg19/2104/1

Respondent: Mr C Ollif

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Christopher Ollif
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA 28
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	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

1.1 The only entrance to the site is a strip of land accessed from Hamsland which is 35-40 m long and 7m wide. It is bordered on the west side by a hedgerow of mature trees which form about a quarter of the south-west boundary of the site. These trees are a long-standing feature of the local landscape. Beyond this access strip it is proposed to allow a 5m clearance to protect the rootplates of the trees, but this is not possible alongside the access strip which means all of them would have to be felled to allow construction of the site access road. HAG believes this is both contrary to MSDC's conservation policies and the advice of the AONB unit which apparently has not been told about this destruction of trees in granting its low impact rating for the site. [Note: a member of HAG who works in the construction industry has warned that there are ways of protecting the rootplates alongside the access land, although this has not been proposed to date and a developer's surveyor told a member living alongside the access land that the trees would have to go.]

1.2 This is a Cul-de-Sac and has too many houses already. MSDC's SHELAA map for Horsted Keynes shows an average width road joining Lewes Road to the west with Birch Grove Road to the east, with the western half comprising Hamsland and the eastern half Bonfire Lane, suggesting that all vehicles, including construction and emergency vehicles, can access from the site from both east and west. In fact, Bonfire Lane is much narrower than Hamsland and becomes an unmade-up track in the section from its junction with Wyatt's Lane to the end of Hamsland, narrowing to a width that does not meet Fire Service access standards. This track ends at a padlocked gate. This means that Hamsland and its offshoots Challoners and Home Farm Court constitute a huge cul-de-sac with 125 households which already use some 150 vehicles, mainly cars but with a substantial number of vans. HAG understands that Kent County Council's Highways Dept. would not permit a cul-de-sac of more than 50 homes on an equivalent residential road, presumably for health and safety reasons. We contend that those reasons should also apply to the Hamsland complex.

1.3 Too many cars already. MSDC acknowledge that there is a problem with on-street parking but think it can potentially be solved by "better road management" and the provision of parking for existing residents on the new site. This ignores the practicalities.

1.3.1 The worst problem with on-street parking is on the first section of Hamsland from its junction with Lewes Road. This begins with a curve and there is also a curve further up the road, so that drivers in either direction do not have a clear sight of oncoming traffic. In practice this is overcome by drivers backing up or driving onto the grass verges or drive entrances on the south side. But if for example an ambulance needs to attend an emergency patient in this stretch, it needs to stop alongside a parked vehicle and simply block the road until its business is finished. The same is true of a fuel delivery lorry running a pipe to a resident's gas tank until it has completed the delivery. There is occasionally gridlock on this section that could be a major problem should a fire or medical or police emergency arise. In our view, planners have a duty of care to residents and are not entitled to assume that because such blockages have rarely caused much of a problem in the past this will always be the case and it is therefore safe to cram another 30 homes and say 40 residential vehicles into this cul-de-sac.

1.3.2 Proposals for "better road management" have so far been limited to widening the road opposite the site entrance where there is a grass verge. If it was decided this would not suffice, the road could be widened by getting rid of the grass verges the first section of Hamsland where the parking problem is most acute. Apart from destroying the character of the road for residents, this ignores the fact that the pedestrian path on the north side is up to two feet higher than the road surface and a two-foot drop would clearly be unsafe. Railings would be needed, but this would not only make goods deliveries and emergency responses much more difficult but also stop neighbours crossing the road for a chat or a visit and damage the residential environment even more. Furthermore, this would still not permit two-way traffic for larger vehicles such as construction trucks and fire engines.

1.3.3 Requiring residents to park on the new site is also full of problems. How would mothers with children returning from a shopping trip or elderly residents with mobility difficulties cope with having two or three hundred yards to negotiate to get between their homes and parked cars? And how would the remotely parked vehicles, including commercial vans with valuable gear or goods being temporarily stored, be protected from vandalism and theft? And would MSDC planners seriously suggest that yellow lines be used to enforce these immensely inconvenient and unpopular measures with convictions sought for non-compliance? And how could residents cope without on street parking in the two-year period of construction during which the new site parking option would not be available?

1.4 We don't have the infrastructure for 30 more houses at this end of the village. HAG have also drawn attention to problems with infrastructure (drainage etc.) with the land sloping away from Hamsland and with damage to wildlife habitat with possible destruction of bat breeding sites in the line of trees on the south-west boundary.

2 MSDC's assessment of alternative edge-of-village sites is also flawed. Site 184 on the southern edge of the village (St Stephen's field), Site 807 on the eastern edge (Birch Grove Road), and site 69 on the western edge (Sugar Lane) are all beyond the built-up area boundary, but their treatment by MSDC is very different. Objections have been made to site 69 which have not been made about the others. One is that development of the site might open the door to a western development sprawl, but apparently the risk of development sprawl to the south or east does not matter to MSDC. According to a vague and subjective judgement of the AONB unit, development of site 69 is high impact because it would be "out-of-character" with the village but the others are rated as low impact. This is arbitrary and inconsistent.

Impracticable ideas are being advanced for dealing with very real access difficulties to site 184, but in an extraordinary error MSDC has stated that access to site 69 is very difficult when in fact West Sussex Highways has as long ago as 2015 advised that a short access road from Sugar Lane near its junction with Jeffreys would be perfectly feasible. This error has persisted in MSDC's planning documents long after the landowner proved to them that it was groundless.

3 The Parish Council now represents MSDC planners and not the village residents. In 2018 the inspector rejected the neighbourhood plan submitted by the PC and planning consultant Lindsey Frost was appointed to make recommendations. An extraordinary meeting was called by the PC on 23rd May 2019 to receive a report from him which included his recommendation to include sites 184 and 807 but exclude site 69. This provoked a lot of vocal opposition from those attending, but the PC nevertheless voted to accept his report. This prompted HAG to circulate a leaflet throughout the village in preparation for a petition opposing site 184's inclusion. The petition secured 330 signatures which represents about a third of the residents in the village. 176 of these signatories did not live in homes served by Hamsland, ruling out the argument that it represented nimbyism.

Led by a very influential Chairman, the PC has pretended to take the petition seriously but has ignored its demand to exclude site 184 and has instead advised MSDC that it supports the site's inclusion in their site allocation proposals for Horsted Keynes and that it defers to MSDC in the matter as two authorities cannot both deal with site allocation in the planning process. These decisions led to the circulation of a flyer to residents criticising the PC's handling of the plan process and the petition and this in turn led to several exchanges between HAG and the PC.

The PC has now proposed a series of steps to consult residents on its proposals and HAG believes that some kind of counter offensive should be conducted aimed at MSDC's proposals on the one hand and residents on the other.

Date: 27th September 2020

Name: Christopher Ollif

Address: The Croft, Lewes Road, Horsted Keynes, Haywards Heath, RH17 7DP

If you wish to provide further documentation to support your response, you can upload it here	
If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination	No, I do not wish to participate at the oral examination
Please notify me when-The Site Allocations DPD is adopted yes	
Date	27/09/2020

2140

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 2140

Response Ref: Reg19/2140/11

Respondent: Mr C Hough

Organisation: Sigma Planning Services

On Behalf Of: Rydon Homes Ltd

Category: Promoter

Appear at Examination? ✓



MID SUSSEX DISTRICT COUNCIL
SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

REGULATION 19
SUBMISSION DRAFT
SEPTEMBER 2020

REPRESENTATIONS
ON BEHALF OF
RYDON HOMES LTD

September 2020



CONTENTS

1. Housing numbers and distribution
2. Proposed Allocations that are supported
 - 2.1 SA24 Land North of Shepherds Walk, Hassocks
 - 2.2 SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes
3. Proposed Allocations the subject of objection
 - 3.1 SA15 The Brow and St Wilfred's School, Burgess Hill
 - 3.3 SA18 East Grinstead Police Station
 - 3.4 SA20 Land South and West of Imberhorne Upper School, East Grinstead
 - 3.5 SA21 Land at Rogers Farm, Fox Hill, Haywards Heath
 - 3.6 SA25 Land West of Selsfield Road, Ardingly
 - 3.7 SA26 Land South of Hammerwood Road, Ashurst Wood
 - 3.8 SA27 Land at St Martin's Close, Handcross
4. Sites omitted from the Draft Plan that justify being allocated for housing
 - 4.1 Land South of Edinburgh Way, East Grinstead
 - 4.2 Land South of Chalkers Lane, Hurstpierpoint

1.0 Housing Numbers and Distribution

1.1 The Plan states that the remaining residual requirement from 2019 is 1280 units following updated completions, commitments and windfall figures. However, the total allocations in the plan amount to 1764 dwellings – an additional 484 units. This confirms that the Plan is positively prepared and compliant with the Framework because :-

- the remaining residual requirement will include some housing that is already delivered.
- the District Plan housing target is a minimum figure and Government policy seeks to boost rather than cap housing provision.
- the allocation need to compensate for slow delivery from strategic allocations which may be delayed towards the latter end of the plan period to 2031, or even beyond
- the windfall figure has been increased but there is no compelling evidence that the level will continue to prevail. Also the increased figure is simply a statistical adjustment to include sites of 1-9 units rather than 1-5 units.
- adjoining local authorities at Brighton, Crawley and Tandridge are under-delivering on their housing requirements and will increasingly need assistance in meeting their housing requirements. Mid-Sussex is comparatively less constrained and should be anticipating being able to assist in addressing unmet need from adjoining authorities.

1.2 The overall supply from Table 2.3 is 16,874 which aims to exceed the District Housing requirement by 484 dwellings by the end of the plan period, but there is bound to be slippage and the flexibility of a 2.7% over-provision is supported in principle. However, the figures are not precise and it is considered that this is still a fragile margin to compensate for non-delivery – particularly in the strategic housing allocations. The margin should be greater and a 10% non-delivery margin is standard practice. An over provision of 1639 dwellings is therefore justified and can be achieved by further allocations of sites that do not raise serious adverse impacts and are able to be confidently expected to deliver housing in the plan period to compensate for non-delivery elsewhere.

1.3 The identification of further allocations to increase the Plan's robustness and flexibility would still be within reasonable parameters of consistency with the District Plan housing targets, which were in any event not fully meeting objectively assessed needs, particularly for affordable housing.

1.4 In terms of distribution the substantial majority of new housing is focussed on the three main towns of Burgess Hill, East Grinstead and Haywards Heath (80% of the minimum District Plan requirement) with the 2nd tier settlements of Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield contributing a further 18%). This emphasis should be maintained in order to conform with the District Plan and deliver new housing in the most sustainable locations. The

proposed DPD allocations however only propose 6% of the housing is directed to 2nd tier settlements and 13.5% is directed to 3rd tier settlements, many of which are located in the AONB where great weight should be given to conserving landscape and scenic beauty. There are a number of 2nd tier settlements, including Cuckfield and Hurstpierpoint where there are “limited” or no DPD allocations. Such settlements do have the capacity to deliver more housing in the current Local Plan and would be suitable candidates to accommodate any additional provision or provide sites to compensate for less suitable and more constrained sites that are currently proposed allocations but should be deleted from the Plan.

- 1.5 The SADPD allocates a total of 238 new dwellings to Category 3 villages, 183 of these are in the AONB which should be afforded the highest level of protection. Sites should only be released in the AONB in settlements that have a residual requirement to meet, i.e. Horsted Keynes, to recognise the need to sustain and maintain the vitality of these settlements and meet the demand and need for housing, especially affordable housing in these locations. However, in villages that have already met their target, the Council should not be releasing further AONB sites before exhausting non AONB sites, even if it is ‘passed up’ to Cat 2 settlements (Para. 2.4.5 Site selection paper) such as Hurstpierpoint.

2.0 Proposed Allocations that are supported

2.1 Policy SA24 Land north of Shepherds Walk, Hassocks (support with conditions)

This proposed housing allocation is supported. It enjoys outline planning permission for 130 dwellings and it has been demonstrated that the criteria set out in the policy can be fully met.

However, the following comments are made concerning the criteria set out in the Policy:-

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term “net gain” to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed.

“ Ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated”.

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

The proposed development will be delivered within the five year period to 2025/2026. Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

2. The Brick Clay Resource Mineral Safeguarding Area covers a very extensive area from Petersfield in the west to Burgess Hill in the east and includes most of the northern part of the County of West Sussex. Policy M9 of the West Sussex Joint Minerals Local Plan (2018) seeks to prevent non-mineral development throughout the whole of this very wide area unless minerals are extracted pre-development or there is an overriding need for the development that outweighs the safeguarding of the mineral. Compliance with Policy M9 is a common requirement for most, if not all, housing allocations in the SADPD. It must be assumed that the allocation of a site for housing in the Plan demonstrates an overriding need that achieves compliance with the Policy. It should not be left to be considered as a criteria post-allocation. There is no special suitability for mineral extraction demonstrated by the land north of Shepherds Walk. Therefore the Minerals Criterion should be omitted from Policy SA24, and all other allocations covered by the widespread generic safeguarding area, unless there is a local/known special requirement for safeguarding.

3. Archaeological evaluation has already been carried out on this site and the criterion for evaluation should be changed to “pre-commencement” to allow for the grant of outline consent subject to conditions without a policy requirement to repeat the exercise with associated wasted costs.
4. The Landscape Considerations criteria are too onerous in requiring that all mature trees, as well as protected trees, shall be retained. The TPOs will protect important trees and the landscaping scheme will reflect Policy DP37 Trees, Woodland and Hedgerows of the adopted District Plan in order to be approved. A further policy provision is therefore superfluous and unnecessary, proscriptive and onerous in requiring the retention of all existing hedgerows and mature trees.
5. The criteria are generally unnecessarily detailed for a policy of the adopted development plan and stifle the scope for high quality design and creativity. The criteria need to be re-visited in order to be less proscriptive in detail and concentrate only on the main, more important, planning considerations. This point includes criteria related to drainage strategy.

2.2 Policy SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes (support with conditions)

- 2.2.1 This proposed housing allocation is supported conditionally. The site could be optimised to provide 30 two storey dwellings, internal open space, playspace, surface water attenuation, ecological considerations together with landscaping to soften the external edge of the built area. The site could sit comfortably into the existing pattern of development and align with adjoining residential curtilages.
- 2.2.2 Subject to appropriate conditions, the landscape impact from the development of this site would be low, as recognised by the High Weald AONB Unit in their October 2018 report which assessed the landscape impact from thirteen respective SHEELA sites considered by Mid Sussex District Council. The High Weald AONB Unit concludes that this Site is one of only two sites (out of the thirteen considered) that has the potential to be developed with only low impact on the AONB (as opposed to moderate or high impact).
- 2.2.3 West Sussex Highways Authority have confirmed at the pre application scoping stage, that the site can achieve a safe and suitable means of access for all modes of transport and the development would not materially impact on the operation of the local highway network. Support is also given to the proposed allocation requirement for the improving of local traffic conditions by setting back the existing on-street parking spaces in Hamsland Road into the verge, opposite the site.
- 2.2.4 Support is given to the proposed allocation requirement to enhance important landscape features, including the existing mature hedgerows and trees bordering the adjacent fields. The site is deliverable comfortably within a five year period.

However, there are some concerns with regard to the proposed criteria within the policy.

1. The wording of the criteria in relation to Biodiversity and Green Infrastructure requires clarification/amendment. It is not clear what is meant by the term "net gain" to biodiversity and it is not possible to avoid any loss of biodiversity. The following alternative wording is therefore proposed:-

"... ensure that there is an overall gain to biodiversity and that any loss is mitigated or, as a last resort, compensated".

A separate SPD is necessary to format and identify any bio-metric approach to the calculation of net gains to biodiversity.

The criteria in this policy go beyond what is required of Strategic Sites allocated in the District Plan and such an inconsistency is not justified.

This is a small site with less potential for conflict with NPPF but greater potential for viability to be compromised.

2. The requirement under the heading of Flood Risk and Drainage to provide SUDS in the southern part of the site is too prescriptive and unnecessary. It is also an unnecessary duplication of the Biodiversity criteria elsewhere in the draft policy. Flexibility is required to enable a surface water drainage solution to be tailored to site conditions to provide the optimum drainage solution. This is not a development brief and it is too prescriptive at this stage. The detail can be addressed at the application stage.

Rydon would welcome the opportunity of meeting with Officers to discuss how the criteria might be improved.

3.0 Proposed allocations the subject of objection.

3.1 Policy SA15 Land south of Southway, Burgess Hill

This site is allocated as a Local Green Space in the adopted Burgess Hill NP. Para. 101 of the NPPF states that Policies for managing development within a Local Green Space should be consistent with those for Green Belts. SA does not assess the loss of LGS when determining the sustainability of the site.

3.2 Policy SA16 Land at St Wilfred's School

The SA has not assessed the impact of the loss of the school in a town centre location, sustainable location, close proximity, walking distance to catchment area. Policy DP25 of the LP states that "Where proposals involve the loss of a community facility (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:-

- that the use is no longer viable; or
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or
- that a replacement facility will be provided in the locality

The delivery of this site is uncertain. The relocation of a number of public and community facilities has not been settled and the number of residential units may have to be adjusted. At best the site is likely to be delayed and potentially may not come forward at all.

3.3 Policy SA18 East Grinstead Police Station

There are deliverability issues, restrictions on title/covenants that could prevent development of this site. There are heritage assets in the vicinity that will be adversely affected and apartments are not in character with the local area. Numbers of dwellings that can be delivered may reduce as a result. No clear timescale for delivery.

3.4 Policy SA20 Land south and west of Imberhorne Upper School

3.4.1 This site has a long history of non-delivery. The West Sussex Structure Plan 2001-2016 (now revoked) allocated a wider area of land to the west and south-west of East Grinstead for circa 2,500 homes.

3.4.2 The South East Plan 2006-2026 (now revoked) noted that land west and south-west of East Grinstead should be brought forward for circa 2,500 homes.

3.4.3 The East Grinstead Strategic Development Area Action Plan 2006 (which would have formed part of the Local Development Framework if it had been adopted – it was later abolished) set out the detail for the allocation of land west and south-west of East Grinstead.

- 3.4.4 East Grinstead has suffered from large volumes of traffic for many years, with persistent calls for a bypass to be provided from as far south as Forest Row all the way to the north and west of the town since 1988. However, these proposals have not come to fruition and the town remains as a significant location along the A22 between the coast and London.
- 3.4.5 Previous traffic study reports have advised that the existing highway network at the junctions of the A22/A264 and the Imberhorne junction is over capacity during the morning and evening peak periods on a typical weekday and that scope for physical improvements at key junctions is constrained.
- 3.4.6 The site is located immediately adjacent to these two junctions and, given its distance from the town centre, it is considered likely that most day to day retail, community, leisure and commuter trip generation (e.g. Doctors, leisure facilities and access to the main line railway station) will involve vehicular trips movements adding increased volumes of traffic into East Grinstead.
- 3.4.7 The Sustainability Appraisal that accompanied the District Plan concluded that *“there are severe transport constraints within East Grinstead which is likely to limit the amount of strategic development that would be appropriate within the town unless significant mitigation is proposed.”*
- 3.4.8 Any capacity improvements have been exhausted at the two key junctions and further improvements require third party land. The policy is not clear on how the impact on the local highway network will be mitigated and merely states the following :-
- “Provide any necessary capacity and safety improvements to junctions impacted upon by the development in the vicinity of the site after all relevant sustainable travel interventions have been fully explored and their mitigation accounted for.”*
- 3.4.9 At this stage of the process, the deliverability of the sites allocated need to have been fully investigated. The SAD document fails to do this, appendix one refers to Safeguarding of Land for Strategic Highway Improvements, but only includes a picture of the junctions with a red box but no clear strategy for improvements.
- 3.4.10 Mid-Sussex has updated its Transport Study to test the impact of proposed development on the strategic and local transport network and upon significant routes in Ashdown Forest (adjacent to but outside of Mid-Sussex District).

The report concludes the following:-

“Felbridge junctions The A264/A22 junction is not identified as having severe impacts in the Scenarios. However, it should be noted that this junction is flagged as severe in the Reference Case and operates over capacity; the Scenarios generate slightly more traffic passing through the junction, which increases these impacts further, but not enough to result in severe impacts for the Scenarios”.

3.4.11 This suggests that improvements to these junctions will not be required as the impacts from additional traffic will not result in severe impacts but this is a contrived and unreliable conclusion that runs contrary to Paragraph 109 of the NPPF.

3.5 Policy SA21 Land at Rogers Farm, Fox Hill, Haywards Heath

3.5.1 The Policy states that this site is open space. It is a peripheral location with significant landscape and heritage constraints, together with Flood Risk considerations. The site should only be allocated if the constraints have been fully investigated and can be appropriately mitigated.

3.6 Policy SA25 land West of Selsfield Road, Ardingly

3.6.1 Ardingly is environmentally constrained due to its location wholly within the AONB. The remaining residual requirement for the settlement is 22 dwellings. In reaching the overall requirement in the Local Plan DPD the Council, in its Sustainability Appraisal that accompanied the DPD, has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering numbers to settlements constrained due to the AONB which indicated that development in these locations should be restricted. In the accompanying Settlement Sustainability Review May 2015 the Council concluded that future development in Ardingly should therefore be primarily to meet local needs. However, the SADPD proposes a site for 70 units, which is a major allocation in the AONB. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a major site within the AONB are not markedly outweighed by the negative impacts (particularly environmental), great weight should be afforded to protect the AONB and the scale and extent of development within these designated areas should be limited, Para. 172 NPPF).

3.6.2 Furthermore the site forms part of the South of England Show Ground and offers cultural and recreational facilities, the loss of which has not been assessed in the SA. This allocation should be fully assessed against the District Plan Policy.

3.6.3 Policy DP24 which refers to proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless :-

- an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss

3.7 Policy SA26 Land South of Hammerwood Road, Ashurst Wood.

- 3.7.1 The settlement of Ashurst Wood is environmentally constrained due to the settlement being washed over with the AONB. There is no remaining residual requirement from the District Plan for additional dwellings for the settlement. In reaching the overall requirement in the Local Plan DPD the Council (in its Sustainability Appraisal that accompanied the DPD), has had regard to the advice in the NPPF. The Council has examined the evidence to identify the point at which the adverse impacts would significantly and demonstrably outweigh the benefits, particularly when considering dwelling numbers to settlements constrained due to the AONB, which indicates that development in these locations should be restricted. In the accompanying Settlement Sustainability Review (May 2015), the Council concluded that future development in Ashurst Wood should be primarily to meet local needs. However, the SADPD proposes a site for 12 units. A balance needs to be struck to ensure the positive benefits (social/economic) of allocating a site within the AONB is not markedly outweighed by the negative impacts (particularly environmental). Great weight should be afforded to protecting the AONB and the scale and extent of development within these designated areas should be limited. (Para. 172 NPPF).

4.0 Sites omitted from the Draft Plan that justify being allocated for housing.

4.1 Land south of Edinburgh Way, East Grinstead

- 4.1.1 Rydon have an option over the land as identified in Appendix (A). The site SHELAA reference 598 was considered as suitable in the SHELAA stage 1 as suitable for 60 units, in the medium to long term. Following further detailed site assessment, through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocation in the SA DPD. The assessment concluded that the site will have high impact on the AONB.
- 4.1.2 This site is located on the south eastern edge of East Grinstead, adjoining existing residential development that was built in the 1970s and 1980s. The site forms a small triangular parcel of open countryside comprising a single horse paddock which is contained by a tall hedgerow, tree and a post and rail/wire fence. The site is approximately 1.8 hectares in total.
- 4.1.3 The site is located to the east of Harwoods Lane which extends alongside the western site boundary and is defined by a hedgerow. The north and western boundary of the site also contains a line of mature trees. Harwoods Lane currently connects the site to residential development to the north. Beyond the boundary to the west and north of the site is residential development on Chesterton Close, Collingwood Close and Edinburgh Drive.
- 4.1.4 The site is located in the AONB, the land slopes generally southwards and the undulating topography together with the existing strong hedgerows, belts of trees and blocks of woodland in the immediate area surrounding the site provides enclosure and containment to views within the landscape.
- 4.1.5 The site has the potential to be delivered as a standalone site, subject to access or as part of the Great Harwoods Farm development that has been promoted by Thakeham Homes during previous District Plan consultations.
- 4.1.6 The Site Selection Paper 3 : Housing Sites October 2019, concludes that the site is not suitable for further consideration due to its location within the AONB. As such the site has not been assessed in the Sustainability Appraisal accompanying the Site Allocation DPD. With regard to the site's AONB location, it should be acknowledged that, as set out in the LUC document entitled " Capacity of Mid Sussex District to accommodate development", Mid Sussex District is heavily constrained by environmental designations such as Area of Outstanding Natural Beauty (AONB) and the South Downs National Park as well as other constraints. As a result, a balance needs to be struck between locating development in the most sustainable locations and those which have the least environmental constraints. Whilst constraints may apply, there is no reason why such constraints could not be overcome and addressed, as they have elsewhere, particularly if there is no other reasonable alternative.
- 4.1.7 Subject to appropriate mitigation, there are no constraints to development at the wider site, including Great Harwoods. The site is well contained within its surroundings and will therefore not result in an adverse landscape impact. The proposal by Thakeham

Homes includes up to circa 300 dwellings and the provision of a significant area of public open space in the form of a SANG therefore respecting the site's location within the AONB. The proposal will therefore result in significant environmental and social benefits without resulting in unacceptable impacts on the wider landscape.

- 4.1.8 East Grinstead is one of the three main towns in Mid Sussex and offers a range of services and facilities and a mainline railway station, all within a reasonable walking distance from the site, approximately 1 kilometre. As such, the development will be less car dependant than that at Imberhorne Lane to reach day today facilities and consequently less likely to impact on the problematic junctions along the A22. The SHELAA assesses the site as relatively unconstrained, development will not have a negative impact on the Conservation Area or Area of Townscape Character and it is not subject to the risk of flooding. It lies in the AONB but impact to the wider landscape can be mitigated. It has been identified as suitable in the SHELAA and therefore the site should be assessed in the SA and considered to be a reasonable alternative to meet housing need in the town.

4.2 Land south of Chalkers Lane, Hurstpierpoint

- 4.2.1 Rydon have an option over the land as identified on the enclosed plan. The site, SHELAA Ref. 575, was identified in the Council's SHELAA stage 1 as suitable for 200 units, in the medium to long term. Following further detailed site assessment through the Site Selection Paper 3, the site has subsequently been found to be unsuitable for allocations in the SA DPD. The assessment concluded that the site is 'large' and the proposals will result in harm to the Listed building of the college and harm to the special character of the Conservation Area.
- 4.2.2. The site has an area of 27 ha (67 acres) but a large proportion of this will be left undeveloped providing the strategic buffer of open land separating the development from Hurstpierpoint College and Hurst Wickham to the east. This land offers the opportunity to extend the area of Country Open Space which formed part of the package accompanying the delivery of the residential development that is now being carried out by Bovis and indeed Rydon's small development to the south. The capacity of the site taking account of these buffer areas would be 220/260 units based on 30/35 dpa. There is the potential for land ownership to be transferred to the Parish Council so that this mitigation will endure in the long term. There is potential to extend the Country Park.
- 4.2.3 The attached plan prepared by Richards Urban Design drawing 1263.02 shows the full extent of the land by red edging. Also attached is an Opportunities and Constraints plan drawing 1263.03 which shows how the above concept could be put into practice. The attached photographs on drawing 1263.01 will give some idea of the physical characteristics of the land concerned.
- 4.2.4 The opportunity to extend the Country Open Space Area needs to be taken into account in relation to this Assessment. The current Assessment of impact upon both Hurstpierpoint College and Hurst Wickham Conservation Area is classified as being less than substantial harm. With mitigation as described above there would be no material impact. The open space will preserve the countryside setting to

Hurstpierpoint College to the east and this is already despoiled by buildings and sports pitches within the grounds. Hurst Wickham Conservation Area is a considerable distance away and there will be no material impact. A High Level Heritage Setting Statement prepared by Orion Heritage Ltd is attached which assesses the impacts and confirms that they would be nugatory.

- 4.2.5. There are no landscape quality designations on the site or in the immediate vicinity. The National Park boundary lies some 3km away to the south and distant views towards the site encompass the whole of the existing settlement of Hurstpierpoint, with which this development would appear in context. There is also potential for provision of strategic landscape buffers to the east and south of the site as part of the sensitive design of the Country Park and this will provide mitigation. Whilst the countryside is not unattractive, it is certainly not special and the site is relatively flat, featureless and not prominent in the wider landscape.
- 4.2.6. Trees/TPOs – the existing trees are located within boundary hedgerows and will be retained and enhanced. A suitable buffer to small areas of adjoining ancient woodland will be incorporated within any layout. There will be extensive new tree planting as part of the strategic landscaping proposals described above. This is a positive scenario for trees and the assessment should reflect that.
- 4.2.7 This is a sustainable, deliverable and developable development opportunity which should be included as a site allocation to meet strategic housing needs across the District. The original SHELAA assessment was not fair or accurate in a number of ways. The latest, February 2020, Assessment which is included in the Site Selection paper 3: Housing Sites Update does not take account of the representations made by Rydon at the Regulation 18 Consultation stage. The representations explained how the Country Park could be extended to the east to protect the wider gap between Hurstpierpoint and Hurst Wickham and the setting of the Hurst Wickham Conservation Area and that land at the northern end of the site could be left open to protect the setting of Hurstpierpoint College. The land is believed to be Grade 3b and therefore is not best and most versatile. The SHELAA correctly concludes that the site accords with the overall development strategy but the Detailed Site Assessment has not fully taken into account the evidence base, which shows how matters of separation of settlements and setting of heritage assets can be suitably addressed whilst still providing a net developable area to provide up to 200 sustainably located dwellings in accordance with the development strategy. The site assessed is for 540 dwellings and this does not take account of the Rydon masterplan which shows a smaller net developable area (around 200 dwellings) together with extensive open space areas to ensure the separation of settlements and protect the setting of heritage assets. This site should be considered in the SA in this context and would prove to be a suitable candidate as one of the additional allocations required to be provided in the Plan.

**REGULATION 19 SUBMISSION DRAFT
SEPTEMBER 2020**

**LIST OF APPENDICES ACCOMPANYING REPRESENTATIONS
OF BEHALF OF RYDON HOMES LTD**

- APPENDIX A** - Land under control of Rydon Homes Ltd
 South of Edinburgh Way, East Grinstead
-
- APPENDIX B** - Little Park Farm, Hurstpierpoint
 1263.01 – Site photos
 1263.02 – Site Location and land under control of
 Rydon Homes Ltd
 1263.03 – Opportunities and Constraints Plan

 High Level Heritage Setting Statement - Orion

APPENDIX A



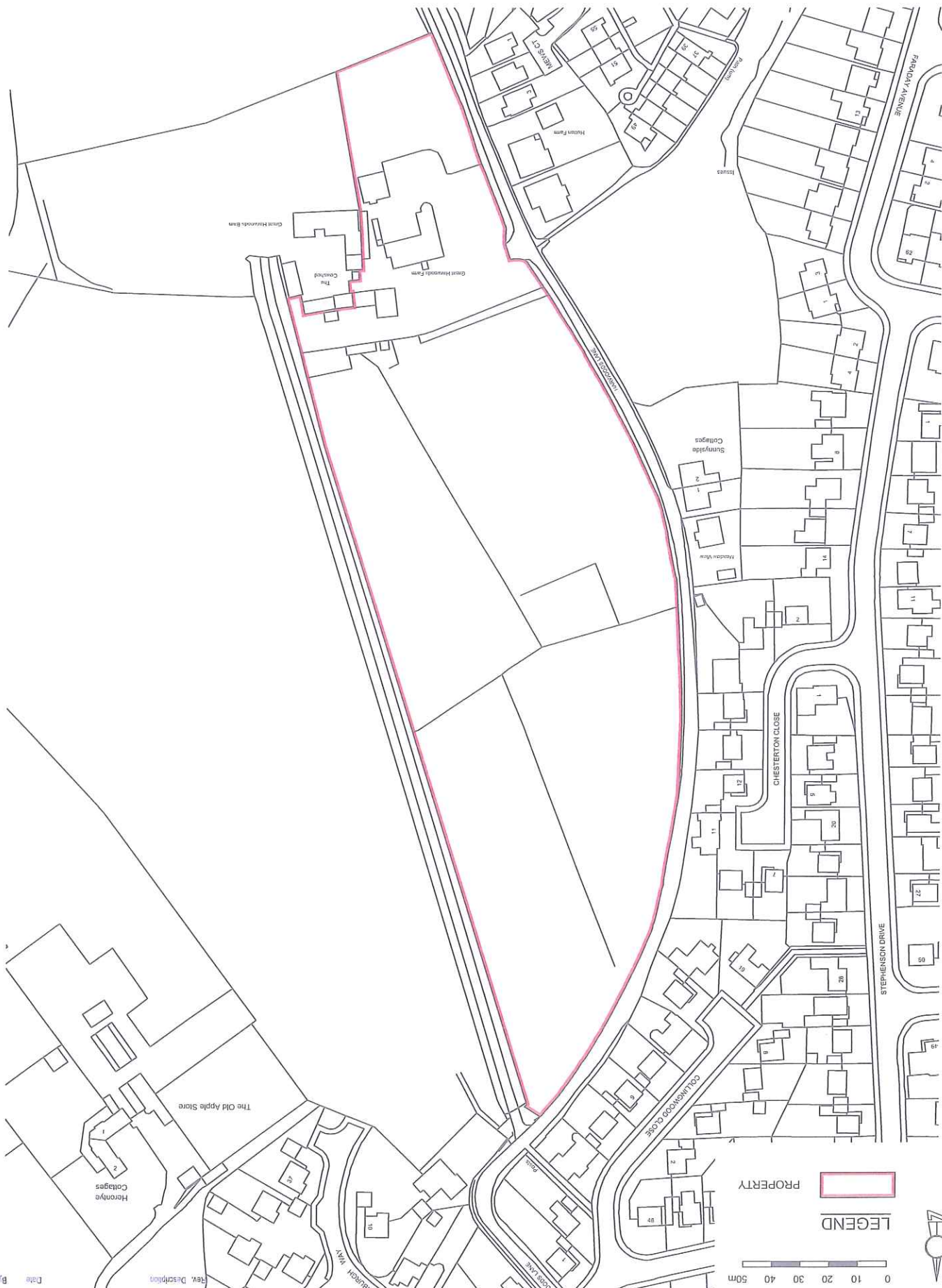
Rydon Homes Ltd
Rydon Homes
Station Road
Forest Row
East Sussex
RH18 5DW
T 01323 225151
E-mail: design@rydon.co.uk

Drawing No: 10597-L-01

Date: October 2018
Drawn by: MMH
Scale: 1:1250 @ A3
Rev:

Great Harwoods East Grinstead

Option Plan

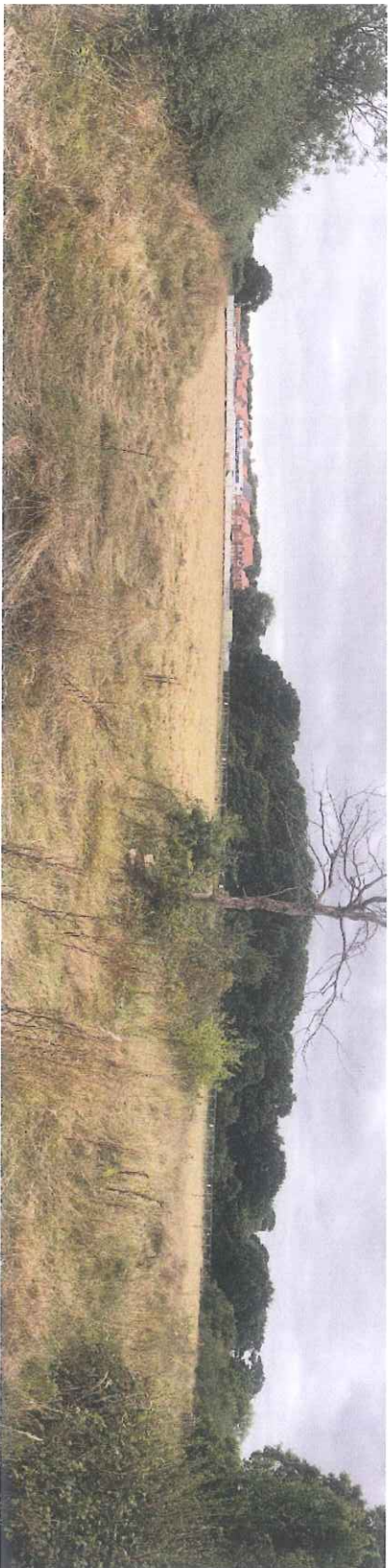


APPENDIX B

Total	
NIS	
Date	03.05.19
	standing at 1263.01



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



2. View looking south east from the centre of the site with the new housing development at Bramble Park (left) and Tilley's Copse (right) in the background



3. View looking south with Bramble Park in the distance on the right.

LITTLE PARK FARM, HURSTPIERPONT

Drawing
Opportunities and constraints plan

Scale
NTS

Date
03.05.19

Drawing no
1263.03

KEY

Site boundary

Hurst Country Open Space

Existing Public Right of Way

Potential access to site

Contour

Existing mature tree/hedge boundaries enclosing land parcels to be retained, reinforced where appropriate & periodically traditionally lidd.

No development zone associated with Tiley's Copse to protect Ancient Woodland

Listed Building

Hurst Wickham Conservation Area

Potential extension to Hurst Country Space

Potential area for residential development

Potential new public open space / play area

Potential new looppath routes

Potential link to college

Potential childrens play area

Low density landscaped edge

Potential location for SuDS drainage feature



Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

Little Park Farm, Hurstpierpoint
High Level Heritage Setting Statement
May 2019

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Report

Little Park Farm, Hurstpierpoint

Site

High Level Heritage Setting Statement

Client

Rydon Homes

Date

May 2019

Planning Authority

Mid-Sussex District Council

Prepared By

Rob Bourn BA MA MCIfA

Approved By

Dr Rob Smith MCIfA

Report Status

Final

Orion Ref

PN2213/1

1.0 Introduction

- 1.1** The purpose of this report is to present a high level assessment of the potential effect on the setting and significance designated heritage assets of residential development on land to the south west/south of Hurstpierpoint College. This is to support the promotion of residential housing in the western area of study site. It is not a full statement of significance report or a heritage statement.
- 1.2** The site is located to the south east of Chalkers Lane, to the east/north east of Bramble Park housing scheme that is currently under construction and to the south west/south of Hurstpierpoint College at grid ref at grid reference TQ 28529 17530 (Fig. 1).
- 1.3** The development of the study site has the potential to affect the settings and significance of two grade II listed buildings (Hurstpierpoint College and Star House at Hurstpierpoint College) and to the north west of the Hurst Wickham part of Hurstpierpoint Conservation Area (Fig. 2).

2.0 Planning Policy Framework

- 2.1** The Mid Sussex District Plan 2014 – 2031 contains two relevant policies relating to listed buildings and Conservation Areas.

DP34: Listed Buildings and Other Heritage Assets

Listed Buildings Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

DP35: Conservation Areas

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.

3.0 Designated Heritage Assets

Hurstpierpoint College (grade II List number 1194726)

- 3.1** The Hurstpierpoint College complex is located immediately to the north east of the study site (Fig. 2). The main college building is grade II listed. The listing describes it as follows:

St John's College, Hurstpierpoint, was the second school established by Nathaniel Woodard, founded in 1849. In 1850 it was established in The Mansion House Hurstpierpoint and in 1853 moved into its permanent buildings. These were designed by R.C. Carpenter but largely built after his death by his partner, William Slater, and his son, R.H. Carpenter. They are in Gothic style and built of flints with tiled roofs. They form 2 quadrangles, the southern one open on the south side, with narrow pointer or trefoil-headed ws. The chapel and Hall form the north side of the north quadrangle. The Chapel at the east end has 7 bays, 4 of them projecting beyond the east side of the quadrangle. Pointed w. of Decorated type flanked by buttresses. At the west end of the Chapel are short transepts which form an ante-chapel, lit by a larger similar w. and above a tower added in 1929. The interior has very beautiful intern stalls. To the west again is a small covered passage, also added in 1929 to join the Chapel to the Ball. the latter is on the first floor with the dining room beneath it. These have 5 bays flanked by buttresses. The ws. on the first floor have flatter pointed heads, those on the ground floor consist of pairs of trefoil-headed lancets.

- 3.2** The significance of the college resides in its architectural, historical and artistic (i.e. aesthetic) interest. It forms the both the main building and core of the college complex and has group value with the immediately adjacent Star House. The setting of

the listed college building will be considered in brief below along with Star House as they form part of the setting of each other and share the same setting.

Star House (grade II List Number 1025664)

- 3.3 Star House is located on the east side of the main college building fronting College Lane. The listing describes the building as follows:

Built in 1873 in matching style to the College and probably designed by R.H. Carpenter. Three storeys. Three windows. Faced with flints with stone dressings and quoins. Tiled roof. Two gables and gabled dormer between casement windows. Two bays on ground and first floors, each with 5 trefoil-headed lights. Wide porch between with 7 similar lights.

- 3.4 As with the college building, the significance of the house resides in its architectural, historical and artistic (i.e. aesthetic) interest. It has group value with the immediately adjacent listed college building. The setting of the Star House will be considered in brief below along with the main college building as they form part of the setting of each other and share the same setting.

Setting of Hurstpierpoint College & Star House

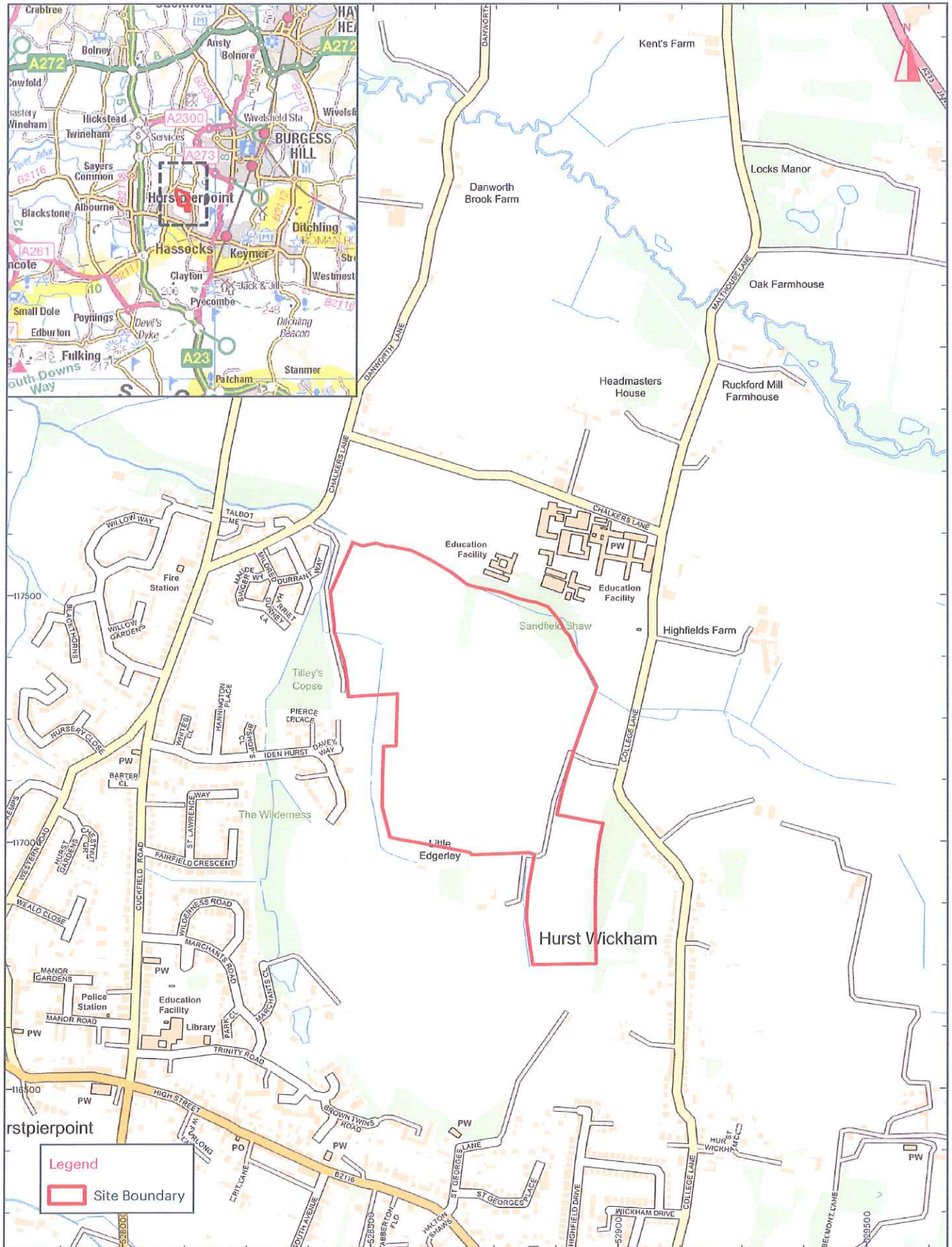
- 3.5 The two listed buildings occupy the main central and eastern area of the college complex. They dominate the grass sports pitches and facilities immediately to the north the buildings and the artificial grass sports pitches immediately to the south of the buildings. There are a series of pre-WWII, 1970s and later school buildings immediately to the west and south west of the main listed college building, with car parking and further artificial surface sports facilities to the west of the school buildings. It is within this area that the setting has a very strong positive contribution to the significance of the two listed buildings in functional, visual and historic terms. The later buildings, while not of the same architectural quality as the listed buildings, are sympathetic and subservient to the main building and the mix of style and date adds a very perceivable time depth to the experience of the school setting. The car parks and artificial sports pitches on the western side of the school complex contain a number of visually prominent lighting stands and fencing with a line of overhead electricity cables and wooden pylons cutting north south immediately to the west of the school grounds. The car parks, lighting stands, fencing and electricity cables detract from the experience of the listed buildings and have a slight negative contribution to their significance.
- 3.6 The College and Star House also have a wider landscape setting beyond the college complex. It is located on a relatively high spot on the landscape and so can be seen from and has at least partial views out over the lower land to the east and the south/south east. This aspect has a mildly positive contribution to the significance of the college as it places it within its wider rural context and enables it to be appreciated in various glimpsed and full views from within the wider area.
- 3.7 The setting to the west/south west of the school is more limited in extent and in its contribution to the significance of the main listed college building. The later school buildings block clear views in to and out from the listed buildings. The tower on the chapel can still be seen in many views due to its height but the main body of the listed buildings cannot be experienced, even at close quarters to the school boundaries, from the west and south west. Consequently, the land to the west/south west does not contribute visually to the significance of the college buildings. The land has historically been fields and so it does have a slight positive contribution to the historic interest significance of the listed buildings. The two new and under construction housing schemes (Land South of Chalkers Lane & Bramble Park) are recent visible changes within this aspect of the setting on the west side of the college which have introduced modern residential form.

Impact Assessment

- 3.8** The study site is being promoted for up to c. 260 residential units located in western and south western area of the site and a substantial area of open space. The layout on the constraints and opportunities plan (Fig. 3). The development parameters have been designed to preserve and enhance the setting of the college to the south west and west of the listed buildings. The layout has been designed to respond to the setting of the college and its contribution to the significance of the listed buildings. The main bulk of the proposed housing area will be screened from view from the college behind existing mature tall hedges and trees and so will have no effect on the setting of the college as they will not be experienced from the college and vice versa.
- 3.1** The north western field of the study site is currently a field which forms a small part of the wider rural context within which the college is experienced. This field is currently an arable field split into two by a north-south orientated footpath. The eastern 2/3 of the field will be retained as public open space with high quality housing in the area of the field to the west of the footpath. By bringing the edge of the built form c. 140m closer to the college complex than it currently is, there will be a slight visual change within this part of the setting. The recently constructed Chalkers Lane residential scheme has already introduced modern houses into this aspect of the setting. Consequently, the proposed high quality housing within this area of the study site will not change the character of the setting. The eastern half of the north western field of the site will be retained as public open space. This will ensure that the views of the tower of the college chapel that are currently possible from the site will be retained. There are no views of the site currently from the listed buildings anyway, as described above. Consequently, views from the listed buildings will be unaffected. The later school buildings to the west of the listed college buildings block all views of the site from within the core of the setting of the college. Therefore, the experience of the listed buildings as they are now, will be unaffected.
- 3.2** The area of the site to the south of college will be retained as an extension to the Hurst Country Space. This will ensure that the setting to the south of the college will be protected and conserved.
- 3.3** In conclusion, the development of the site as proposed in the illustrative concept masterplan, will result in the loss of about 1/3 of a field that has a slight contribution to the significance of the listed college buildings. This will primarily be a slight visual change. The college will still be separated from the edge of the built area of Hurstpierpoint by open space. The aspects of the setting of the college that have a clear and strong positive contribution to the significance of the listed buildings will be unaffected. Consequently, the development of the study along the parameters as outlined in the constraints and opportunities plan (Fig. 3) will not result in harm to the significance of Hurstpierpoint College or Star House.

Hurst Wickham Conservation Area

- 3.4** The area of the proposed housing is considered to lie beyond the setting of all three blocks of the Hurstpierpoint Conservation Area. There is one vista point identified on the significant views map of the Hurstpierpoint Conservation Area from just north of St Georges Lane that is toward the study site. However, the proposed developable area of the site is 0.5km to the north and is screened from the view by intervening hedges, trees and other vegetation. Consequently, there will be no effects on this view. The southern part of the proposed potential extension Country Space would be within this view but there will be no effect on this view. Consequently, the development of the study along the parameters as outlined in the illustrative masterplan will not result in harm to the significance of any of the three blocks of Hurstpierpoint Conservation Area.



Title:
Figure 1: Site Location
Address:
Little Park Farm, Hurstpierpoint

Scale at A4: 1:10,000

0 300m

orion.

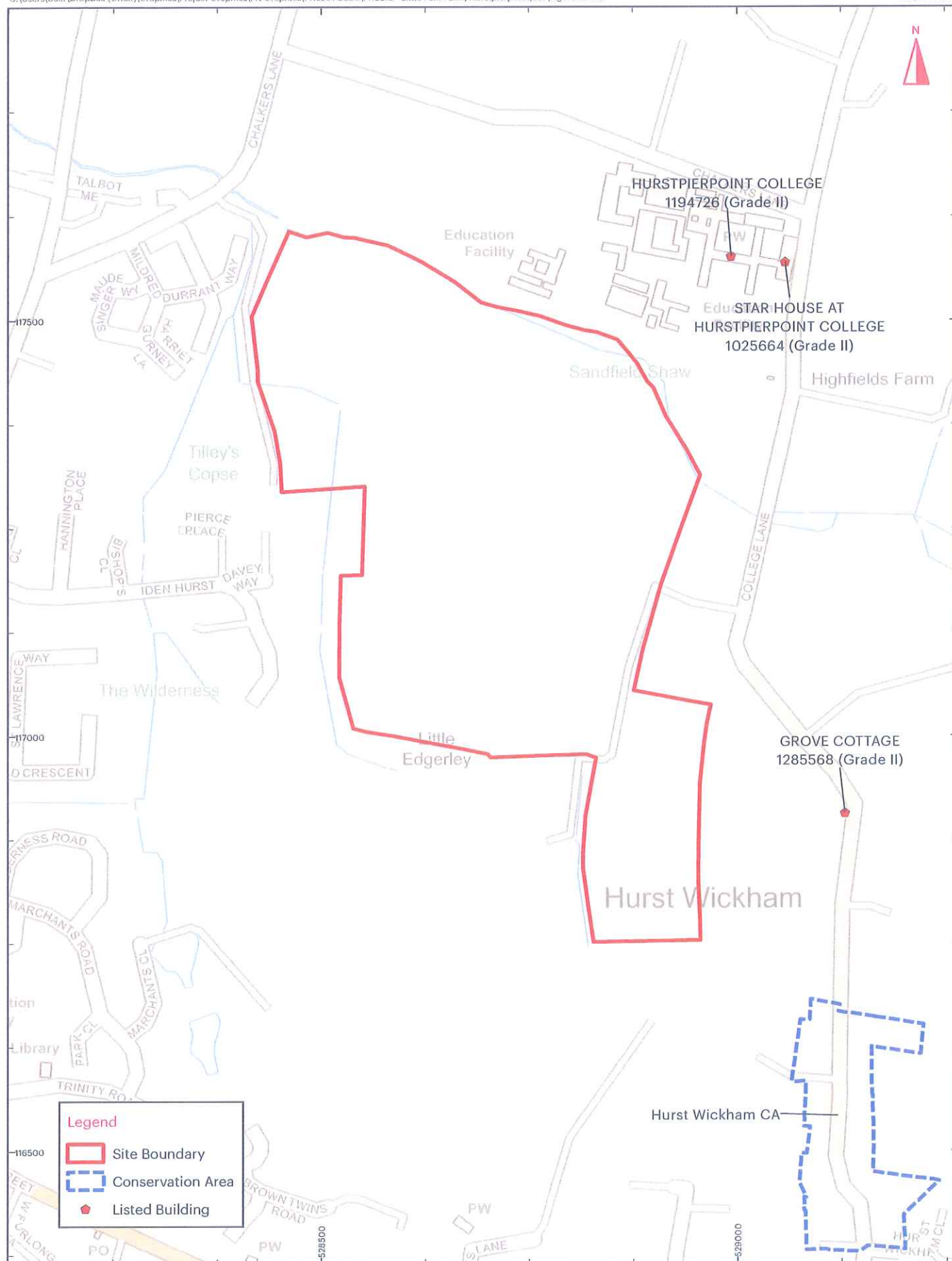
**Title:**

Figure 2: Location of Designated Assets

Address:

Little Park Farm, Hurstpierpoint

Scale at A4: 1:6,000

0 180m

orion.



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

Scale at A4: 1:5,000



orion.

2433

Site Allocations DPD: Regulation 19 Consultation Response

Policy: SA29

ID: 2433

Response Ref: Reg19/2433/1

Respondent: Mr S Dennis

Organisation:

On Behalf Of:

Category: Resident

Appear at Examination? x

Name	Stuart Dennis
Address	[REDACTED]
Email	[REDACTED]
Name or Organisation	Stuart Dennis
Which document are you commenting on?	Site Allocations DPD
Sites DPD Policy Number (e.g. SA1 - SA38)	SA29
Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate	Yes
(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>My main objection is around access - access is suggested through Hamsland which is a no through road - it is already congested with on street parking and is not designed to take further traffic that will be required to support the extra proposed homes in the area.</p> <p>More appropriate sites should be considered on the outskirts of the village where access can be obtained from the main roads into/through the village. There were plenty of these considered and ruled out (heaven knows why) in the neighbourhood plan that would ensure both construction traffic and more importantly the permanent traffic after residential has been taken up does not put further pressure on the small residential roads that exist within the village.</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.	Looking at the HK Neighbourhood plan sites 781, 216, 807, 69, 663, 664, 67, 687, 68, 971 would all have been more suitable
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